

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**USAMA J. HAMAMA**, et al.,  
Petitioners and Plaintiffs,

v.

**REBECCA ADDUCCI**, et al.,  
Respondents and Defendants.

Case No. 17-cv-11910

Hon. Mark A. Goldsmith  
Mag. David R. Grand

Class Action

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# EXHIBIT 1

## CHRONOLOGY

### BEFORE 2017

1. For many years, Iraq had declined to accept repatriation of Iraqi nationals ordered removed from the United States. This declination was not uniform: a few dozen individuals were removed each year. Ex. 1-1, ICE-0270499.<sup>1</sup> Iraq would accept only its nationals who had unexpired passports issued in 2007 or later. Ex. 1-2, ICE-298502.
2. More generally, Iraq has had a strong policy against forced repatriations. As summarized in ICE briefing documents, “In November 2011, the GoI’s [Government of Iraq’s] Ministry of Foreign Affairs directed consular officials to not issue passports or TDs [travel documents] to Iraqi nationals who did not wish to return to Iraq. In August 2012, as a result of that mandate, 10 countries (Australia, Belgium, Canada, Denmark, France, The Netherlands, Sweden, Switzerland, the United Kingdom, and the United States) established the ‘Brussels Group,’ to discuss Iraqi repatriation concerns and to identify strategies to elicit better cooperation from the GoI.” Ex. 1-2, ICE-298503.
3. At some point in 2016, the State Department prepared a summary of prior meetings with Iraq which led nowhere. The U.S. Embassy in Baghdad wrote:

Since February 2014, the Department of State and Immigration and Customs Enforcement have met an additional seven times with officials of the Iraqi government, both in Washington, DC and Baghdad, to follow-up on the issue (March 31, 2015; April 1, 2015; July 2015; January 10, 2016; January 29, 2016; May 12, 2016; and June 13, 2016, respectively). During the meeting of January 29, the Iraqi Ambassador in Washington, DC assured U.S. government officials that Iraqi Consulates would interview Iraqi detainees with criminal records to begin the process of issuing travel documents. Iraqi Consulates in Detroit and Washington, DC have begun these interviews. Unfortunately, the Consulate in Los Angeles has yet to allow a single interview due to lack of identity documents.

Ex. 1-3, ICE-0269781-82. *See also* Ex. 1-4, ICE-0298714 (more on the January 29, 2016 meeting). Notwithstanding prior assurances of cooperation from the Ambassador, this document shows that only some of the consulates (Detroit and Washington) would meet with Iraqi nationals whose deportation ICE sought. Ex. 1-3, ICE-0269781-82. Another summary, this one prepared as a briefing memo for then-ICE Director Sara Saldaña and ICE Assistant Director Marlen Piñeiro, explains still more about the January 29, 2016 meeting: it states that there was “an agreement to accept criminal deportees’ return to Iraq.” Ex. 1-2, ICE-0298501. Yet as of October 2016, this purported agreement had not yielded any travel documents; Iraq continued to adhere to “the forced return and fear claim policy that hinders TD issuance.” *Id.* “The Iraqi Embassy has stated during multiple meeting[s] that there is a policy of not issuing documents on subjects who do not want to return. Iraq has also mentioned refusing to issue a TD on anyone who claimed fear regardless of the fear claim being resolved and the subject

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<sup>1</sup> In this and other exhibits, Petitioners’ counsel have highlighted the referenced text in yellow.

being removable.” *Id.* ICE-0298501-02. Over the years, the U.S. responded with “multiple demarches.” *Id.* ICE-0298504. (A demarche is a formal diplomatic complaint.)

4. When Iraqi officials *did* conduct travel-document interviews of Iraqi nationals, Iraq used a form (the “GOI form”) seeking the would-be-deportee’s consent to removal. A version of the form known to be used in 2016 and 2017<sup>2</sup> is attached as Exhibit 1-5, ICE-0295793 and Exhibit 1-6, ICE-0267486. *See* Ex. 3, Attieh Decl., Exs. C-K. As an ICE officer explained in a declaration to this Court, “The GOI travel document application forms have been in use by the GOI for many years now. These forms have been a regular part of the travel document procurement process . . . .” ECF 311-3, PgID.7481-82, Maddox Decl. ¶14. The 2016 version is in Arabic. *Id.* at PgID.7490. Certified translations of the 2016-2017 versions of the form are attached at Exhibit 3, Exhibit C to K. It reads (emphasis added):

Dear Honorable Consul,  
Subject: Limited-Validity Passport  
I, an Iraqi citizen ( ), would like to request a limited-validity passport issued to me [to travel] to Iraq and this is for personal circumstances and **my desire to return voluntarily to Iraq**, with the knowledge that I don’t hold a passport to return to to [sic] the homeland.

5. The point of this form was evidently to ascertain whether an individual was or was not willing to be repatriated, in order to implement the Iraqi policy against involuntary repatriations.
6. In short, Iraq has long had an express policy against involuntary repatriations, and against repatriation of individuals who expressed fear for their safety in Iraq. Between 2011 and 2017, Iraq did not accept forced repatriation of its nationals. For a history of this policy against forced returns, and repeated, unavailing opposition to it by the U.S. government, see Ex. 1-2, ICE-298502-04.
7. This was the state of play as of December 2016. That very month, the Iraqi Consulate in Detroit declined to issue a travel document for one class member, stating:

With reference to your letter dated on October 11, 2016 and in the light of the interview that [was] conducted by the Iraqi consulate with above mentioned individual on November 15, 2016, kindly be advised that the Consulate General of the Republic of Iraq in Detroit is unable to issue travel document for him due to lack of his proper Iraqi documents which are necessary and required to process his application, . . . also [he] stated that he is unwilling to voluntary repatriated to Iraq, therefore and according to our regulations we will not be able to start any application for him at this time. Ex. 1-8, ICE-0269762.

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<sup>2</sup> As explained in Ex. 3, Attieh Decl. 5, signed copies of this form disclosed by ICE are dated between March 21, 2016 and November 4, 2017.

**JANUARY – APRIL 2017**

8. On January 27, 2017, President Trump issued Executive Order 13769 barring admission into the United States of nationals of seven countries, including Iraq. 82 Fed. Reg. 8977. A flurry of diplomatic contacts ensued, in Iraq rather than with Iraqi diplomats in the United States. As ICE described it in briefing materials prepared in July 2017, “Due to the lack of cooperation from the Iraq Embassy, Washington, D.C. on this issue, ERO and the Department of State developed a strategy to request approval for final order cases directly from Baghdad.” Ex. 1-9, ICE-0269073. During those negotiations, the U.S. government told Iraqi officials in January 2017 “that accepting this flight would be an encouraging sign of progress on an issue that could help remove Iraq from sanctions in future Executive Orders.” Ex. 1-10, ICE-0297786.
9. The above negotiations resulted in an agreement to accept a small charter plane with Iraqi deportees: “In February 2017, ERO received confirmation from the U.S. Embassy in Baghdad that Iraqi officials have approved the acceptance of a Special High Risk Charter flight containing eight Iraqi detainees.” Ex. 1-1, ICE-0270496. The Trump Administration in turn quickly rewarded the concession by taking Iraq off the Travel Ban country list. The President signed the second version of that ban, Executive Order 13780, 82 Fed. Reg. 13209, on March 6, 2017. On a press call to announce the new Order, a “senior DHS official” stated “Iraq is no longer one of those countries [covered by the order] because we have received firm commitments from the government of Iraq over the last several weeks since the first executive order was issued about increased cooperation in terms of information sharing and other related activity. . . . Iraq has agreed to the timely return in [sic] repatriation of its nationals who are subject to final orders of removal.” Ex. 1-11, ICE-0296207-08.
10. However, contemporaneous records show that in private, ICE was clear that “[a]t this point ERO [did] not have a repeatable process in place regarding the removal of Iraqi nationals with final orders.” Ex. 1-12, ICE-0271069. So negotiations continued. A State Department cable dated March 12, 2017, described discussions conducted after Iraq agreed to accept the first charter plane (in February, *see* ¶9 *supra*), though before it actually took off (in April, *see* ¶17, *infra*). Ex. 1-13, ICE-0271130. The result was an “Iraq Inter-ministerial Committee on Deportations,” composed of “representatives from the Prime Minister’s Office, the Ministry of Foreign Affairs (MFA), the Ministry of Justice (MoJ), and the Ministry of the Interior (MoI).” *Id.*, ICE-0271131.
11. The March 12, 2017 cable also focused on identity documents. It stated, “In response to the DCG’s [U.S. Deputy General Consul’s] offer for the United States to provide where permissible evidence of Iraqi citizenship derived from U.S. information systems, [Foreign Affairs Minister Dr. Kadhim] Al-Rikabi said the GoI would accept such evidence in lieu of passports and national identification cards.” *Id.*
12. The March 12, 2017 cable contained no discussion of involuntary repatriations. *Id.*, ICE-0271130-32. The cable stated that “the Committee was prepared to direct the Iraqi Embassy and Consulates to provide travel documents for each of the 1400 deportees,” taking four steps: “consular access, Iraqi citizenship verification, deportation court order review, and travel document issuance.” *Id.*, ICE-0271130-31.



20. ICE scheduled its next flight for June 2017. From the beginning, however, its prospects were clouded by debate between Iraqi consular officials in the U.S. and foreign ministry officials in Baghdad. As Supervisory Detention and Deportation Officer Chris George described it, “We are essentially going over the Consulates and Embassy’s heads and going right to the Ministry of Foreign Affairs in Baghdad and presenting our TD requests there, and they are forcing the Embassy/Consulate to accept them.” Ex. 1-16, ICE-0271766. In the end, Iraq declined to allow the flight to proceed. ICE’s contemporaneous documents make the timeline clear:

- a. May 15, 2017: “[O]peration to begin removing non-detained Iraqi final order cases” begins with the first arrests of Iraqi nationals. Ex. 1-17, ICE-0269197.
- b. May 16, 2017: “64 non-detained cases submitted to the DOS [Department of State] for TD presentation” to the Iraqi inter-agency committee. *Id.*
- c. May 17, 2017: “List of 26 detained final order cases sent to DOS for presentation to the Iraqi MFA.” *Id.*
- d. May 22, 2017: “149 additional non-detained cases submitted to the DOS for TD presentation.” *Id.*
- e. May 25, 2017: “DOS submitted all 240 presentations to the Iraqi MFA along with a Dipnote [diplomatic note<sup>3</sup>] for the upcoming June charter.” Ex. 1-9, ICE-0269074.
- f. May 30, 2017: “ICE established June 28, 2017, as the removal date for the charter.” Ex. 1-17, ICE-0269197.
- g. June 6, 2017: “40 add-on cases submitted to DOS for the June charter.” *Id.*
- h. June 7, 2017: The Iraqi embassy declines to approve forced repatriations. In response to a request for two dozen travel documents, each for a class member in this case (*see* Ex. 2, Schlanger Decl., ¶¶18-19), it writes to ICE: “With reference to your request for travel documents for the aliens whose names are listed in the attachment, kindly be advised the Embassy of the Republic of Iraq in Washington D.C. is unable to issue such travel documents . . . . The applicant . . . should express orally and in writing his willingness to return to Iraq voluntarily in order to be issued a travel document.” Ex. 1-18, ICE-0298492 to 93. In response to this “blanket denial,” ICE Deputy Assistant Director Schultz reaches out for a progress report on 33 additional travel document requests, *id.* at ICE-0298490, but none of these are granted either. *See* Ex. 6, ICE’s Response to Interrogatory Nos. 6 and 7; Ex. 2, Schlanger Decl. ¶22. (ICE later

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<sup>3</sup> A diplomatic note, or dipnote, is a formal written communication between countries.

suggested that the meaning of the blanket-denial letter was—implicitly—to instruct ICE to submit these individuals’ travel document presentations to the Foreign Ministry, rather than the Embassy, *see* Ex. 4, Schultz Dep. at 219-221, 232-234. But as ICE staff knew, ICE had *already* submitted the presentations to the Foreign Ministry, via the U.S. Department of State; each of the named individuals had been on the list of Department of State submissions made in prior weeks. Ex. 1-18, ICE-0298490 (“Also all these cases were sent to Brigid [at the U.S. embassy in Baghdad] as well.”); Ex. 2, Schlanger Decl., at ¶¶20-21 (comparing names on June 7 letter to Ex. 6, ICE’s Responses to Interrogatory Nos. 6 and 7.)

- i. June 9, 2017: Intra-ICE communication: “At this point we have more aliens in custody than we have seats on the plane, only 75 can go, 15 alternates identified, total cases ready is at 90. 17 cases identified for the future July charter due to field arrests.” Ex. 1-17, ICE-0269197.
- j. June 11-12, 2017: ICE arrests nearly about 100 Iraqi nationals, nationwide, bringing the total in detention to over 200. Of 230 Iraqi nationals arrested prior to June 22, 130 had been the subject of travel documents previously submitted to Iraq (via the U.S. Embassy in Baghdad); 68 had been designated for the June 28 plane, and at least eight of them were on the June 7 “blanke[t] denial” list from the Iraqi embassy. Ex. 1-18, ICE-0298490; Ex. 2, Schlanger Decl. ¶25.
- k. June 12, 2017: Iraq denies any agreement. ICE emails the Department of State:

[H]ave you heard anything regarding Iraq backing out of the charter missions? DAD [Deputy Assistant Director] Schultz is answering a message regarding the Ministry of Foreign Affairs allegedly stating that there is no agreement with the US Government.

Ex. 1-19, ICE-0269475. State Department confirms: “The MFA wrote yesterday and said that the flight ‘decision’ is with ‘top Iraqi officials.’ Our front office was briefed and we are engaging to push the issue.” *Id.*

- l. June 13, 2017: The State Department engages Iraq. The State Department informs ICE: “We talked to Brigid’s [Brigid Weiler, the U.S. deputy consul general] primary POC in the Ministry of Foreign Affairs, reminding him of our dipnote [diplomatic note] of May which noted the June flight, and letting him know another note with more names was on its way. We reminded him that the Prime Minister had promised our Ambassador that deportations would resume. His response was that

with such a large number this time there were important identity and logistical issues to arrange, and the best he could offer was a meeting at MFA [Ministry of Foreign Affairs] next week with all the Iraqi players. He was very concerned that anyone deported is truly an Iraqi. He offered several times that delaying this flight would give them more room.” Ex. 1-20, ICE-0269421.

- m. June 15, 2017: Petitioners—at this point, Iraqi nationals with final orders of removal arrested by ICE in the Detroit Area of Responsibility (that is, Michigan and Ohio)—file this lawsuit, and seek an emergency stay of removal. ECF 1, 11.
- n. June 18, 2017: Higher-level negotiations do not resolve the issue. Iraqi Ambassador Yasseen expresses concerns about the appropriateness of the deportations, asking U.S. Ambassador to Iraq Douglas Silliman: “What happens to someone who may have committed a crime, fulfilled the sentence, been released and has since perhaps married and has Amcit [American citizen] children and/or spouse? Is there any allowance for this?” Ex. 1-20, ICE-0269418.
- o. June 18, 2017: U.S. diplomats recognize that Iraq has concerns about allowing the repatriation of individuals with old orders. Baghdad Consul General Scott Riedmann emails several ICE officials: “I think it better to keep the groups mixed to avoid someone in the GOI deciding entire flights should not be received because the passengers all received final orders more than 10 years ago, for example.” Ex. 1-21, ICE-0269538.
- p. June 19, 2017: ICE officials meet with Iraqi Ambassador Yasseen, without evident progress. Ex. 1-22, Interrogatory 12, ICE Supplemental Response.
- q. June 20, 2017: ICE learns that the Iraqi Prime Minister is not going to approve the June charter flight. Ex. 1-23, DHS Hamama0000100. The same day there is a meeting between ICE and embassy staff. Ex. 1-22, Interrogatory 12, ICE Supplemental Response.
- r. June 21, 2017: ICE receives direct notification that Iraq will not accept the June charter flight. Ex. 1-24, ICE-0297771.
- s. June 22, 2017: Efforts to pressure Iraq continue. DHS Deputy Assistant Secretary Matt King notes at 2:53 pm that “ICE and Embassy have been going hard at it.” Ex. 1-23, DHS Hamama000103.

At 6:37 pm, the Court grants a temporary restraining order staying the Detroit Field Office’s removal of petitioners. ECF 32. ICE’s ability to deport other Iraqi nationals is unconstrained by the court order. The majority of the individuals intended for the June flight are *not* covered by the Court order. ICE disclosures of 76

noncitizens intended for the June flight, and their detention records, show that 52 of the 76 had no disclosed immigration detention history in Ohio or Michigan. Ex. 2, Schlanger Decl. ¶29; Ex. 6, ICE's Response to Interrogatory Nos. 6 and 7.

- t. June 23, 2017: Acting ICE Director Thomas Homan and DHS Deputy Assistant Secretary Matt King called Iraq Ambassador Yasseen and "pressed him to ensure that the flight land as scheduled." Ex. 1-25, DHSHamama000001. The Ambassador "expressed that this flight is problematic (almost impossible) as scheduled. Additionally, the Ambassador noted that in Iraq, the multi-agency coordination to facilitate deportations takes longer than what the U.S. expects." Ex. 1-23, DHSHamama000097. As summarized in subsequent DHS briefings, he "indicated he was limited in his ability to persuade Baghdad to allow the flight to land, highlighting Iraqi bureaucratic 'clumsiness' and the *eid al-fitr* holiday that fell during the time the flight was scheduled to land (celebrated in Iraq this year from June 25 to June 29)." Ex. 1-25, DHSHamama00001.
- u. June 26, 2017: At 12:10 pm following up on the June 23, 2017 phone call, Iraqi Ambassador Yasseen states conclusively in an email to ICE Director Homan and others, that the flight will not proceed:

I forwarded the information to Baghdad and I heard from them this morning. . . . The US embassy had informed the Foreign Ministry that the batch of returnees would arrive on June 29. That date was determined by the US embassy and other US agencies without consultation with the Iraqi agencies involved. As things stand, we will not be able to receive the returnees on the date mentioned (time too short to guarantee receipt of PM's clearance or to arrange for the logistics required for such a large number of returnees). On this issue, our working group met in Baghdad with the U.S. Consul and his deputy or assistant and explained these issues, the Consul in turn promised to delay the trip until after receipt of the PM's clearances on a later date to be agreed to by both sides."

Ex. 1-26, DHSHamama0000115. The Ambassador specified, as well, that Iraq would not allow "enforced repatriations," writing that Iraq would only admit individuals convicted of a crime "different from illegal entry into the USA as these fall into the category of asylum seekers and their removal could be considered an enforced repatriation." *Id.*

At 8:57 pm, the Court expands the June 22 TRO to cover a nationwide class, scheduled to expire July 10, 2017. ECF 43.

v. June 28, 2017: In response to Iraq's refusal to allow the planned charter flight to proceed, ICE Assistant Director, Marlen Piñero (Mr. Schultz's boss) reports to DHS that ICE has "exhausted all [its] efforts at [its] level" and ICE has not "even been able to get a new tentative date for the flight." Ex. 1-27, DHSHamama0000116.

21. In short, the cancellation of the June 2017 charter flight occurred because Iraq declined to allow that flight to land. Ex. 1-1, ICE-0270496; Ex. 1-9, ICE-0269074; Ex. 1-24, ICE0297771; Ex. 1-59, DHSHamama000059.

### **SUMMER 2017: THE ABSENCE OF A "DURABLE SOLUTION" AND IRAQ REASSERTS ITS POLICY AGAINST FORCED REPATRIATIONS**

22. The Court's nationwide order was, at the start, provisional. The June 26, 2017 TRO stated that it would last only for 14 days—that is, until July 10. ECF 43. On July 6, the TRO was extended until July 24, ECF 61. On July 24, the Court granted the preliminary injunction that remains in effect. ECF 87.

23. Before the preliminary injunction issued, ICE continued to seek Iraq's acquiescence to a charter plane to replace the one that Iraq rejected in June. This did not succeed. Iraq continued to assert its concerns with forced repatriations and also about the safety of deportees. (*See* Ex. 1-28, ICE-0296142 (describing Iraqi "argument that Iraqi Chaldeans would necessarily face persecution upon return to Iraq").) Over the subsequent month, the United States was unable to obtain a firm commitment for a replacement flight. The timeline is:

a. July 5, 2017: The Iraqi Ministry of Foreign Affairs informs the U.S. embassy in Baghdad that "the PMs [Prime Minister's] office gave them the go-ahead on deportations." However, Consul General Scott Riedmann explained to ICE that the issue was far from resolved. While he was "cautiously optimistic" about the prospects of a "durable solution," he wrote that "[t]he Iraqi Embassy in Washington is the next piece of the puzzle." Ex. 1-29, ICE-0268969.

b. July 6, 2018: In the afternoon, Department of State Iraq Desk Director Peter Shea meets with Iraqi Ambassador Yasseen, "aim[ing] for a July 13 flight if the court injunction is removed." *Id.*, ICE-0268966. Yaseen "is awaiting new instructions from Baghdad, including to clarify if the embassy may issue travel docs to all removal cases, or only those who had been convicted of felonies and have served their sentences." *Id.* Absent "new instructions," "right now he feels he can only issue docs to" "those with prior felonies." *Id.*, ICE-0268964. The Ambassador also pushes back on the date. *Id.*, ICE-0268966.

At 6:12 pm, the *Hamama* TRO is extended until July 24. ECF 61.

- c. July 7, 2017: ICE presses ahead, requesting internal authorization to conduct a “charter removal mission.” Ex. 1-30, ICE-0268974. The request is for a flight on July 25, 2017, the day after the TRO is set to expire. *Id.*, ICE-02689875; ECF 61.
- d. July 11, 2017: U.S. Ambassador to Iraq Douglas Silliman meets with ICE officials (including Deputy Assistant Director Schultz, who describes the meeting in an email), discussing the need for continued diplomatic pressure on Iraq to accept repatriations. Ex. 1-29, ICE-0268963.
- e. July 13-17, 2017: Baghdad Consul General Scott Riedmann and other State Department officials in Baghdad conduct multiple meetings with Iraqi officials, who discuss the proposed charter passenger list. The Iraqi officials raise several issues. First, they express concern that individuals whose asylum claims were rejected in the U.S. “are at risk if returned to Iraq.” Ex. 1-31, ICE-297638. They “explain[] that [they] are under pressure from Parliament about some deportees returning who claimed asylum and have other immigration violations.” *Id.*, ICE-0297636. For this reason, Iraqi officials are reluctant to accept the return of individuals who have no criminal convictions. *Id.* ICE had included several such people on its list of intended deportees. *Id.*

“The Dep Foreign Minister . . . agreed again to instruct the Embassy to start issuing travel docs and to resume flights,” *Id.*, but Consul General Riedmann emails ICE’s John Schultz on July 18: “Just be warned: the NS [national security—that is, non-criminal] cases might cause the Iraqis to balk and cancel last minute. I’d hate to see you lose another charter.” *Id.*, ICE-297633; *see also* Ex. 1-32, ICE-297588.
- f. July 17, 2017: “While he has not received updated instructions, [Ambassador] Yaseen [sic] told [Iraq Desk Director Peter Shea] he is inclined to send his team to [the relevant ICE facility] anyway before July 24.” Ex. 1-33, ICE-0271020.
- g. July 18, 2017: Iraqi consular officials conduct 80 interviews of Iraqi nationals at the ICE facility. An ICE officer, Chris George, was “present for every interview.” At each one, consular officials asked “who said they didn’t want to travel v. those who were willing.” Mr. George noted “about 1/3 of detainees interviewed were telling us that they just wanted to go back, they didn’t want to fight their case anymore, and were tired of being detained and said they wanted to go.” That was in English, however: “when speaking to the Consulate in Arabic I can’t be sure if they said something different.” The

interviews were part of a travel document (not a manifest-only) process. Ex. 1-34, ICE-0271034-35.

24. Frustrated by its inability to accomplish removals, ICE begins the path towards visa sanctions against Iraq. The timeline is:

- a. July 19, 2017: The background and proposed path forward is described at length in an internal memo titled “Removal Efforts and Challenges: Iraq.” Ex. 1-24, ICE-0297770 to ICE-0297772. It states:

U.S. Immigration and Customs Enforcement (ICE) considers Iraq to be among the most recalcitrant countries [with respect to repatriations]. Despite expending significant resources and exhausting other available means to obtain cooperation, ICE has been unsuccessful in securing cooperation from the Government of Iraq in the acceptance of its nationals subject to final orders of removal and has determined that implementing visa sanctions pursuant to section 243(d) of the Immigration and Nationality Act (INA) is the only remaining avenue available to secure cooperation. . . .

ICE and the U.S. Department of State (State) have collaborated to engage Iraq and have pursued graduated measures . . . . These and other diplomatic efforts, as described below, have failed to yield substantive progress regarding the removal of Iraqi nationals.

ICE believes that it has exhausted all means at its disposal to secure cooperation from the Government of Iraq, consistent with its international obligation to promptly facilitate the return of its nationals. A tool unavailable to ICE, but vested in the Secretary of Homeland Security, is visa sanctions under section 243(d) of the Immigration and Nationality Act. . . .

- b. July 20, 2017: ICE officials responsible for obtaining travel documents initiate the visa sanction process, and send a “Section 243(d) package” up their chain of command. Ex. 4, Schultz Dep. at 189-194; Ex. 1-35, ICE-0271028, Schultz Dep. Ex. 22; Ex. 1-36, ICE-296029-34. The package contains several memos in draft: a “formal letter S1 to S1

Invoke Visa Sanctions Iraq”<sup>4</sup>; a “Memo D1 to S1 Invoke Visa Sanctions”;<sup>5</sup> a “Memo EAD to D1 Invoke Visa Sanctions Iraq”<sup>6</sup>; and a “White Paper Invoke Visa Sanctions Iraq.”<sup>7</sup> Ex. 1-35, Schultz Dep. Ex. 22; Ex. 1-36, ICE-296029-34. This is the same day Respondents filed its opposition to a stay of removal. ECF 81.

- c. July 24, 2017: No travel documents have been issued as of this date. Ex. 6, ICE’s Response to Interrogatory Nos. 6 and 7; Ex. 4, Schultz Dep. at 189. The Court grants a nationwide preliminary injunction staying class member removal to Iraq. ECF 87.
- d. July 26, 2017: In an email to Deputy Assistant Director Schultz, ICE’s Deputy Director’s Deputy Chief of Staff, describing a State Department and ICE meeting the day before—the day after the preliminary injunction issues—states, regarding Iraq’s willingness to issue travel documents, “[t]here was no defined way forward as to Iraq and the current TD issuance problems we’re facing.” He also relays Iraq’s concerns about persecution of returnees. Ex. 1-28, ICE-0296142.
- e. July 29, 2017: Almanhal Alsafi, Iraq’s Consul General in Detroit is quoted in the media rejecting the idea of forcible repatriations: “We will not accept any detainee going back involuntarily.” Ex. 1-37.<sup>8</sup>
- f. Aug. 4, 2017: ICE staff continue to consider Iraq uncooperative, and to urge visa sanctions. Deputy Assistant Director John Schultz instructs his staff to finalize a sanctions package by August 16, 2017. Ex. 1-38, ICE-0270929.

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<sup>4</sup> S1 means “Secretary,” so this indicates a draft Secretary of Homeland Security to Secretary of State letter.

<sup>5</sup> This indicates a memo from ICE’s Director (D1) to the DHS Secretary (S1). See also Ex. 1-36, ICE-0296031.

<sup>6</sup> This indicates a draft memo from the Executive Associate Director—that is, the head of ICE’s Enforcement and Removal Operations, the ICE branch responsible for deportations and detention—to D1, ICE’s Director. See Ex. 1-36, ICE-0296029.

<sup>7</sup> This white paper appears to be the quoted memo on “Removal Efforts and Challenges: Iraq” Ex.1-24, ICE-029770-74.

<sup>8</sup> Namo Abdulla, *Families in America still fear return to Iraq, despite a halt in deportation* (July 29, 2017), <http://www.rudaw.net/english/world/290720171>.

## **SEPTEMBER TO DECEMBER, 2017: A HANDFUL OF VOLUNTEERS ARE REPATRIATED**

25. The Court's stay of removal prevented most class member repatriations during this period.<sup>9</sup> But efforts to obtain travel documents continued. Various officials believed "we [are] approach[ing] the end of the court injunction for Iraqis." Ex. 1-39, ICE-0295965. Accordingly, the issue of travel document issuance was evidently live for Iraq, which nonetheless declined to issue any travel documents based on the prior submissions. Ex. 6, ICE's Response to Interrogatory Nos. 6 and 7. The impending opportunity created by the expected close of the preliminary injunction did not elicit any further progress from Iraq. On October 2, an ICE official explained, "The [Iraqi] consulate is awaiting authorization from the prime minister's office to issue the requested travel documents." Ex. 1-39, ICE-0295965.
26. The district court preliminary injunction/stay of removal did not apply to Iraqis with removal orders first entered after June 24, 2017, who are not included in the class definition. ECF 87. Nonetheless, ICE did not obtain travel documents for such non-class members. Rather, it appears that the only Iraqi travel documents obtained during this period were for class members who expressly volunteered for removal, informing the U.S. government that they were willing to be repatriated. Ex. 6, ICE's Response to Interrogatory Nos. 6 and 7; ECF 104, 114, 119; Ex. 2, Schlanger Decl. ¶¶43-44.

## **DECEMBER AND JANUARY 2018: IRAQ HOLDS TO THE POLICY AGAINST FORCED REPATRIATIONS**

27. A major U.S./Iraq meeting was held on December 5, 2017, "in which a variety of issues, including the repatriation of Iraqi Nationals, was discussed." Ex. 1-40, DHS Response to Interrogatory No. 12. Participants included a team of at least seven DHS officials, led by Assistant Secretary for International Affairs (and retired Ambassador) James Nealon; the State Department delegation included at least two individuals; and Iraq had six officials present, led by Deputy Foreign Minister Nazar Issa Abdulahadi Al-Khairullah, Ambassador Ahmed Kamal Hasan Al-Kamaly, and Ambassador Fareed Mustafa Kamil Yasseen. Ex. 1-40, DHS's Supplemental Response to Interrogatory No. 12.
28. A summary of that meeting sent to ICE Deputy Assistant Director Schultz, stated "it would be difficult for the Iraqi Government to accept individuals whose asylum claims have failed." Ex. 1-42, ICE-0296787. Mr. Schultz' response to this and several other points was: "Those bullet points are troubling." *Id.*, ICE-0296786.
29. Handwritten notes about the meeting by a DHS participant also noted Iraq's "difficult[y] accepting individuals where asylum claims failed." Ex. 1-41, DHS Hamama-000051 (handwritten notes of Alexander Kisselburg).

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<sup>9</sup> ICE kept most class members in detention, but did release a small number. For example, an ICE document explains of one class member that "[o]n 8/17/2017, subject was served an order of supervision due to the inability to remove to Iraq because of the injunction by the federal judge preventing the removal of Iraqi nationals." Ex. 1-57, ICE-0295998.

30. The Iraqi Deputy Foreign Minister suggested a follow-up meeting at the embassy, which was duly held January 9, 2018,<sup>10</sup> led by ICE Deputy Assistant Director John Schultz, with at least four other DHS and ICE officials, three State Department officials, and five Iraqi officials including, again, Deputy Foreign Minister Nazar Al-Khairullah. Ex. 1-40, DHS's Supplemental Response to Interrogatory No. 12; Ex. 1-22, Interrogatory 12, ICE Supplemental Response. An email a week earlier by Department of State Iraq Desk Political Unit Chief Derek Hoffmann relating to *Hamama* class members pursuing prompt removal similarly noted, "Iraqis are ready to move on the voluntary deportees now." Ex. 1-43, DHS Hamama000066. No agreement on involuntary deportees was noted. At that meeting, a difference of opinion on forced repatriations emerged among the Iraqi diplomats present. Contemporaneous notes by Alexendar Kisselburg, a State Department participant, evidence the Iraqi debate. Ex. 1-41, DHSHamama000052. While one Iraqi official—the Deputy Chief of Mission—expressed his view that the GOI form was not obligatory, and that Iraq "will issue travel documents [in] any case," his colleagues disagreed. At least one Iraqi attendee expresses a view that involuntary repatriations are legally barred—that there is no problem if detainees were "willing to go back" but there *is* a problem if this is not the case. Therefore, an Iraqi participant suggests development of an MOU (Memorandum of Understanding) between ICE and the Iraqi Ministry of Justice—demonstrating that the obstacle is seen as a legal rather than diplomatic one. *Id.*

31. The handwritten notes just referenced (Ex. 1-41, DHSHamama000052) read (emphasis added):

*DCM [Deputy Chief of Mission]:*

- *clear instructions from Ministry to cooperate with DHS in removals*
- *Wants to expedite removals*
- *Wants to interview all returnees, at least through telephone*
- *Need history (crim. history) for removals; needs their {illegible}*

*Ahmed (legal)*

- *no problem if finished sentence, willing to go back, have proof of citizenship*
- ***must sign self-declaration . . .***

*DCM*

- *form is not obligatory*
- *will issue travel document in any case . . .*

*DCM*

- *need instructions from Baghdad regarding the 1300 ([illegible]) to issue travel documents*
- ***Embassy can only issue TDs for voluntary deportees***

*Wathiq<sup>11</sup> suggests an MOU b/w ICE and MOJ [Ministry of Justice] re. removals*

<sup>10</sup> The handwritten notes on this meeting mistakenly date it January 9, 2017, but see Ex. 1-1, ICE 270495, for the correct year.

<sup>11</sup> Wathiq Ibrahim Mohammed Al Hammam was the First Secretary for the Embassy of Iraq in Washington, D.C. Ex. 1-40, DHS' Response to Interrogatory No. 12.

32. In its answer to Interrogatory 1, provided June 19, 2018, Ex. 1-44, 1-57, DHS's description of this meeting omitted the dissensus that was evident to its own personnel:

As of January 9, 2018, DHS understood that the Government of Iraq: (1) would cooperate with DHS regarding removals and wanted to expedite removals; (2) needed criminal history for removal of criminal aliens; (3) needed proof of Iraqi citizenship; (4) would not require Iraqi Nationals to sign a form; and (5) that the Embassy can issue travel documents for voluntary removals, but Baghdad will approve travel documents required for other Iraqi Nationals.

#### **IRAQ PERSISTS IN SEEKING WRITTEN ACQUIESCENCE TO REMOVAL BY DETAINEES**

33. ICE made it clear at the January 9 meeting that it disapproved of the GOI form seeking agreement from noncitizens to their own deportation. As Unit Chief Bernacke stated, "We told [Iraq] that it was a violation of the International Civil Aviation Organization's Annex 9 protocols on travel document issuance, that an alien doesn't expressly have to submit themselves to deportation voluntarily; they could be deported by a foreign government, you know, even if it was against their will, and we expressed that sentiment to them." Ex. 5, Bernacke Dep. at 85-86. But despite U.S. "consternation," *id.* at 116, later in January the embassy again provided ICE a "voluntary removal declaration" in Arabic for its nationals to sign. Ex. 1-48, ICE-0270850-53. When ICE translated the document, it discovered that the form continued to seek non-citizen agreement to deportation. Accordingly ICE declined to give it to the interviewees. *Id.*, Ex. 1-45, ICE-0270696; Ex. 5, Bernacke Dep. at 114-116. That was a change by the U.S.: an ICE officer noted, "We already have documents posted with that language on our site," prompting ICE official Bernacke to instruct: "Also, the voluntary declaration stating the aliens voluntarily remit themselves to be removed needs to be pulled from the intranet." Ex. 1-48, ICE-0270852. The form had been used for years.<sup>12</sup> ECF 311-3, PgID.7481-82, Maddox Decl. ¶14.

34. The result of the January 9 meeting was not agreement by Iraq to take involuntary deportees, but rather several scheduled consular interviews which occurred in late January. Ex. 1-45,

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<sup>12</sup> The form itself, ECF 311-3, PgID.7489-90, has already been described (see ¶4, *supra*). At some point after 2016 the form was altered immaterially, to strike the Arabic for "to return to the homeland." Ex. 3, Attieh Decl. 11. In addition, at some point, an English version was included along with the Arabic version. The two differ in some key respects, but both clearly reference the signatory's "desire to return voluntarily to Iraq." The certified translation of the Arabic letter is set out above, see ¶4. The English version states, in full (with emphasis added):

Dear Honorable Consul,

Subject: Passport

I the Iraqi citizen ( ) would like to request the issue of a passport allowing me to enter Iraq due to my particular situation and **my desire to return voluntarily to Iraq.**

I would like to inform you that I have an old Iraqi passport that is not valid with the number ().

ICE-0270693. Some but not all were of class members who had volunteered for prompt removal and had the district court stay of removal lifted. The result was a handful of travel documents and several denials. Four of the interviewees “notified the consulate that he does not want to return.” *Id.*; see also Ex. 6, ICE’s Response to Interrogatory Nos. 6 and 7. Iraq did not issue travel documents for these four nationals. Ex. 1-45, ICE-0270693. One of the interviewees who told the consulate he did not want to return—SAS, AXXX-XXX-637—was not a class member. Although this Court’s stay precluded removal for class members, for Mr. AS, there was no such obstacle. Yet while the *Hamama* class members continued to be detained, the non-class member was released on the ground that there was no significant likelihood of his removal in the reasonably foreseeable future. Ex. 2, Schlanger Decl. ¶¶43-44.

35. Notwithstanding DHS’s later-asserted “understanding” that “Baghdad will approve travel documents required for . . . Iraqi Nationals” whose repatriation was involuntary, Ex. 1-44, Response to Interrogatory No. 1, no travel documents were issued for those four detainees, nor are any follow-up requests to Baghdad noted in ICE’s disclosures of all travel document requests for these four interviewees. Ex. 6, ICE’s Response to Interrogatory Nos. 6 and 7.

### **MARCH 2018: IRAQ FORMALLY RESTATES ITS POLICY AGAINST FORCED REPATRIATIONS**

36. In March 2018, the Iraqi government official with jurisdiction over migration issues, the head of Iraq’s Ministry of Migration and Displacement (MoMD), issued a formal letter to the Foreign Affairs Minister, stating: the “policy of our ministry, since it was established,” to “refuse the principle of forced return of Iraqis abroad or any other nationals, because it conflicts with humanitarian laws and principles.” Ex. 1-46; Ex. 7, Lopez Decl.; Ex. 8, Smith Decl. ¶¶21-26. MoMD requested that all embassies be notified of this policy: “Kindly inform all our missions to coordinate with those countries to reduce this serious phenomenon that affects Iraqis abroad.” *Id.*
37. Iraq’s Ministry of Foreign Affairs duly distributed a “circular” attaching the MoMD letter, and restating its language, instructing “all our political and consular missions abroad” to “[k]indly take notice and the necessary action to coordinate with those countries to reduce this serious phenomenon that affects Iraqis abroad.” Ex. 1-46; Ex. 7, Lopez Decl., p. 5.

### **MAY 2018-JULY 2018: THE ALLEGED “BAGHDAD” SOLUTION**

38. Throughout March and April 2018, ICE submitted travel document requests to the Iraqi embassy, without any progress being made. Ex. 4, Schultz Dep. at 58-60. To nudge Iraq into scheduling interviews, ICE officials had to ramp up political pressure and meet with more senior Iraqi staff—the Deputy Chief of Mission as well as consular staff. Ex. 5, Bernacke Dep. at 69. This led to a new round of consular interviews which was broader, and covered more class members. In late May 2018, ICE transferred about 40 Iraqi nationals—the large majority of them class members—to Stewart Detention Center, in Lumpkin, Georgia. Consular interviews were conducted on May 23, 2018. ECF 311-3, PgID.7478, Maddox Decl. at ¶6. At those interviews, each detainee was presented the longstanding Iraqi form, in

Arabic and English, that asked him to affirm his “desire to return voluntarily to Iraq.” *See* ECF 307-2, PgID.7325-27, Gilbert Decl. ¶¶5-18; ECF 311-3, PgID.7489-90

39. ICE and the consular officials exerted considerable pressure on the detainees to sign the GOI form. First, detainees were threatened with prosecution if they did not sign. *See* ECF 307-13, PgID.7382, Al-Zubeidy Decl. ¶8 (told that if did not sign, he would be criminally prosecuted and spend the rest of his life in prison); ECF 307-14, PgID.7386-87, Odish Decl. ¶¶6-10 (when he refused to sign the consular letter, an ICE officer summoned him the next day, telling him that he had a “second opportunity to sign” the letter and that if he did not, he would be prosecuted for failure to comply with orders); ECF 307-6, PgID.7345-6, Andrade Decl. ¶¶5-7 (A.A.O, XXX-XXX-985 told by ICE officer that he would be criminally charged and serve time in prison if he did not sign). Other detainees heard about these threats second-hand, and found them both plausible and frightening. *See* ECF 307-8, PgID.7357-58, Arthur Decl. ¶9-10 (“Many of my fellow Iraqis told me that they signed the form because ICE told them that if they did not, they could be prosecuted for failure to cooperate and sentenced to five years in prison . . .”; ECF 307-2, PgID.7327, Gilbert Decl. ¶17 (because class members have been subject to orders of supervision, they are familiar with the general obligation to apply for travel papers and cooperate with removal procedures). Before this Court, ICE later disavowed this threat of prosecution, acknowledging that individuals cannot be required under 8 U.S.C. §1253(a)(1)(B) to express a desire for repatriation; *see* ECF 307, PgID.7300; June 18, 2018 Hrg. Tran. at 58-59. But by that time, 33 individuals had signed the voluntary-return form. *See* ECF 311-3, PgID.7479-81, Maddox Decl. ¶¶8, 11.
40. Second, both ICE officers and Iraqi consular staff told class members that they would be detained indefinitely, or for many years, unless they agreed to sign. For example, class members Zaia Darmono and Ahmed Tayyeh each reported that an Iraqi official told him that if he did not sign, he “would be in jail for the rest of his life” (Darmono) and “would stay in jail forever” (Tayyeh); each—fearing indefinite detention—signed the form even though they do not desire to return to Iraq. ECF 307-11, PgID.7373, Darmono Decl. ¶¶12-15; ECF 307-10, PgID.7368-69, Tayyeh Decl. ¶¶6, 9. Class member Aziz Kattoula, who told consular officials, when asked, that he did not want to go to Iraq and did not want to sign, was later told by an American official who said he was from Washington D.C. that the government would eventually deport him, and that he “would be sitting in jail until they did.” ECF 307-9, PgID.7364-65, Kattoula Decl. ¶22. Other detainees were similarly threatened with years of detention unless they signed. ECF 307-11, PgID.7373, Darmono Decl. ¶¶12-15; ECF 307-10, PgID.7368-69, Tayyeh Decl. ¶¶6, 9; ECF 307-9, PgID.7364, Kattoula Decl. ¶22; ECF 307-7, PgID.7353-54, Kitaba-Gaviglio Decl. ¶¶6, 14-19; ECF 307-6, PgID.7346, Andrade Decl. ¶7; ECF 307-18, PgID.7357-58, Arthur Decl. ¶¶9-10 (“Many of my fellow Iraqis told me that they signed the form . . . because ICE told them if they did not sign, they would definitely be kept in detention until the U.S. government could send them back.”). *See also* ECF 307-7, PgID.7353, Kitaba-Gaviglio Decl. ¶10 (class member K.P., AXXX-XXX-207, told that if he did not sign the form, he could be jailed for 5-10 years).
41. On June 8, 2018, Iraq issued travel documents—one-way laissez-passers—for those detainees who signed the form. Ex. 1-58. At least six detainees refused to sign the GOI form, four of them class members. Ex. 2, Schlanger Decl. ¶39. According to the Detention Officer who managed the process at Stewart, “the GOI indicated that further approval from Baghdad

was required to issue those travel documents.” ECF 311-3, PgID.7480, Maddox Decl. ¶11(b). As of June 15, 2018, ICE’s declarant was not able to state that Iraq has committed to issuing the documents—he stated merely that the “requests . . . are pending” and that “ICE continues to engage with the GOI to have these additional travel documents issued.” *Id.* PgID.7481, ¶13.

42. That same day, ICE staff met with embassy staff to press the argument that travel documents should issue for the six detainees who had refused to sign. ICE also “again request[ed] that the Consulate Section of the Embassy of Iraq no longer require Iraqi Nationals to sign the declaration form wherein they state their desire to return to Iraq.” Ex. 1-47. For some weeks, there was no resolution; as of June 22, 2018, Deputy Assistant Director John Schultz planned a personal trip to Iraq, to attempt to obtain Iraqi cooperation. Ex. 4, Schultz Dep. at 35-37. When that trip fell apart, Mr. Schultz spoke on the phone numerous times with Iraq’s Deputy Chief of Mission. *Id.* at 65. The U.S delivered a formal diplomatic note (a “dipnote”) to Iraq urging issuance of travel documents. *Id.* at 92-95. And on July 2, 2018, Mr. Schultz, along with several other ICE and State Department officials, met with the Iraqi Ambassador and his staff to exert additional pressure—a meeting that Mr. Schultz testified the Department of State may have considered a “demarche” (a formal diplomatic complaint). *Id.* at 92-93. That meeting yielded a bit more refinement to the process: individuals who would not agree to sign the “volunteer” form would have their records sent to Baghdad, with some information about their removal proceedings and criminal history. *Id.* at 37-43. Officials in Baghdad will then “make the determination regarding the travel document.” *Id.* at 43.
43. After all these diplomatic contacts, and after individuated review by Iraqi officials in Iraq, on July 13, 2018, Iraq issued travel documents for the six individuals who had declined to sign the Iraqi form. Ex. 5. Bernacke Dep. at 119-120.

**THE PRESENT: ICE IS UNLIKELY TO ACCOMPLISH INVOLUNTARY REPATRIATIONS IN THE REASONABLY FORESEEABLE FUTURE**

44. None of these six detainees has yet been removed. Ex. 2, Schlanger Decl. ¶40. Even for individuals who have agreed to removal and for whom Iraq has issued travel documents, ICE’s removal capabilities are limited. ICE has disclosed that Iraq has issued 47 travel documents to class members since the beginning of this case. Ex. 6; Ex. 2, Schlanger Decl. ¶¶31-41 (table D, column d; Table E, columns b & c). And (not counting one individual removed prior to entry of the preliminary injunction) there have been 37 repatriatable class members (class members for whom the Court has lifted the stay of removal). But as of August 23, there have been only 18 class member removals, one in violation of the Court’s stay of removal. Ex. 2, Schlanger Decl. ¶8. That is, even for willing repatriates where there is no legal impediment to removal, it can take many months to obtain the travel documents, and many more months to actually accomplish the removal after travel documents are issued.
45. In December 2017, Mr. Bernacke submitted a declaration that stated that ICE had recently obtained three travel documents for class members who had waived the protection of the stay of removal, and expected to get travel documents for an additional ten similar individuals “in the very near future.” ECF 184-2, PgID.5072-73, Bernacke Decl. ¶11. In the event, as of August, eight months later, only three additional travel documents had been obtained, and

only four of them have been removed so far—eight months after the declaration. Ex. 6, ICE’s Response to Interrogatory Nos. 6 and 7; Ex. 2, Schlanger Decl. ¶¶45-46.

46. In addition, Iraq has refused to issue travel documents for individuals whose Iraqi citizenship Iraq questions. ECF 311-3, PgID.7480-81, Maddox Decl. ¶¶11, 12. ICE has continued those individuals in detention, despite Iraq’s explicit refusal to accept them. Ex. 2, Schlanger Decl. ¶40 Mr. Bernacke testified that ICE takes many more steps prior to considering a non-citizen for release: conducting further investigation, and trying more times to persuade both Iraq and other countries: “Essentially, we take a second bite at the apple with any country that we think the alien may have some indicia of citizenship or connection to. We’ll also seek third country removal options, as well.” Ex. 5, Bernacke Dep. at 75-76; see *id.* at 73-76, 141-42.
47. The process for subsequent applications is ongoing. On June 28, consular interviews were conducted for an additional 10 class members, and on July 19, for another 6. Iraq continues to confirm whether each detainee is volunteering for repatriation. Of these 16 detainees, 7 informed the consular officials they were willing to be repatriated; 9 objected to removal. Ex. 1-51.
48. Avoiding forced repatriations is very important to many power centers in Iraq. Ex. 8, Smith Decl. ¶¶14-19, 30-32, 35-38. On July 10, 2018, Iraq’s Ambassador to Finland explained that Iraq would, going forward, enforce its policy against forced repatriations. Ex. 1-49; Ex. 8, Smith Decl. ¶33.<sup>13</sup> He was quoted in media reports as stating, “We will accept those returning of their own free will and those guilty of crimes, but we oppose forced repatriations.” *Id.* Similarly, on August 12, 2018, Iraq’s ambassador to Sweden told the Swedish government’s Coordinator of Migration and Refugees Affairs that the Iraqi government “refuses” forcible repatriations. Ex. 1-50.<sup>14</sup>
49. On July 31, 2018, the Minister of Migration and Displacement re-asserted MoMD’s policy against forced removals, sending a letter to the Ministry of Foreign Affairs:

We have received information indicating that some countries which host Iraqi nationals intend to forcibly return them, particularly, the EU [European Union] and the USA.

Since this issue contravenes the policy of the State and international law and norms, please ensure that all our embassies and consulates in the countries that host Iraqi nationals are ensuring they are not subject to deportation or forced return.

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<sup>13</sup> See Forced deportations of Iraqi asylum seekers on hold (July 10, 2018), [https://yle.fi/uutiset/osasto/news/forced\\_deportations\\_of\\_iraqi\\_asylum\\_seekers\\_on\\_hold/10297477](https://yle.fi/uutiset/osasto/news/forced_deportations_of_iraqi_asylum_seekers_on_hold/10297477).

<sup>14</sup> See Iraqi Ministry of Foreign Affairs, Iraq’s Ambassador to Sweden Discusses Voluntary Repatriation of Refugees with Immigration Coordinator (Aug. 12, 2018), <http://www.mofa.gov.iq/en/news/28136/iraq-s-ambassador-to-sweden-discusses-voluntary-repatriation-of-refugees-with-immigration-coordinator>.

Ex. 1-52, 1-53; Ex. 8, Smith Decl. ¶¶27-29. The Minister also instructed the Iraqi Ministry of the Interior and the Iraqi Ministry of Transport to “take the necessary actions to ensure forcibly returned nationals are not taken in.” Ex. 1-52, 1-53; Ex. 8, Smith Decl. ¶29.

50. Given several opportunities to explain the current state of Iraq’s repatriations, Mr. Schultz testified that neither the Iraqi Ambassador nor any other Iraqi official has stated that Iraq has a policy of issuing travel documents for involuntary deportees. Mr. Schultz was asked whether in repeated recent discussions with Iraq’s Washington Deputy Chief of Mission: “Did he indicate to you Baghdad’s position on whether or not travel documents would be issued for Iraqi nationals who have not indicated they desire to return to Iraq?” He answered: “No.” Ex. 4, Schultz Dep. at 66. He was asked again, more generally: “At any point since June 1, 2017, has Baghdad indicated what its policy is about accepting Iraqi nationals who desire not to return to Iraq?” He answered: “Not that I recall.” *Id.* And again, he was asked, “Did an Iraqi official state, ‘We will issue travel documents for any individual that says they do not want to go back.’” He answered, “They did not make that statement.” *Id.* at 239.
51. Likewise, Mr. Bernacke has testified that Iraqi officials have not told him “that they would no longer ask Iraqi nationals if they desired to go back to Iraq.” Ex. 5, Bernacke Dep. at 79-81. Similarly, Iraqi officials have not told him “that if an individual expresses they don’t want to go back to Iraq, they will still issue travel documents.” *Id.* at 89-90. And no Iraqi official has explicitly stated—to him or anyone else to his knowledge—that Iraq “will permit the entry [into Iraq] of detained Iraqi nationals once . . . the injunction in this litigation is lifted.” *Id.* at 102-04.
52. Of the 16 class members whose consular interviews were conducted on June 28 and July 19—eight and six weeks ago, respectively—Iraq has not issued any travel documents. Ex. 2, Schlanger Decl. ¶41; Ex. 1-51; ECF 316 ¶H, PgID.7577-78 (ordering disclosure of travel documents within 24 hours of ICE’s receipt of them).
53. Iraq has a long-standing policy against involuntary repatriations. Ex. 8, Smith Decl. ¶¶14, 34, 39. Involuntary repatriations would cause significant controversy in the Iraqi government. *Id.* ¶¶40-43. Currently, there is uncertainty if Iraq would reconsider its policy under the next administration, which is still in the process of being formed. *Id.* ¶¶ 44-47.

# EXHIBIT 1-1

*PII Redacted Pursuant to Fed. R. Civ. P. 5.2*

*Redacted Pursuant to ECF 470*

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**Meeting with Iraqi Embassy Regarding Litigation Volunteers****Overview:**

- You will meet Mohamed Jawad Al Quraishy, the Deputy Chief of Mission (DCM) of Iraq.
- This meeting is scheduled for Tuesday, January 09, 2018 at 11:00am local time at DHS Headquarter, 3801 Nebraska Ave NW, Washington, DC 20007
- ICE attendees: John Schultz, Deputy Assistant Director, Michael Bernacke, Unit Chief, Julius Clinton, Detention & Deportation Officer.
- In attendance from the Department of State Derek Hoffmann, Desk Officer for Iraq.
- Iraqi removals remain temporarily stayed by order of the United States District Court for the Eastern District of Michigan in *Hamama, et al. v. Adducci, et al.*, Case No. 2:17-cv-11910,
- **Vienna Convention** –Iraq is not a mandatory notification country.
- **International Civil Aviation Organization.** – Iraq is a party to Annex 9 to the Convention on International Civil Aviation.
- **Working Groups** –ICE ERO is not part of a working group involving Iraq.
- **Gift Exchange** – No gift exchange.

**Discussion Points:**

- Thank the DCM for meeting with you and thank them for their cooperation with interviewing subject scheduled to go on charters and issuance of travel documents to these subjects.
- We thank GoI for issuance of the travel documents they have provided for our previous charter mission. However, we request that travel document issuance occur in a timely manner to best facilitate orderly scheduling of future charter missions. We also request that, for aliens who indicate an unwillingness to return to Iraq, that travel documents still be issued to such aliens despite them expressing their retisence.
- You may wish to mention that ICE's goal is for the GoI to issue travel documents for Iraqi nationals within thirty days of request—as called for by Annex 9 to the International Civil Aviation Organization (ICAO), to which Iraqis a party (specific talking points follow):
  - Under international law every state is obliged to accept the return of all its respective nationals who are not eligible to remain in the United States, or any other country.
  - Just as we are, Iraq is a party to the ICAO. Annex 9 of the Convention provides for the issuance of travel documents for a state's nationals within 30 days of a request.

**Background:**

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ERO has upgraded Iraq from uncooperative at risk of being uncooperative country regarding their compliance with ICE/ERO's attempts to procure travel documents (TDs) for Iraqi nationals who have been ordered removed from the U.S.

Due to the lack of cooperation from the Iraq Embassy, Washington, D.C. on this issue, ERO and the Department of State developed a strategy to request approval for final order cases directly from Baghdad. In February 2017, ERO received confirmation from the U.S. Embassy in Baghdad that Iraqi officials have approved the acceptance of a Special High Risk Charter flight containing eight Iraqi detainees. These cases were approved and were removed. On April 19, 2017, ICE successfully completed the charter flight to Iraq since 2010.

On March 12, 2017, the Department of State issued a cable which summarized the outcomes of a meeting between the U.S. Embassy, Baghdad and the Iraq Ministry of Foreign Affairs (MFA). MFA informed the embassy representatives that an Iraq Inter-ministerial Committee of Deportation was formed and is comprised of representatives from the Prime Minister's Office, the Ministry of Foreign Affairs (MFA), the Ministry of Justice (MoJ), and the Ministry of the Interior (MoI). The Committee had identified four necessary steps for Iraq to facilitate deportation:

- Consular access - MFA indicated that they would like to meet with those being removed at the point of embarkation from the U.S.
- Citizenship verification- MFA indicated that the MOI would review and verify the evidence of citizenship provided by the U.S. ICE could use evidence of citizenship obtained from U.S. information systems in lieu of passports or national identity cards
- Deportation order review- MFA indicated that the MOJ would review each deportation order in tandem with the citizenship verification process.
- Travel document issuance- the Committee is prepared to inform the Iraqi Embassy and Consulates to provide travel documents for the 1,400 non-detained Iraqi nationals.

On May 25, 2017, in preparation for a removal flight, ICE transmitted 280 travel document requests to the U.S. Embassy in Baghdad for submission to the inter-ministerial committee of deportation. The removal flight is scheduled to arrive in Bagdad on June 29, 2017 with no more than 75 Iraqi nationals with final orders of removal on board.

Since May 15, 2017, 213 Iraqi nationals subject to a final order of removal have entered ICE custody all but four have criminal convictions.

A list of 280 travel document requests were submitted by ICE to the U.S. Embassy in Baghdad during a period covering May 17, 2017 through June 6, 2017. After a DOS review and follow up questions regarding several cases, DOS submitted all 280 cases with a Dip note to the Iraqi MFA on June 6, 2017.

ERO was notified on, June 21, 2017, that Iraq would not accept the charter scheduled to arrive on June 29, 2017.

On June 22, 2017, the U.S. District Court for the Eastern District of Michigan temporarily stayed the removal of 114 Iraqi nationals.

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On June 26, 2017, the U.S. District Court filed a ruling expanding the June 22 order to apply to 1,400 similarly situated Iraqis with final orders nationwide.

On July 5, 2017, the district court heard oral argument on two motions filed by plaintiffs – (1) to expedite briefing for a preliminary injunction motion and extend the temporary restraining order, and (2) to permit expedited class discovery.

There are currently 280 Iraqi nationals in ERO custody, under a final order of removal. ICE is waiting for approval of diplomatic note for a charter when the nationwide moratorium is lifted. There are a total of fifteen Iraqi subjects that have asked to be removed from the class action lawsuit:

**Aliens removed from injunction and ICE is able to remove:**

- A S [REDACTED], N [REDACTED] - Subject scheduled for removal January 30
- I [REDACTED], W [REDACTED] - Pending removal scheduling.
- M [REDACTED] J [REDACTED] - Removal scheduled for January 25
- A [REDACTED] i, B [REDACTED] - Pending travel document
- D [REDACTED] A S [REDACTED] - Pending travel document
- O [REDACTED] A T [REDACTED] - Pending travel document
- R [REDACTED] G [REDACTED] - Pending travel document

**Aliens pending exclusion from injunction who have volunteered to be removed:**

- G [REDACTED] [REDACTED] A [REDACTED] - Pending travel document
- A B [REDACTED] - Pending travel document
- A K [REDACTED] - Pending travel document
- J [REDACTED] A K [REDACTED] - Pending travel document
- J [REDACTED] A D [REDACTED] - Pending travel document
- S [REDACTED] A [REDACTED] - Pending travel document
- Y [REDACTED] K [REDACTED] - Pending travel document
- A J [REDACTED] S [REDACTED] - New case, will submit travel document request

The Iraqi Embassy in D.C. has jurisdictional responsibilities to issue travel documents for those Iraqi nationals under a final order in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and West Virginia.

Iraq is not a mandatory notification country.

Press:

This meeting is closed to the press.

Removal data as of December 23, 2018

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**RCI data for Iraq** – Iraq is listed as “ARON” for FY2017 under the Removal Cooperation Initiative Tool.

- As of FY2017 metrics note Iraq as considered “At Risk of being Uncooperative” with a Cooperation Score of 68.75 per below:
  - Grants Interview: Yes –
  - Accepts Charters: Yes – Charter Mission Meets Needs
  - Releases to Removals Ratio: 0.15
  - Average Time from Executable Final Order to Removal: 277.66 days

HIGHLY CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

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**FY12 to FY17YTD Removal Statistics for Iraq**

Country	Total					
	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017
Iraq	33	62	57	36	48	58

**FY15-FY17 Average Length of Stay**

Country	FY2015	FY2016	FY2017
Iraq	93	132.7	124

**Currently Detained and Non-Detained Final Order Cases**

Country	Currently Detained and Non-Detained with Final Order					
	Detained Criminal	Detained Non-Criminal Immigration Violator	<i>Total</i>	Non-Detained Criminal	Non-Detained Non-Criminal Immigration Violator	<i>Total</i>
Iraq	240	40	280	1000	120	1400

**FY12 –FY17 Zadvydus Releases**

Country	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017
Iraq	7	14	38	18	4	9

**Attachments:** Profile on Deputy Chief of Mission, Eight Voluntary Deportee Histories  
**Staff Responsible for Briefing Memo:** *Julius Clinton, DDO, RIO,* [REDACTED]

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**Iraqi Embassy**

- Mohamed Alquraishi, DCM
- Yarub Al-Anpaqi, First Secretary
- Wathiq Alhammam, First Secretary
- Ahmed Utaifa, Second Secretary

**DHS HQ**

- Ken Holt, Director for Middle East Affairs
- Alex Kisselburg, Deputy Director for Middle East Affairs

**ICE**

- John Schultz, Deputy Assistant Director
- Michael Bernacke, Unit Chief
- Julius Clinton, Detention and Deportation Officer

**Department of State**

- Derek Hoffman, Political Unit Chief
- Kris Clark, Political Officer
- David Nobles, Deputy Director

# EXHIBIT 1-2

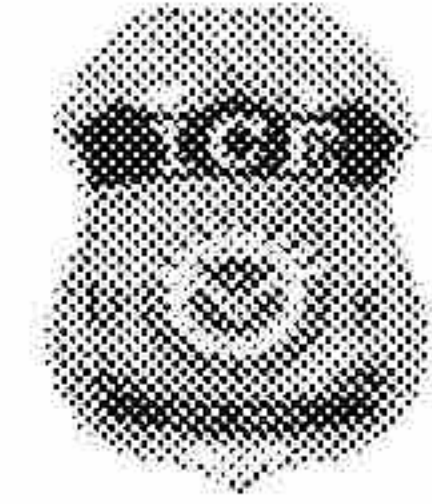
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**Meeting with Department of State, Bureau of Consular Affairs, Assistant Secretary (AS)  
Michele T. Bond  
and Chargé d'Affaires of Iraq to the United States Mohammed Jawad Al Quraishy  
October 25, 2016, 1:30 pm**

**Overview:**

- ERO sent AS Bond a letter requesting DOS CA assistance in exploring more aggressive actions to address the removal issue with the Government of Iraq (GOI).
- AS Bond is accompanying you to a meeting with Chargé d'Affaires (CDA) Al Quraishy Al Quraishy, which is one of the steps within the Memorandum of Understanding (MOU) between ICE and the Department of State Bureau Consular Affairs concerning repatriation. The MOU outlines a series of graduated steps, with the joint meeting representing the second step in attempting to achieve compliance in issuing travel documents timely.

ERO and DOS are currently working on another Demarche. ERO has held multiple meetings at the Iraqi embassy. On January, 2016 ERO held a meeting at the Iraq Embassy where a document was presented to Iraq that acknowledged an agreement to accept criminal deportees' return to Iraq and cops of identity documents. Interviews have been conducted and completed for the Iraqi consulate in Washington DC and Detroit Michigan. On October 4, 2016 the desk officers for RIO and DOS met with Chargé d'Affaires of Iraq and the second secretary of Iraq. During this meeting Iraq appeared to reiterate the acceptance of copies and agreed to issue TD denials and begin interviews. Iraq also mentioned the forced return and fear claim policy that hinders TD issuance.

- , First Secretary, became CDA *ad-interim* of Iraq on March 15, 2011.
- In 2016, there were eleven (11) HQ Zadvydas releases. In 2015 there were eight (8) Zadvydas releases.
  - **Note:** Some of the Iraqi released, post order, are done so at the field office level at day-90 if the Iraqis in ICE custody are non-criminal.

**Talking Points:**

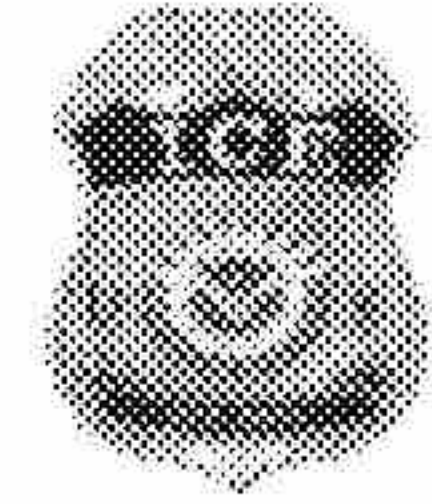
- ICE considers GOI uncooperative in its acceptance of the return of nationals subject to final orders of removal from the United States, and urges GOI to cooperate in this regard.
- ICE believes that under international law every state is obliged to accept the return of all its nationals ineligible to remain in the United States, or any other country.
- ICE asks for your help in issuing travel documents (TD) to Iraqis who are subject to final orders of removal, in accordance with procedures provided under U.S. law.
- Consistent with applicable standards promulgated by the International Civil Aviation Organization (ICAO), countries generally issue travel documents within approximately 30 days of a request for such documents and Iraq is a member state of ICAO.
- This is not a new issue, unfortunately, and ICE requests your immediate assistance to clear the backlog of cases. We must see concrete progress.
- Convey that the U.S. Congress is aware of this issue and both you and AS Bond have testified before Congress regarding uncooperative countries. Many of our legislators are concerned and have suggested legislation that would require the automatic imposition of punishments on uncooperative countries.
- The Iraqi Embassy has stated during multiple meeting that there is a policy of not issuing documents on subjects who do not want to return. Iraq has also mentioned refusing to issue a TD on anyone who claimed fear regardless of the fear claim being resolved and the



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**subject being removable.** ERO does not share fear claim information with any government however on occasion a citizen may decide to divulge this information.

- **Note:** This policy will become problematic for U.S. national security interests as the number of individuals claiming fear and passively notifying their desire not to return to Iraq may continue to increase
- As of October 15, 2016, ICE has 21 Iraqis detained with removal orders where ICE has requested travel documents Approximately 1, 381 Iraqis, of whom approximately 874 have criminal convictions, are not in ICE custody but await TD issuance.
- ICE urges the GOI to begin the issuance of TDs expeditiously for all detained and non-detained cases subject to removal, and develop a system through which ICE officials can work directly with Iraqi consular officials to obtain TDs. Per the ICAO standard, which Iraq is party to, TD issuance should occur no later than 30 calendar days after the request is received from ICE.
- ***Watch Out For: CDA may respond that most of their nationals detained by ICE are asylum seekers.***
  - Most of the cases presented for removal are non-criminal, recent border entrants that are encountered while attempting to illegally enter the U.S. through Mexico, or apply for admission at a U.S. port of entry but are found inadmissible. Additionally, cases that ICE presents for removal have been afforded their appropriate due process and have been ordered removed.
- ***Watch Out For: CDA may respond that their verification process cannot be completed on Iraqis without a valid ID docs or copies. Also, he may respond that our TD requests lack supporting identification documentation.***
  - While this may be true, the length of time is not ultimately the issue, because some of ICE's TD requests go unanswered and remain pending since.
  - ICE's TD requests often do lack supporting documentation since we rarely have identification to present..
    - The Iraqi Government has mentioned it will not honor some of the passports that were issued during Iraq's fifth president, Saddam Hussein's regime. Apparently there was an issue with issuance on non-Iraqis.

**Background:**

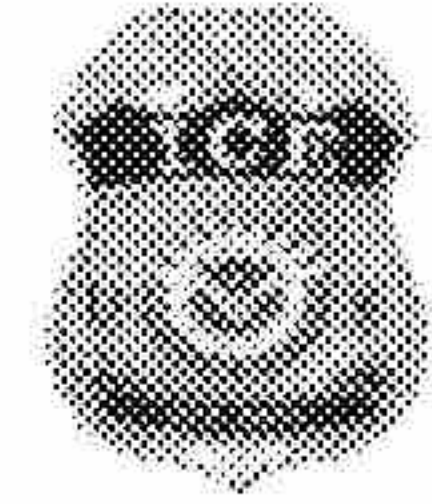
- Removals to Iraq were previously suspended as a result of combat operations. In April 2006, after a long suspension, ICE approached the Iraqi Ministry of the Interior to reestablish a removal process. On May 19, 2006, then-DHS Secretary Chertoff and Assistant Secretary Baker approved a bilateral agreement that outlined the requirements to return Iraqi nationals utilizing unexpired passports issued in 2007 or later and also established document requirements for the issuance of a TD.
- With the support of the Consulate of Iraq in Detroit, Michigan, ICE conducted a charter flight to Iraq on May 26, 2010, returning 23 Iraqi nationals to Baghdad. Since that flight, ICE has seen a substantial decline in TD issuance, which is believed to be a result of concerns expressed to the Consulate by the Iraqi community in Detroit. Shortly after the 2010 charter flight, the Consulate stated that its authority to issue TDs was suspended. The number of Iraqi removals has decreased since then due, in part, to this suspension of issuance authority. Since August 2010, ICE has actively



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engaged with the DOS and the Embassy of Iraq to address the persistent delays in TD issuance and Iraq's refusal to readily accept the return of Iraqi nationals with final orders of removal who do not express a desire to return. In July 2011, the U.S. Embassy in Baghdad issued a demarche to the Ministry of Foreign Affairs and reiterated the position of the U.S. Government; that the GoI should begin issuing TDs expeditiously for its nationals who are subject to orders of removal from the United States. In 2011, Iraq opened a Consulate in Los Angeles, California and a Consulate in Detroit, Michigan to support the Embassy in Washington, DC. Despite this additional support, TD issuance remains inconsistent. In November 2011, the GoI's Ministry of Foreign Affairs directed consular officials to not issue passports or TDs to Iraqi nationals who did not wish to return to Iraq. In August 2012, as a result of that mandate, 10 countries (Australia, Belgium, Canada, Denmark, France, The Netherlands, Sweden, Switzerland, the United Kingdom, and the United States) established the "Brussels Group," to discuss Iraqi repatriation concerns and to identify strategies to elicit better cooperation from the GoI. On November 15, 2012, U.S. Ambassador Knight represented U.S. interests at an ambassador-level meeting hosted by the Brussels Group at the Embassy of Australia in Baghdad. During that meeting, the countries (member states) agreed to draft and issue a joint demarche for presentation to Iraq's Prime Minister and Minister of Foreign Affairs. Citing its disagreement with other member states' repatriation of Iraqi nationals, the DOS' Bureau of Population, Migration and Refugees subsequently opposed U.S. participation in the joint demarche, and sent a cable to the U.S. Embassy in Baghdad advising that the U.S. would not participate.

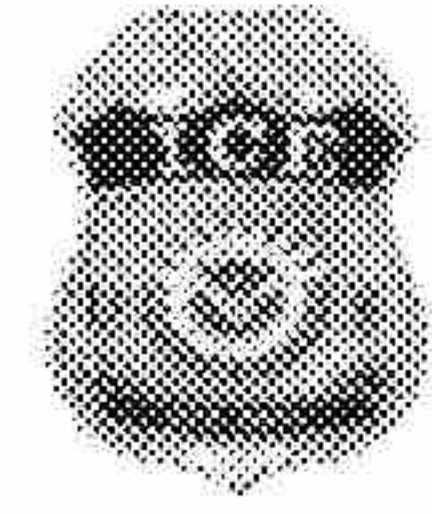
- In lieu of direct U.S. engagement, the Brussels Group welcomed participation from the United States as an observer.
- On February 20, 2013, the Brussels Group met with representatives of the Iraqi Ministry of Displacement and Migration in Baghdad. ICE attended the meeting as an observer. During that meeting, the GoI requested a focus on voluntary returns, and expressed a need for reintegration support, before continuing discussions on forced returns.
- On February 7, 2014, leadership from ICE and the Department of State met with the Iraqi Ambassador regarding issues concerning the GoI practices for issuing travel documents to facilitate removals. The Ambassador committed to working with ICE to re-establish a process, which includes addressing the requirement for Iraqi nationals to overtly state that they wish to return, as well as address the GoI requirement for ICE to include an original identity document with the travel document request.
- During the month of September 2014, DAD Corey Katz attended a meeting of the Brussels Group. On March 31, 2015, the DCM issued a demarche to the Deputy Foreign Minister on the removals issue. The Embassy Baghdad proposed meeting with MFA on April 20, 2015. The Baghdad Front office decided against this meeting, because the meeting would be held in the Red Zone, which would require significant planning and security support and could not be undertaken lightly. There is a concern, after the lack of concurrence by DHS on the reciprocity changes that post isn't fully informed about what actions they need to take in order to show that we are committed to assisting DHS with these issues. The RIO desk officer has been involved with the Brussels Group via teleconference when available or has received meeting minutes. The only involvement ERO ICE has with the Brussels Group is as an observer.



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During the teleconference calls, ICE will pass along any progress made with the Iraqi Embassy in acquiring a travel document. As of June 2015, the group has not been able to gain any additional ground with the Deputy Foreign Minister in Iraq. The group's conversation centered on the upcoming seminar in September of 2015. In October 2015, AD Piñeiro attended a Seminar on Migration Flows to and from Iraq, hosted in Istanbul, Turkey and coordinated by the Brussels Group.

- On December 21, 2015, RIO held a meeting at the Iraqi embassy with DOS and the Iraqi consulate staff. On January 29, 2016 ERO held a meeting at the Iraqi embassy. The AD of Removals DAS, the DFM and Ambassador of Iraq were in attendance. The Consulate of Washington DC was also in attendance.
- On February 4, 2016 ERO held a meeting at the Iraq Embassy where a document was presented to Iraq that acknowledged an agreement to accept criminal deportees' return to Iraq. The AD of Removals DAS, the DFM and Ambassador of Iraq were in attendance. The Consulate of Washington DC was also in attendance. **Iraq has been issued multiple demarches: the most recent was in March of 2015.**

**Hot Topic:**

- On 24 October 2016, BBC news indicated that Kurdish forces were taking part in the offensive to retake the Iraqi city of Mosul from Islamic State (IS) militants are besieging a key town to the north. The Kirkuk health directorate stated that the Islamic State (IS) attack on the city caused at least 46 fatalities and injured more than 130 people; the majority of the casualties were members of the security forces. Iraqi forces killed at least 48 IS militants during the clashes. ( <http://www.pressherald.com/2016/10/21/islamic-state-launches-attack-on-kirkuk/> ) ( [http://www.bbc.com/news/world/middle\\_east](http://www.bbc.com/news/world/middle_east) )

**Press:**

- Closed

**Participants:**

- Sarah R. Saldaña, Director, U.S. Immigration and Customs Enforcement
- Marlen Piñeiro, Assistant Director, ICE Enforcement and Removal Operations, Removal
- Michele T. Bond, Assistant Secretary, Department of State Bureau of Consular Affairs
- Mohammed Jawad Quraishy, Chargé d'Affaires of Iraq to the United States

**Staff Responsible for Briefing Memo:**

John A. Schultz, DAD, ERO RMD, [REDACTED]

Floyd S. Farmer, UC, ICE RIO, [REDACTED]

Julius A. Clinton, DDO, ICE RIO, [REDACTED]

# EXHIBIT 1-3

*Redacted Pursuant to ECF 453 & 470*

## Message

**From:** Fenzel, Andrew D [REDACTED]  
**Sent:** 12/30/2016 8:29:31 PM  
**To:** Koontz, Bryan K [REDACTED]; Clinton, Julius A [/O=IRMMAIL/OU=MBX Servers - NYC/cn=Recipients/cn=JAClinto]  
**CC:** Hankinson, Simon R [REDACTED]  
**Subject:** RE: Iraq  
**Attachments:** Iraq Dipnote 9-2.docx

Thanks Bryan. What do you suggest we do for next steps? [REDACTED]  
[REDACTED]?

Andrew Fenzel  
Post Operations Division, Office of Visa Services  
Bureau of Consular Affairs  
U.S. Department of State  
[REDACTED]

**Official - SBU**  
**UNCLASSIFIED**

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**From:** Koontz, Bryan K  
**Sent:** Friday, December 30, 2016 12:53 PM  
**To:** Fenzel, Andrew D; 'Clinton, Julius A'  
**Cc:** Hankinson, Simon R  
**Subject:** RE: Iraq

Amb. Yaseen is out of the country until Jan. 3. He has not yet presented his credentials to the president, so I'm not sure how forward-leaning he will be in the interim. So far as I know, A/S Patterson has not met with Amb. Yaseen yet, though I believe he met with the PDAS.

B

**Official - SBU**  
**UNCLASSIFIED**

---

**From:** Fenzel, Andrew D  
**Sent:** Friday, December 30, 2016 12:29 PM  
**To:** 'Clinton, Julius A'; Koontz, Bryan K  
**Cc:** Hankinson, Simon R  
**Subject:** RE: Iraq

Actually, I think we are way past this.

In their November 22 meeting, A/S Patterson promised A/S Bond that she would personally meet with the new Ambassador and would talk to him about removals and see if we can get him to commit to what his predecessor promised. I don't believe this meeting has occurred yet.

Bryan- any chance of this meeting happening in January?

Andrew Fenzel  
Post Operations Division, Office of Visa Services  
Bureau of Consular Affairs  
U.S. Department of State

[REDACTED]

**Official - SBU**  
**UNCLASSIFIED**

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**From:** Clinton, Julius A [REDACTED]  
**Sent:** Friday, December 30, 2016 12:16 PM  
**To:** Koontz, Bryan K  
**Cc:** Fenzel, Andrew D  
**Subject:** Iraq

Greetings,

Happy new year ! When ever the new ambassador is in place. We would like to set up a meeting with him and Deputy Assistant Director Schultz. We would like to discuss the agreement to accept copies of identity documents. We can set it up sometime next month when we return.

Respectfully,

Julius A. Clinton  
Desk Officer  
Removal and International Operations (RIO)  
Removal Management Division  
U.S. Department of Homeland Security  
U.S. Immigration & Customs Enforcement  
Enforcement and Removal Operations Headquarters  
[REDACTED]  
[REDACTED]  
[REDACTED]

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The Embassy of the United States presents its compliments to the Ministry of Foreign Affairs of the Republic of Iraq and has the honor to bring to its attention the outstanding matter of Iraqi nationals subject to Final Orders of Removal from the United States. As the Ministry is aware, the United States has long expressed concern that Iraq has been unresponsive to the repeated requests, in Baghdad and Washington, from United States officials to properly document and facilitate the return home of its nationals who have exhausted their legal remedies and have no right to remain in the United States. As a result of Iraq's lack of cooperation in this regard, the Department of Homeland Security, Immigration and Customs Enforcement places Iraq on its list of countries determined to be recalcitrant in accepting the return of their nationals.

On February 7, 2014, in Washington, DC, the Department of State and Immigration and Customs Enforcement met with officials from the Embassy of Iraq in Washington to stress the need for swift action on issuing travel documents to its nationals who have been afforded full access to the U.S. legal system and have exhausted all possible appeals. They are subject to final orders of removal.

Since February 2014, the Department of State and Immigration and Customs Enforcement have met an additional seven times with officials of the Iraqi government, both in Washington, DC and Baghdad, to follow-up on the

issue (March 31, 2015; April 1, 2015; July 2015; January 10, 2016; January 29, 2016; May 12, 2016; and June 13, 2016, respectively). During the meeting of January 29, the Iraqi Ambassador in Washington, DC assured U.S. government officials that Iraqi Consulates would interview Iraqi detainees with criminal records to begin the process of issuing travel documents. Iraqi Consulates in Detroit and Washington, DC have begun these interviews. Unfortunately, the Consulate in Los Angeles has yet to allow a single interview due to lack of identity documents.

The Embassy of the United States is obliged to inform the Ministry that the U.S. Congress is very concerned with this issue and has threatened to pass legislation that would require imposition of punishments on countries deemed to be recalcitrant. Under Section 243(d) of the Immigration and Nationality Act, the United States has the authority to impose visa sanctions on countries that fail to cooperate sufficiently on the removal of their nationals from the United States. This could include the suspension of issuance of all diplomatic visas and the suspension of issuance of all tourist and business visas. Visa sanctions are already being considered for a handful of recalcitrant countries.

Upon request, the Department of State and Immigration and Customs Enforcement stand ready to assist Iraq in interviewing its putative nationals and planning their removal.

Attachment:

List of xx Iraqis Under Final Order of Removal

Drafted: CA/VO/F: Liliame Hudspeth, ext. 5-7442

Cleared: CA/VO: KKing  
CA/VO: SHankinson  
CA/VO/L: DNewman  
CA/VO/F: MMcEvoy  
CA/VO/F: AFenzel  
L/CA: LDonnelly

# EXHIBIT 1-4

*Redacted Pursuant to ECF 470*

Message

**From:** Clinton, Julius A [REDACTED]  
**Sent:** 2/11/2016 8:27:22 PM  
**To:** yarub.alanpaqi [REDACTED]  
**Subject:** RE: Meeting with of Deputy Foreign Minister Khirullah Ambassador Lukman Faily, and Assistant Director Piniero

Sir I will also need the name, number and email for the person that will conduct the interviews in your place. Any cell numbers will be for my use only however I will share the email and desk number with the field so they can schedule the interviews. The Washington Filed office will bring the subject to your office to be interviewed.

Respectfully,

*Julius A. Clinton*

Desk Officer  
 Removal and International Operations (RIO)  
 Removal Management Division  
 U.S. Department of Homeland Security  
 U.S. Immigration & Customs Enforcement  
 Enforcement and Removal Operations Headquarters  
 Potomac Center North  
 500 12th Street SW  
 Washington, DC 20536

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---

**From:** Clinton, Julius A  
**Sent:** Thursday, February 11, 2016 12:45 PM  
**To:** yarub.alanpaqi  
**Subject:** RE: Meeting with of Deputy Foreign Minister Khirullah Ambassador Lukman Faily, and Assistant Director Piniero

Sir,

Per our phone conversation please see the attached list of Iraqis with criminal convictions in ICE custody. This list can be forwarded to your counterparts in LA and Detroit.

Respectfully,

*Julius A. Clinton*

Desk Officer  
 Removal and International Operations (RIO)  
 Removal Management Division  
 U.S. Department of Homeland Security  
 U.S. Immigration & Customs Enforcement  
 Enforcement and Removal Operations Headquarters  
 Potomac Center North  
 500 12th Street SW  
 Washington, DC 20536

[REDACTED]  
[REDACTED]  
[REDACTED]

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---

**From:** Clinton, Julius A  
**Sent:** Monday, February 8, 2016 5:31 AM  
**To:** yarub.alanpaqi  
**Subject:** FW: Meeting with of Deputy Foreign Minister Khirullah Ambassador Lukman Faily, and Assistant Director Piniero

Sir,

It appears the first message had an error in the email address.

Please see below.

I would also like to know if you want to interview your subjects in person or over the phone?

Julius A. Clinton  
Staff Officer  
Removal Management Division  
U.S. Immigration & Customs Enforcement  
Enforcement and Removal Operations  
[REDACTED]  
[REDACTED]

---

**From:** Clinton, Julius A  
**Sent:** Sunday, February 07, 2016 5:11:23 PM  
**To:** yarub [REDACTED]  
**Subject:** Meeting with of Deputy Foreign Minister Khirullah Ambassador Lukman Faily, and Assistant Director Piniero

Greetings,

In the recent meeting on January 29, 2016 with the DFM and the Ambassador, there was an agreement reached that was a step towards mutual corporation between Iraq and U.S. immigration. In the meeting it was agreed that individuals with criminal records would be considered (interviewed / re-interviewed) for travel document issuance. Starting the week of February 8, 2016 ERO will start moving the detained population with criminal records to offices with easy access to Iraqi consulates. Some of these individuals have already been interviewed. Please see attached spreadsheet containing the individuals to be interviewed. I have also included ERO meeting notes from the meeting.

Please feel free to contact me if there are any questions or concerns. I would also like additional contact information for my officers coordinating these interviews. The interviews of these subjects should be completed within the next two weeks if possible.

I look forward to assisting in any way possible to reinforce and support a mutually corporative/ beneficial relationship between Iraq and the United States immigration.

Respectfully,

*Julius A. Clinton*

Desk Officer

Removal and International Operations (RIO)

Removal Management Division

U.S. Department of Homeland Security

U.S. Immigration & Customs Enforcement

Enforcement and Removal Operations Headquarters

Potomac Center North

500 12th Street SW

Washington, DC 20536

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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# EXHIBIT 1-5

*PII Redacted Pursuant to Fed. R. Civ. P. 5.2*  
*Redacted Pursuant to ECF 470*

U.S. Department of Homeland Security  
101 West Congress Parkway  
Chicago, IL 60605



U.S. Immigration  
and Customs  
Enforcement

September 14, 2016

Iraq Consulate General  
16445 W. 12 Mile Road  
Southfield, MI 48076

**RE:** [REDACTED]

Dear Consul General:

Please accept this letter with the enclosed documents as a formal request for a travel document on behalf of [REDACTED]  
[REDACTED] a native and citizen of IRAQ.

Mr. [REDACTED] entered the United States AT New York City, NY on 09/08/2009.

Mr. [REDACTED] was afforded a hearing before an Immigration Judge to answer the charges on the attached Notice to Appear. As a result of this hearing, Mr. [REDACTED] was ordered removed from the United States as documented by the attached Order.

Mr. [REDACTED] will be scheduled to depart the United States upon receipt of a travel document. Since he is being detained at ICE expense, a prompt response would be appreciated.

If you require further information, please contact Officer Vigare at [REDACTED] or email [REDACTED].

Sincerely,

Ricardo A. Wong  
Field Office Director/ERO

Enclosed (1) Removal Order  
Copies of (2) Charging Document  
(3) I-217  
(4) Information for Travel Document or Passport  
(5) Copy of Marriage Certificate  
(6) Copy of National ID  
(7) Copy of Other Document  
(8) Copy of Passport

(9) Biometric Information

IMMIGRATION COURT  
525 W. VAN BUREN, SUITE 500  
CHICAGO, IL 60607

In the Matter of

Case No.:

Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 8/30/16.  
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

☒ The respondent was ordered removed from the United States to IRAN or in the alternative to .

☐ Respondent's application for voluntary departure was denied and respondent was ordered removed to or in the alternative to .

☐ Respondent's application for voluntary departure was granted until upon posting a bond in the amount of \$ \_\_\_\_\_ with an alternate order of removal to .

Respondent's application for:

☐ Asylum was ☐ granted ☐ denied ☐ withdrawn.

☐ Withholding of removal was ☐ granted ☐ denied ☐ withdrawn.

☐ A Waiver under Section \_\_\_\_\_ was ☐ granted ☐ denied ☐ withdrawn.

☐ Cancellation of removal under section 240A(a) was ☐ granted ☐ denied ☐ withdrawn.

Respondent's application for:

☐ Cancellation under section 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn. If granted, it is ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

☐ Cancellation under section 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn. If granted it is ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

☐ Adjustment of Status under Section \_\_\_\_\_ was ☐ granted ☐ denied ☐ withdrawn. If granted it is ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

☐ Respondent's application of ☐ withholding of removal ☐ deferral of removal under Article III of the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn.

☐ Respondent's status was rescinded under section 246.

☐ Respondent is admitted to the United States as a \_\_\_\_\_ until \_\_\_\_\_.

☐ As a condition of admission, respondent is to post a \$ \_\_\_\_\_ bond.

☐ Respondent knowingly filed a frivolous asylum application after proper notice.

☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.

☐ Proceedings were terminated.

☒ Other: For entry, denied, given

Date: Aug 30, 2016

ROBIN J. ROSCHE  
Immigration Judge

Appeal: Waived/Reserved Appeal Due By:

ALIEN NUMBER: [REDACTED] NAME: [REDACTED]

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P) (P)

TO: ☐ ALIEN ☒ ALIEN c/o Custodial Officer Alien's ATT/REP ☒ DHS

DATE: 8-30-16 BY: COURT STAFF BKH

Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

U.S. Department of Homeland Security

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

File No:  
Event

[REDACTED]

In the Matter of:

Respondent: [REDACTED]

currently residing at:

at [REDACTED]

(Number, street, city and ZIP code)

(Area code and phone number)

- ☐ 1. You are an entering alien.
- ☐ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☒ 3. You have been admitted to the United States, but are inadmissible for the reasons stated below.

The Department of Homeland Security alleges that you:

See Continuation Page Made a Part Hereof

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was issued pursuant to: ☐ Where the caption ☐ Geographic area(s):

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:  
OFFICE OF THE IMMIGRATION JUDGE 535 W. Van Buren St., Chicago IL 60607, SOLE Chicago, IL

on To be set:  
(Date)

at To be set:  
(Time)

to state why you should not be removed from the United States based on the

charged or restrictive

J 0707 80828

80800

Signature and Title of Issuing Officer

Date June 8, 2018

Issued at: [REDACTED]

U.S. and State

This notice is issued pursuant to the Notice to Appear issued on May 15, 2018

See reverse for important information

Form I-862 (Rev. 03/2017)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

**After Registration:** This copy of the Notice to Appear serves upon you the notice of your alien registration while your registration removal proceedings. You are required to carry it with you at all times.

**Representations:** If you do appear, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 C.F.R. 101.1. Before you so request, a hearing will be scheduled earlier than 90 days from the date of this notice to allow you sufficient time to arrange counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

**Content of the hearing:** At the time of your hearing, you should bring with you any statements or other documents, which you desire, or have completed in consultation with counsel, if you wish to deny the genuineness of any statements submitted; you should arrange to have a valid, unexpired passport at the hearing.

At your hearing you will be given the opportunity to address those and/or all of the allegations in the Notice to Appear and that you are inadmissible or removable or the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to cross-examine evidence presented by the Government, to object to proper legal grounds to the proposed removal, and to cross-examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be allowed by the immigration judge before whom you appeared any relief from removal for which you may qualify eligible including the privilege of deferred voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

**Failure to appear:** You are required to provide the DHS, by e-mail, by courier, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using 1-800-542-2539 or through a telephone number during the course of this proceeding. You will be provided with a copy of this form. Notice of hearing will be mailed to this address. If you do not notify 1-800-542-2539 and do not otherwise provide an address in which you may be reached during proceedings, then the Government need not be required to provide you with further notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a notice of order may be issued by the immigration judge in your absence, and you may be removed notwithstanding the DHS.

**Standby duty to surrender for removal:** If you become subject to a final order of removal, you must surrender to the custody of one of the officers listed in 8 C.F.R. 101.10(c). Specific addresses or locations for surrender can be obtained from your local DHS office or via the Internet at [dhs.gov/immigration/removal](http://dhs.gov/immigration/removal). You must surrender within 72 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals waiving execution of the removal order. Immigration regulations at 8 C.F.R. 101.1 require you to surrender when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to provide and to comply with voluntary departure, or fail to comply with any other conditions or terms in connection with voluntary departure, you must surrender for removal as the most business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure if removed. Therefore, you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be administratively precluded under section 101 of the Act.

Request for Prompt Hearing



In expedited determination of my case I request an immediate hearing. I have a duty under the Immigration and Nationality Act to appear before an immigration judge.

Signature:

Signature of Respondent

Date: \_\_\_\_\_

(Signature and Date of Immigrant's Lawyer)

Certificate of Service	
This Notice to Appear was served on the respondent on or on _____, at the following address and is complete with copies of the Act of the Act.	
<input checked="" type="checkbox"/> by personal	<input type="checkbox"/> by certified mail, return receipt requested
<input type="checkbox"/> submitted to a United States Marshal	<input type="checkbox"/> by regular mail
<input checked="" type="checkbox"/> Attached is a list of organizations and attorneys who provide free legal services.	
The alien was provided and asked to sign the _____ Mail box _____ Large type of the time and place of hearing and to the undersigned if failed to appear or provide the service 100(b)(1) of the Act	
 Director of Department of Homeland Security	 Department of Homeland Security

**Abstract**

Event No: [REDACTED]

DATE PREPARED 05/18/2016		INFORMATION FOR TRAVEL DOCUMENT OR PASSPORT				FILE A [REDACTED]	
1. NAME [REDACTED]					2. SEX [REDACTED]		
3. OTHER NAMES USED OR KNOWN BY					4. CITIZENSHIP IRAQ		
5. DATE OF BIRTH [REDACTED]		6. PLACE OF BIRTH [REDACTED]					
7. HEIGHT [REDACTED]	WEIGHT [REDACTED]	EYES [REDACTED]	HAIR [REDACTED]	COMPLEXION [REDACTED]	MARKS OR SCARS [REDACTED]		
8. NEAREST LARGE CITY TO PLACE OF BIRTH Baghdad				9. DISTANCE AND DIRECTION OF PLACE OF BIRTH FROM THIS LARGE CITY 99 miles SE of Baghdad			
10. IF CITIZENSHIP IS DIFFERENT FROM COUNTRY OF BIRTH, EXPLAIN. IF NATURALIZED IN ANY COUNTRY, SHOW DATE AND PLACE OF NATURALIZATION, CERTIFICATE NUMBER, AND STATE HOW CITIZENSHIP WAS ACQUIRED. Iraq, former Refugee status in Lebanon							
11. NAMES, LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN SCHOOLS [REDACTED]				12. NAMES, EXACT LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN CHURCHES. INCLUDE DATE AND NATURE OF ANY RELIGIOUS CEREMONY WHICH MAY HAVE BEEN RECORDED.  Not Applicable			
13. LAST PERMANENT RESIDENCE IN COUNTRY OF CITIZENSHIP (Show dates of residence)							
14. ADDRESS IN COUNTRY OF LAST FOREIGN RESIDENCE (Show dates of residence, and Immigration status there) Day Al Soloum Beirut LEBANON							
15. PLACE OF ENTRY INTO UNITED STATES New York City, NY					DATE OF ENTRY INTO UNITED STATES		
16. LIST DATE AND PLACE OF ISSUANCE AND NUMBER OF PASSPORT, BIRTH CERTIFICATE, BAPTISMAL CERTIFICATE OR DOCUMENT OF IDENTITY. SPECIFY DATES OF MILITARY SERVICE, COUNTRY AND UNIT, RANK, SERIAL NUMBER, AND PLACES OF INDUCTION AND DISCHARGE. [REDACTED]							
17. IN POSSESSION OF TRAVEL DOCUMENT OR PASSPORT AT TIME OF ENTRY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO. DESCRIBE DOCUMENT (S). IF SUBJECT DID NOT HAVE TRAVEL DOCUMENT OR PASSPORT AT TIME OF ENTRY, OR DOES NOT HAVE SUCH A DOCUMENT NOW, INDICATE WHETHER EVER OBTAINED ONE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO. STATE HOW, WHEN, AND WHERE IT WAS OBTAINED: WHAT KIND OF DOCUMENT IT WAS, AND WHAT BECAME OF IT.  Not Applicable							
18. FATHER'S NAME [REDACTED]		DATE OF BIRTH [REDACTED]		PLACE OF BIRTH IRAQ			
PRESENT ADDRESS							
19. MOTHER'S MAIDEN NAME [REDACTED]		DATE OF BIRTH [REDACTED]		PLACE OF BIRTH IRAQ			
PRESENT ADDRESS							
20. NAME, RELATIONSHIP, AND ADDRESSES OF RELATIVES ABROAD  Not Applicable							
21. PREVIOUSLY <input type="checkbox"/> EXCLUDED <input type="checkbox"/> DEPORTED <input type="checkbox"/> REQUIRED TO DEPART FROM THE UNITED STATES ON _____ (Date) VIA _____ (Port) TO _____ (Country)							
22. INDICATE WHETHER EVER ARRESTED, IN PRISON OR A PUBLIC INSTITUTION IN THE COUNTRY OF WHICH A NATIONAL, SUBJECT OR CITIZEN: <input type="checkbox"/> YES <input type="checkbox"/> NO. IF SO, GIVE DATES AND PLACES  Not Applicable							
23. NAME, NATIONALITY AND PRESENT ADDRESS OF SPOUSE, AND DATE AND PLACE OF MARRIAGE							
24. NAMES, AGES, AND ADDRESSES OF ALL CHILDREN							
25. IF NONCANADIAN DEPORTABLE TO CANADA, GIVE DATE AND PORT OF ARRIVAL IN CANADA, AND NAME OF VESSEL  Not Applicable							

دفتر وثيقة عقد النكاح

1 MAY 2008

SEEN BY ICMC / BEIRUT  
MARRIAGE CERTIFICATE

صك زواج

العريق الاول

الزوج

الوكيل

الشاهد الاول

الشاهد الثاني

الزوجة

الوكيل

الشاهد الاول

الشاهد الثاني

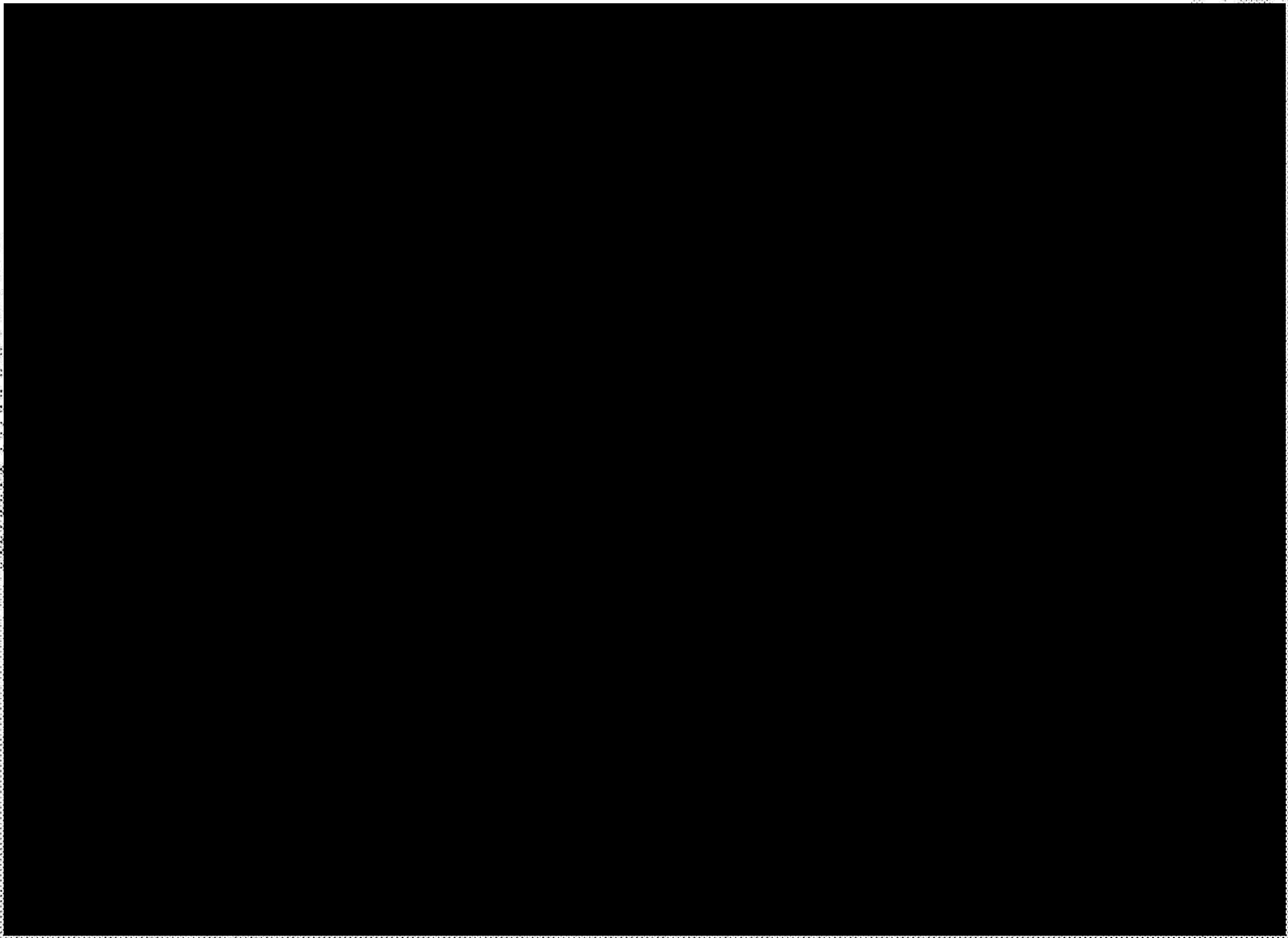




11 MAY 2008

11 MAY 2008

SEEN BY ICMC / BEIRUT  
IRAQI NATIONAL ID CARD



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement  
WARRANT OF REMOVAL/DEPORTATION

Subject ID: [REDACTED]  
File No: [REDACTED]  
Event No: [REDACTED]  
Date: September 1, 2016

To any Immigration officer of the United States Department of Homeland Security:

[REDACTED]

(Full name of alien)

who entered the United States at New York City, NY on September 8, 2009  
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☒ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

Section 237(a)(2)(A)(i) of the Immigration and Nationality Act.....  
Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act.....

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:  
Salaries and Expenses, Department of Homeland Security 2016

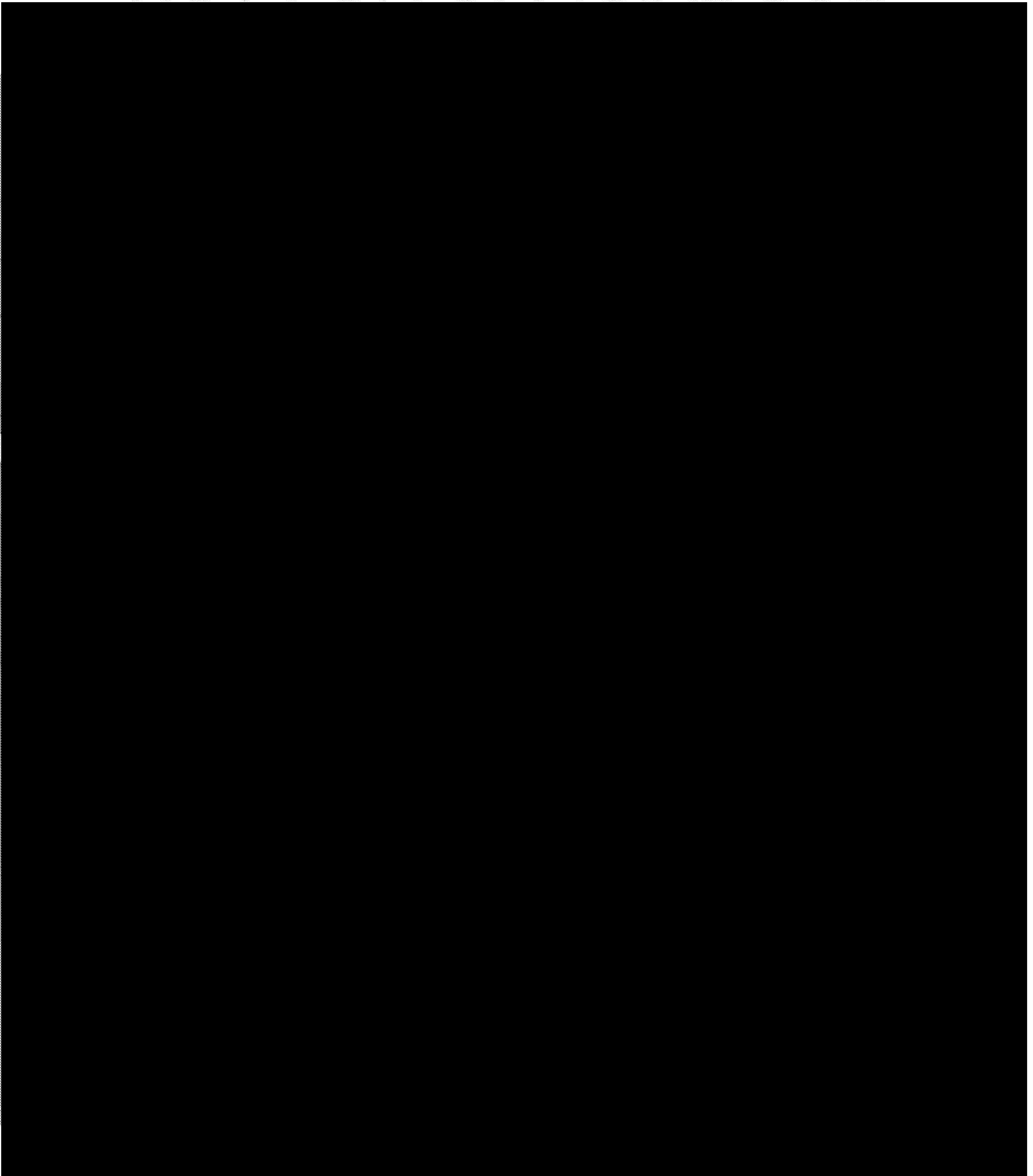
  
RICARDO A. WONG

(Signature of immigration officer)

Field Office Director  
(Title of immigration officer)

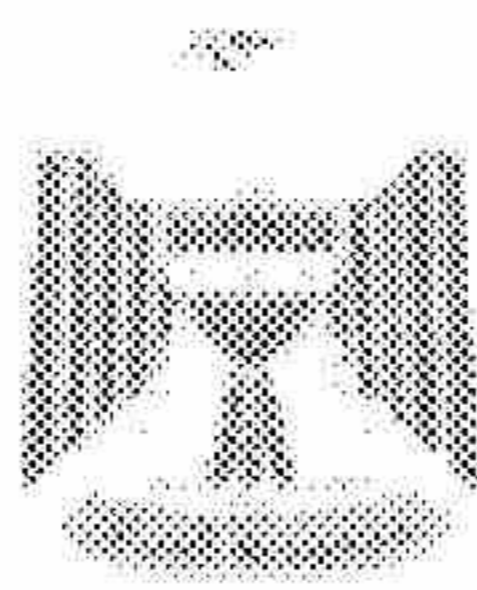
September 1, 2016, Chicago, IL  
(Date and office location)

PREVIEW ONLY  
NOT FOR OFFICIAL USE



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EMBASSY OF THE REPUBLIC  
OF IRAQ  
3421 Massachusetts Avenue, NW  
Washington, DC 20007



سَمَاءُ دَوْلَةِ الْعِرَاقِ  
وَاسْطَنْطُن  
بَالِيُورْخَانَةِ ي كُومَارِي عِرَاق لَهْ وَاسْطَنْ

إِسْتِمَارَةُ طَلَبِ الْحَصُولِ عَلَى جَوَازِ السَّفَرِ الْعِرَاقِي  
فُورَمِي دَاخُولَازِي بُو وَهَرَكِرْتَنِي بِاسْهُورَنِي عِرَاقِي

هُوِيَّةُ طَالِبٍ/ طَالِبَةٍ جَوَازِ السَّفَرِ / نَسْنَامَنِي دَاوَاكَارِي بِاسْهُورَتِ

[Redacted]

1- الإِسْمُ الثَّلَاثِي / نَاوِي سِيَانِي :

1- The full names : .....

[Redacted]

2- اللَقَبُ / لَعْلَب :

2- The Surname ( If any) : .....

[Redacted]

3- إِسْمُ الْآم / نَاوِي دَايَك :

3- Mothers name : .....

[Redacted]

4- الْحَالَةُ الزَّوْجِيَّةُ / يَارِي خَيْرَاتِي

[Redacted]

5- تَارِيخُ وَ مَكَانُ الْوِلَادَةِ / بَعْرُوَارُو شَوِيشِي لَدَايَكُون :

5- Date and Place of birth : .....

[Redacted]

6- الْمَهْنَةُ / بِيْشَه :

[Redacted]

7- رَقْمُ وَ تَارِيخُ شَهَادَةِ الْجَنْسِيَةِ الْعِرَاقِيَّةِ / زَمَارُو بَعْرُوَارِي وَهَكِرْتَنَامَنِي عِرَاقِي :

[Redacted]

8- رَقْمُ وَ تَارِيخُ هُوِيَّةِ الْاَحْوَالِ الْمَدْنِيَّةِ / زَمَارُو بَعْرُوَارِي بِلِنَاسَمَنِي لَهْوَالِي مَعْدَنِي :

أوصاف طالب الجواز / روخساری داواکاری پاسپورت :

- 1- الطول / بالا : [REDACTED]
- 2- لون العينين / رنگی چاو : [REDACTED]
- 3- لون الشعر / رنگی قز : [REDACTED]
- 4- لون الوجه / رنگی پیست : [REDACTED]
- 5- العنوان والهاتف في الولايات المتحدة الامريكية / ناو ونايشانو ته له فونث له امريکا :

التوقيع و التاريخ / نیمز او بهروار

[REDACTED]

- 
- إسم الموظف القنصلي / ناوی کارمندی کونسولیه :
- رقم الجواز / ژمار دی پاسپورت :
- تاريخ الإصدار / بهرواری دهرکردنی :

الملاحظات/تبیینیهکان :

السيد القنصل المحترم

م/ جواز مرور

انني المواطن العراقي ( [REDACTED] ) ارجو اصدار جواز مرور لي الى العراق وذلك  
لظروف الخاصة ورجيتي بالعودة الطوعية الى العراق ، علماً انني لا احمل جواز سفر للعودة الى  
ارض الوطن ،

[REDACTED]

[REDACTED]

التوقيع :  
الاسم :  
التاريخ : ٢٤ / ٩ / 2016

العنوان : [REDACTED]

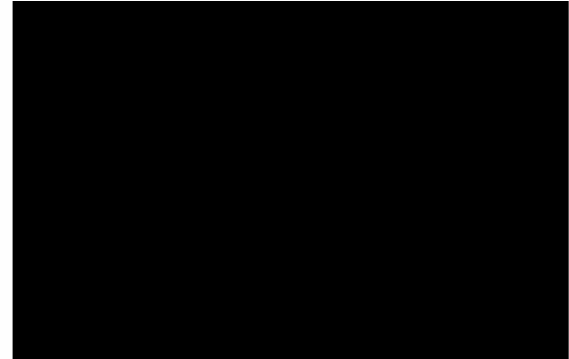
رقم الهاتف : [REDACTED]

بسمه الابهام الايسر

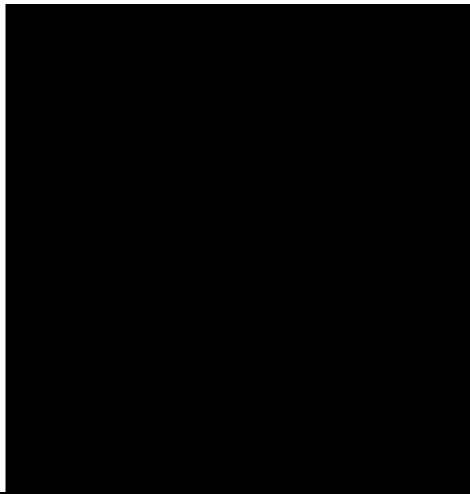


أوصاف طالب الجواز / روخساري داواكارى پاسپورت :

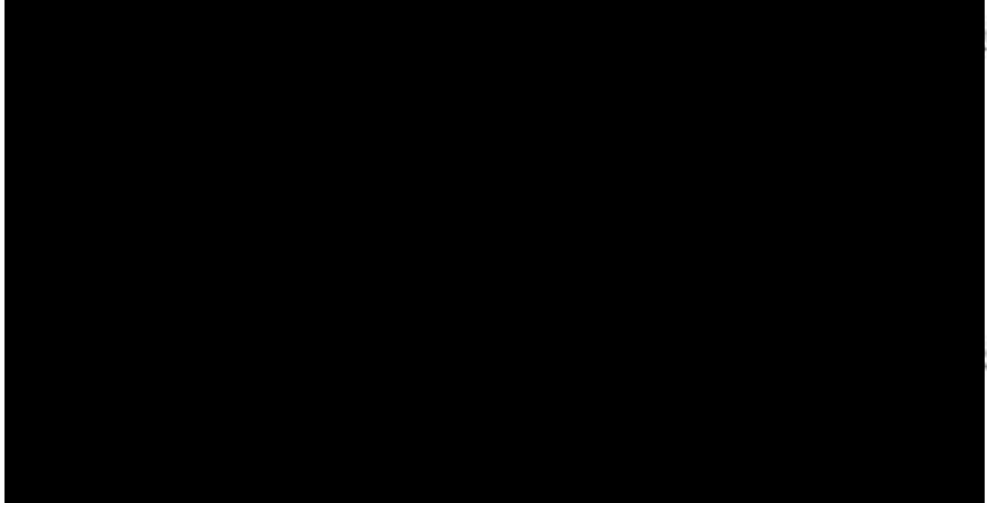
1- الطول / بالا :



2- لون العينين / رنگى چاو :

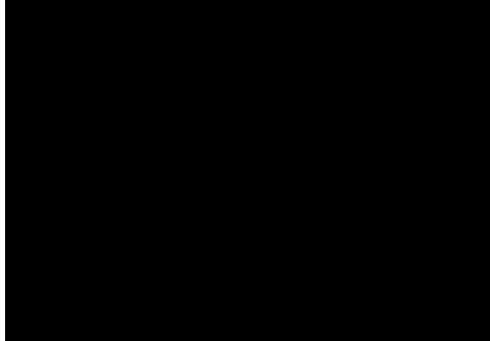


3- لون الشعر / رنگى شير :



4- لون الوجه / رنگى روخ :

5- العنوان والهاتف فى الولايات المتحدة الامريكية / ناو ونايشانو كه له فونت له امريكا



التوقيع و التاريخ /



اسم الموظف القتصلى / ناوى كارماندى كونسوليه :

- رقم الجواز / ژماره پاسپورت :

- تاريخ الإصدار / بهر رازى دهر كړنى :

الملاحظات/تبينه‌كان :

السيد القنصل المحترم

م/جسواز مرور

انسي المواطن العراقي ( [REDACTED] ) ارجو اصدار جواز مرور لي الى العراق وذلك  
لتظروف الخاصة وريغثي بالعودة الطوعية الى العراق ؛ علماً انني لا احمل جواز سفر للعودة اني الى  
ارض الوطن

[REDACTED]  
التوقيع : [REDACTED]

الاسم :

التاريخ : 2016/3/٢٠

العنوان : [REDACTED]

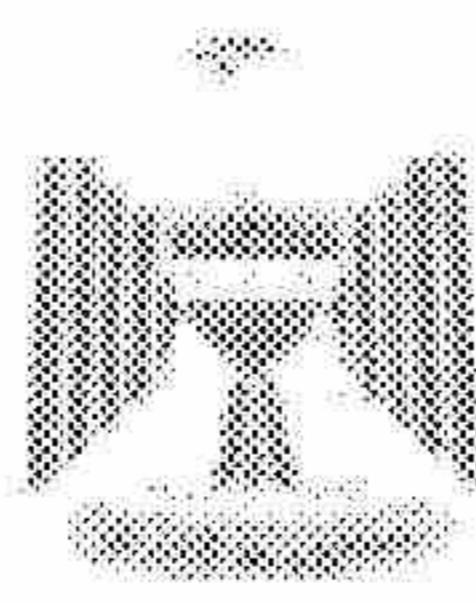
رقم الهاتف : [REDACTED]

بصمة الابهام الايسر



EMBASSY OF THE REPUBLIC  
OF IRAQ

3421 Massachusetts Avenue, NW  
Washington, DC 20007



جمهورية العراق  
واشنطن  
بالتوازي في كل من العراق لة واشنطن

استمارة طلب الحصول على جواز السفر العراقي  
فوزي داخواري بوز وهرگرتي پاسپورتي عراقي

هوية طالب/ طالبة جواز السفر / ناسنامي داواكاري پاسپورت

1- الاسم الثلاثي / ناوي

1- The full names : . . . . .

2- اللقب / لقب

2- The Surname ( If any) : . . . . .

3- اسم الأم / ناوي دايك :

3- Mothers name : . . . . .

4- الحالة الزوجية / باري خيزاني :

5- تاريخ و مكان الولادة / بمرور و شوييني لعديكيون :

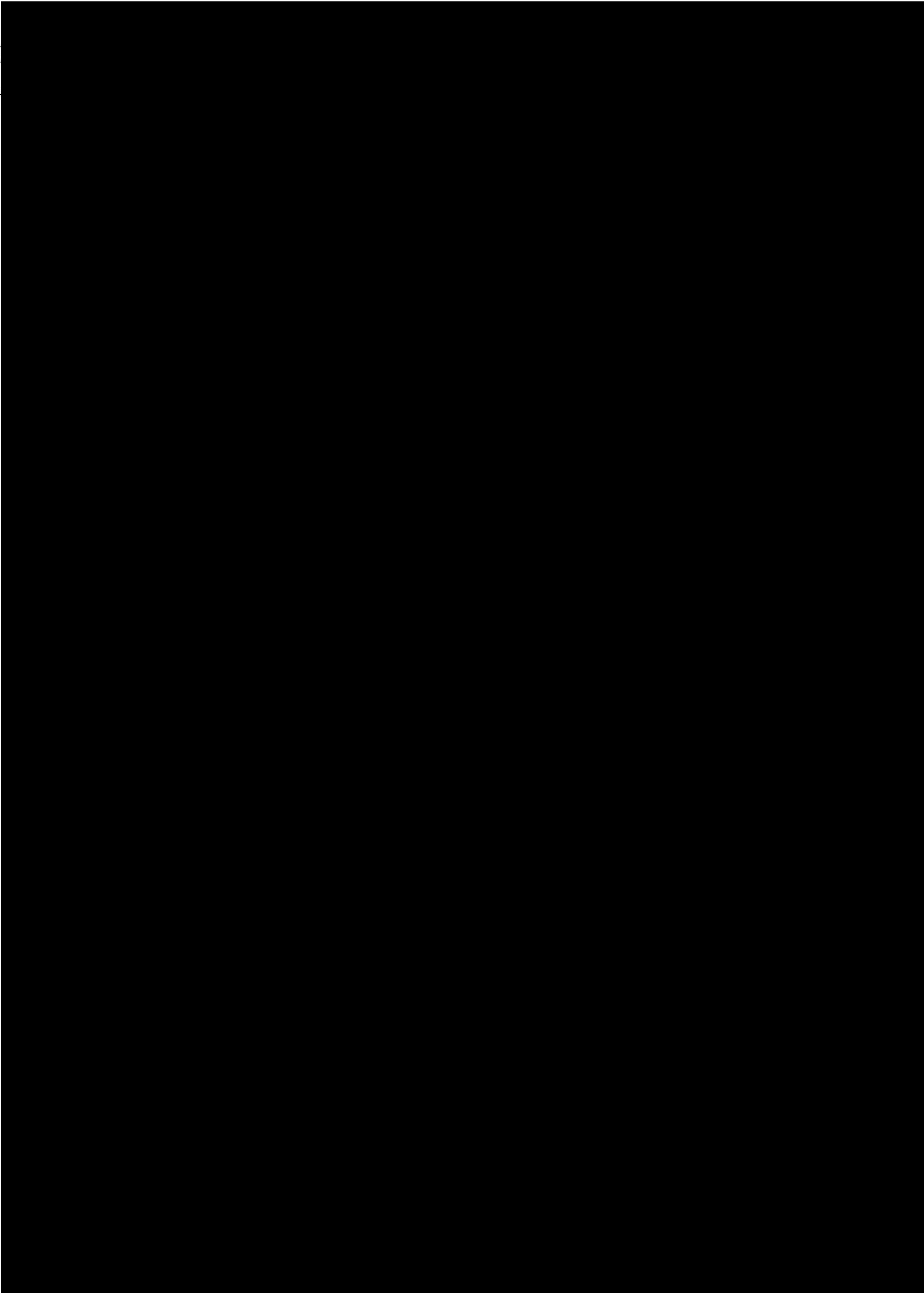
5- Date and Place of birth : . . . . .

6- المهنة / بيشه :

7- رقم و تاريخ شهادة الجنسية العراقية / ژمارو بمرور و دگننامي عراقي :

8- رقم و تاريخ هوية الاحوال المدنية / ژمارو بمرور و پيناسمي فمحوالي معدني :

Biometric Information



# EXHIBIT 1-6

*PII Redacted Pursuant to Fed. R. Civ. P. 5.2*  
*Redacted Pursuant to ECF 470*

U.S. Department of Homeland Security  
1010 East Whittley Road  
Oakdale, LA 71463



**U.S. Immigration  
and Customs  
Enforcement**

June 21, 2017

Embassy of Iraq  
1801 P Street, NW  
Washington, DC 20036

**RE:** [REDACTED]

Dear Consul General:

Please accept this letter with the enclosed documents as a formal request for a travel document on behalf of [REDACTED], a native and citizen of IRAQ.

Mr. [REDACTED] entered the United States AT New York City, New York on 05/11/2009.

Mr. [REDACTED] was afforded a hearing before an Immigration Judge or other authorized immigration process to answer the charges on the attached Notice to Appear. As a result of this hearing, Mr. [REDACTED] was ordered removed from the United States as documented by the attached Order.

As you know, your country is a party to the Convention on International Civil Aviation. Annex 9 of the Convention states in Chapter 5.26 through 5.29:

5.26 A Contracting State shall, when requested to provide travel documents to facilitate the return of one of its nationals, respond within a reasonable period of time and not more than 30 days after such a request was made either by issuing a travel document or by satisfying the requesting State that the person concerned is not one of its nationals.

5.27 A Contracting State shall not make the signing by the person concerned of an application for a travel document a prerequisite for the issuance of that document.

5.28 When a Contracting State has determined that a person for whom a travel document has been requested is one of its nationals but cannot issue a passport within 30 days of the request, the State shall issue an emergency travel document that attests to the nationality of the person concerned and that is valid for readmission to that State.

5.29 A Contracting State shall not refuse to issue a travel document to or otherwise thwart the return of one of

its nationals by rendering that person stateless.

In light of these provisions, ICE respectfully requests that you issue a passport or other suitable travel document to Mr. [REDACTED] within 30 days of this request.

Mr. [REDACTED] will be scheduled to depart the United States upon receipt of a passport or other suitable travel document.

If you require further information, please contact Officer Manuel at [REDACTED] or email [REDACTED].

Sincerely,



Scott Sutterfield

DFOD

Enclosed Copies of

- (1) Removal Order
- (2) Charging Document
- (3) I-217
- (4) Information for Travel Document or Passport
- (5) Copy of National ID
- (6) Biometric Information

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
MEMPHIS, TENNESSEE

IN THE MATTER OF:

RESPONDENT

IN REMOVAL PROCEEDINGS

CHARGE: Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act - Convicted of an aggravated felony

ON BEHALF OF THE RESPONDENT:

Law Offices of Barry L. Frager  
5100 Poplar Avenue, Suite 2222  
Memphis, TN 38137

ON BEHALF OF THE SERVICE:

H. Lee Leatherwood  
Assistant District Counsel  
1342 Sycamore Road, Suite 100  
Memphis, TN 38134

ORDER OF THE IMMIGRATION JUDGE

FACTS

Respondent is a native and citizen of Iraq. (Ex. 1) On January 7, 1997, he pled guilty in the Criminal Court of Davidson County, Tennessee, of statutory rape, in violation of Tennessee Code Annotated (TCA) § 39-13-506, (Ex. 2). A grand jury had previously handed up a seven count indictment charging Respondent with kidnaping, aggravated rape, and aggravated sexual battery. (Ex. 2). Respondent was sentenced to one year in the workhouse, followed by one year unsupervised probation after Respondent spent 45 days incarcerated. (Ex. 2). This sentence was characterized by the sentencing judge as being within the standard range under TCA §§ 40-35 - 101 et. seq., the Tennessee Criminal Sentencing Reform Act of 1989. <sup>1</sup>

Respondent is hereby ordered removed to Iraq.

Dated: January 7, 1999

Charles E. Pazar  
Charles E. Pazar  
Immigration Judge

U.S. Department of Justice  
Immigration and Naturalization Service

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: [REDACTED]

In the Matter of:

Respondent: [REDACTED]

[REDACTED] (Number, street, city, state and ZIP code) [REDACTED] (Area code and phone number)

- ☐ 1. You are an arriving alien.  
☐ 2. You are an alien present in the United States who has not been admitted or paroled.  
☒ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of Iraq and a citizen of Iraq;
3. You were admitted to the United States at New York, New York on or about 09/22/94
4. On 12/06/95, your status was adjusted to that of a permanent resident;
5. You were, on 01/07/95, convicted in the Criminal Court of Davidson County, Tennessee for the offense of Statutory Rape, in violation of Tennessee Code Annotated 39-13-506.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237(a)(2)(A)(iii) of the of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in section 101(a)(43) of the Act.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: To be calendared and notice provided by the office of the Immigration Judge. Notice will be mailed to the address

on [REDACTED] at [REDACTED] to show why you should not be removed from the United States based on the charge(s) set forth above.

[Signature]  
Officer in Charge

(Signature and Title of Issuing Officer)

Date: 08/26/97

Memphis, Tennessee  
(City and State)

See reverse for important information

See reverse for important information

Warning: Any statement you make may be used against you in removal proceedings.

Allen Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government.

You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

#### Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

Before:

(Signature of Respondent)

Date:

(Signature and Title of INS Officer)

#### Certificate of Service

This Notice to Appear was served on the respondent by me on 08/27/97, in the following manner and in compliance with section 239(a)(1)(F) of the Act:

☒ In person ☐ by certified mail, return receipt requested ☐ by regular mail

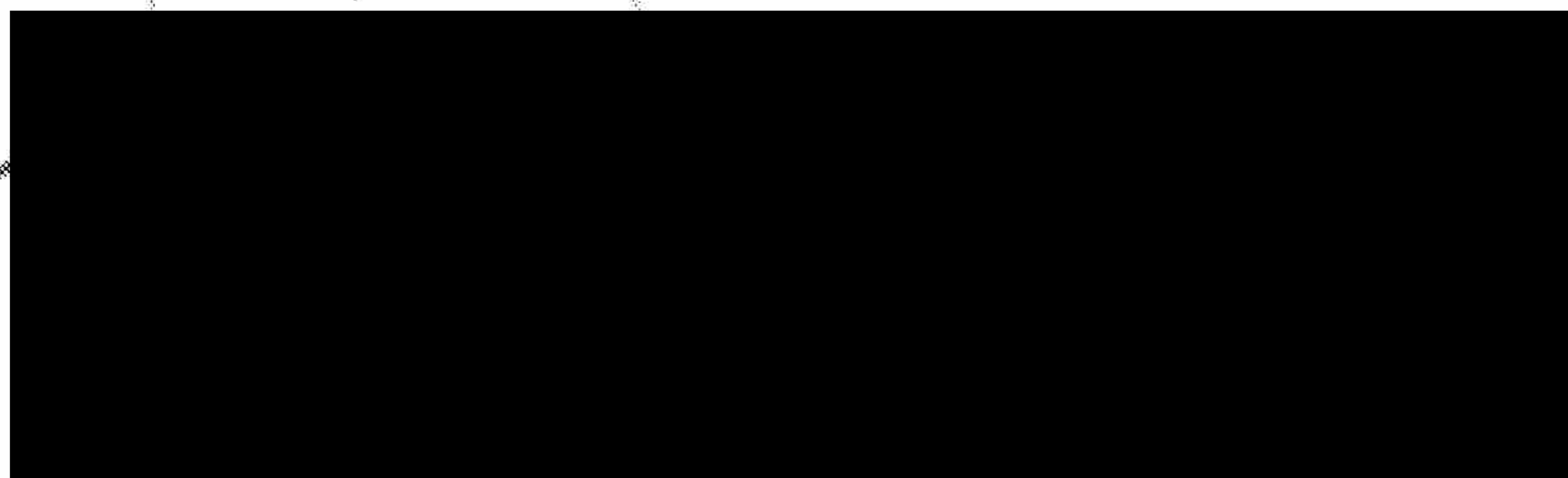
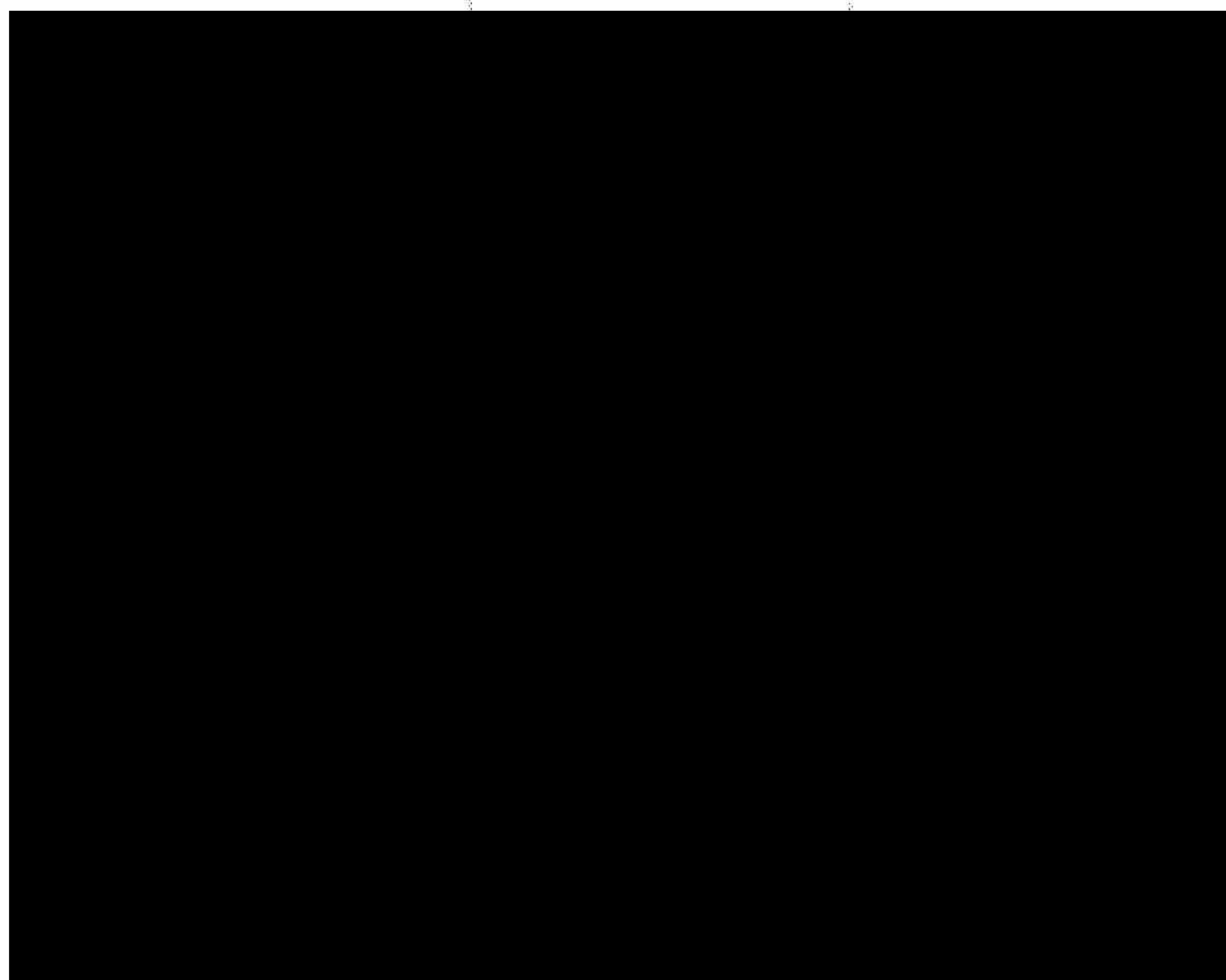
☐ Attached is a list of organizations and attorneys which provide free legal services.

☒ The alien was provided oral notice in the English language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

[Redacted Signature]

(Signature and Title of Officer)

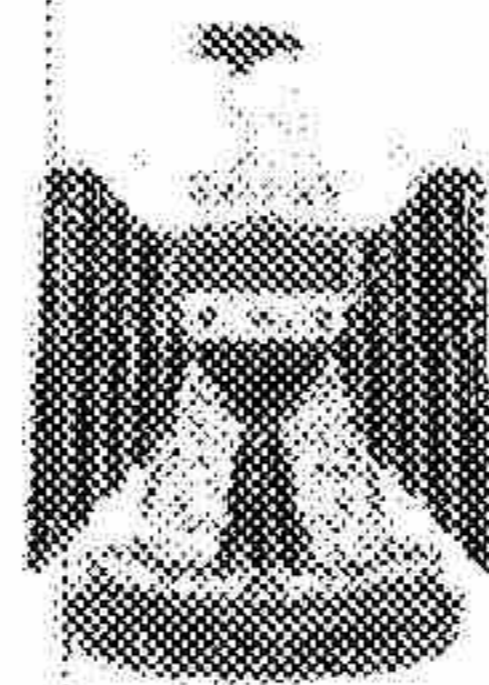
DATE PREPARED 09/25/97		INFORMATION FOR TRAVEL DOCUMENT OR PASSPORT				FILE [REDACTED]
1. NAME [REDACTED]					2. SEX Male	
3. OTHER NAMES USED OR KNOWN BY					4. CITIZENSHIP Iraq	
5. DATE OF BIRTH [REDACTED]		6. PLACE OF BIRTH [REDACTED]				
7. HEIGHT [REDACTED]	WEIGHT [REDACTED]	EYES [REDACTED]	HAIR [REDACTED]	COMPLEXION [REDACTED]	MARKS OR SCARS [REDACTED]	
8. NEAREST LARGE CITY TO PLACE OF BIRTH N/A				9. DISTANCE AND DIRECTION OF PLACE OF BIRTH FROM THIS LARGE CITY N/A		
10. IF CITIZENSHIP IS DIFFERENT FROM COUNTRY OF BIRTH, EXPLAIN. IF NATURALIZED IN ANY COUNTRY, SHOW DATE AND PLACE OF NATURALIZATION, CERTIFICATE NUMBER, AND STATE HOW CITIZENSHIP WAS ACQUIRED  N/A						
11. NAMES, LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN SCHOOLS.  [REDACTED]				12. NAMES, EXACT LOCATIONS AND DATES (YEARS) OF ATTENDANCE OF FOREIGN CHURCHES. INCLUDE DATE AND NATURE OF ANY RELIGIOUS CEREMONY WHICH MAY HAVE BEEN RECORDED.  N/A		
13. LAST PERMANENT RESIDENCE IN COUNTRY OF CITIZENSHIP (Show dates of residence)  [REDACTED] (doesn't remember street address)						
14. ADDRESS IN COUNTRY OF LAST FOREIGN RESIDENCE (Show dates of residence, and immigration status there)  [REDACTED]						
15. PLACE OF ENTRY INTO UNITED STATES  New York, New York					DATE OF ENTRY INTO UNITED STATES  09/22/94	
16. LIST DATE AND PLACE OF ISSUANCE AND NUMBER OF PASSPORT, BIRTH CERTIFICATE, BAPTISMAL CERTIFICATE OR DOCUMENT OF IDENTITY. SPECIFY DATES OF MILITARY SERVICE, COUNTRY AND UNIT, RANK, SERIAL NUMBER, AND PLACES OF INDUCTION AND DISCHARGE.  Birth certificate - whereabouts unknown						
17. IN POSSESSION OF TRAVEL DOCUMENT OR PASSPORT AT TIME OF ENTRY: <input type="checkbox"/> YES <input type="checkbox"/> NO. DESCRIBE DOCUMENT(S). IF SUBJECT DID NOT HAVE TRAVEL DOCUMENT OR PASSPORT AT TIME OF ENTRY, OR DOES NOT HAVE SUCH A DOCUMENT NOW, INDICATE WHETHER EVER OBTAINED ONE: <input type="checkbox"/> YES <input type="checkbox"/> NO. STATE HOW, WHEN, AND WHERE IT WAS OBTAINED. WHAT KIND OF DOCUMENT IT WAS, AND WHAT BECAME OF IT.  [REDACTED]						
18. FATHER'S NAME [REDACTED]		DATE OF BIRTH Unknown		PLACE OF BIRTH Unknown		
PRESENT ADDRESS  Deceased						
19. MOTHER'S MAIDEN NAME [REDACTED]		DATE OF BIRTH Unknown		PLACE OF BIRTH Unknown		
PRESENT ADDRESS  [REDACTED]						
20. NAME, RELATIONSHIP, AND ADDRESSES OF RELATIVES ABROAD  Mother						
21. PREVIOUSLY <input type="checkbox"/> EXCLUDED <input type="checkbox"/> DEPORTED <input type="checkbox"/> REQUIRED TO DEPART FROM THE UNITED STATES  ON N/A VIA TO						
22. INDICATE WHETHER EVER ARRESTED, IN PRISON OR A PUBLIC INSTITUTION IN THE COUNTRY OF WHICH A NATIONAL, SUBJECT OR CITIZEN: <input type="checkbox"/> YES <input type="checkbox"/> NO IF SO, GIVE DATES AND PLACES  Conscientious objector						
23. NAME, NATIONALITY AND PRESENT ADDRESS OF SPOUSE, AND DATE AND PLACE OF MARRIAGE  N/A						
24. NAMES, AGES, AND ADDRESSES OF ALL CHILDREN  N/A						
25. IF NONCANADIAN DEPORTABLE TO CANADA, GIVE DATE AND PORT OF ARRIVAL IN CANADA, AND NAME OF VESSEL  N/A						



Subject Refused

EMBASSY OF THE REPUBLIC  
OF IRAQ

3421 Massachusetts Avenue, NW  
Washington, DC 20007



سَفَارَةُ جُمْهُورِيَّةِ الْعِرَاقِ

واشنطن

بالتيزخانة ي كؤمارى عيراق لة واشنتن

إستمارة طلب الحصول على جواز السفر العراقى  
قؤرمى داخوارى بؤ وهرگرتنى پاسپؤرتى عيراقى

هوية طالب/ طالبة جواز السفر / ناسنامهى داواكارى پاسپؤرت

1- الاسم الثلاثى / ناوى سيانى :

1- The full names : .....  
2- اللقب / لمقب :

2- The Surname ( If any) : .....  
3- اسم الأم / ناوى دايك :

3- Mothers name : .....  
4- الحالة الزوجية / بارى خنزالى :

5- تاريخ و مكان الولادة / بهروارى شويلى لدايكون :

5- Date and Place of birth : .....

6- المهنة / بيشه :

7- رقم و تاريخ شهادة الجنسية العراقية / ژمارو بهروارى رمگنزامهى عيراقى :

8- رقم و تاريخ هوية الاحوال المدنية / ژمارو بهروارى پيناسهى نهحوالى مدمنى :

اوصاف طالب الجواز / روخساري داواکاري پاسپورت :

1- الطول / بالآ :

2- لون العينين / رنگي چاو :

3- لون الشعر / رنگي قز :

4- لون الوجه / رنگي پيست :

5- العنوان والهاتف في الولايات المتحدة الامريكية / ناو ونانشانو ته له فونت له امريکا

التوقيع و التاريخ / نيمزاو بهروار

اسم الموظف القنصلي / ناوي کارمندی کونسوليه :

- رقم الجواز / ژماره ي پاسپورت :

- تاريخ الإصدار / بهرواري دهرکړنې :

الملاحظات/تبينيه کان :

Ad [REDACTED]  
Subject Retained

السيد القنصل المحترم

م / جواز مرور

انني المواطن العراقي ( ارجو اصدار جواز مرور لي الى العراق وذلك  
لظروف الخاصة ورغبتني بالعودة الطوعية الى العراق , علماً انني لا احمل جواز سفر للعودة الى الى  
ارض الوطن .

التوقيع :

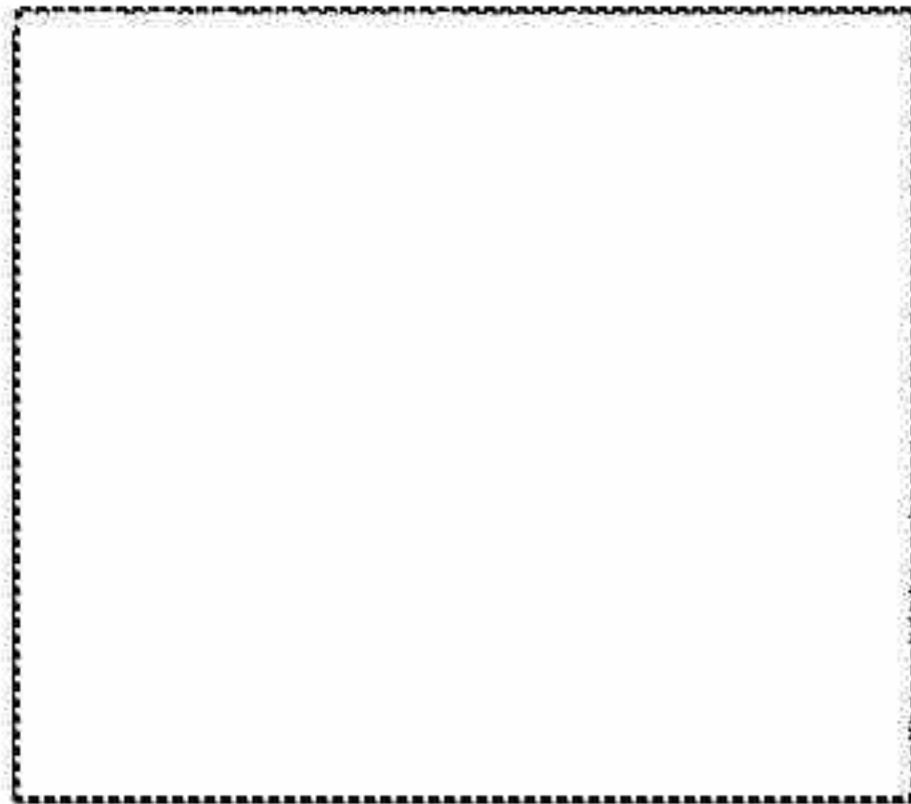
الاسم :

التاريخ : 2016/ /

العنوان :

رقم الهاتف :

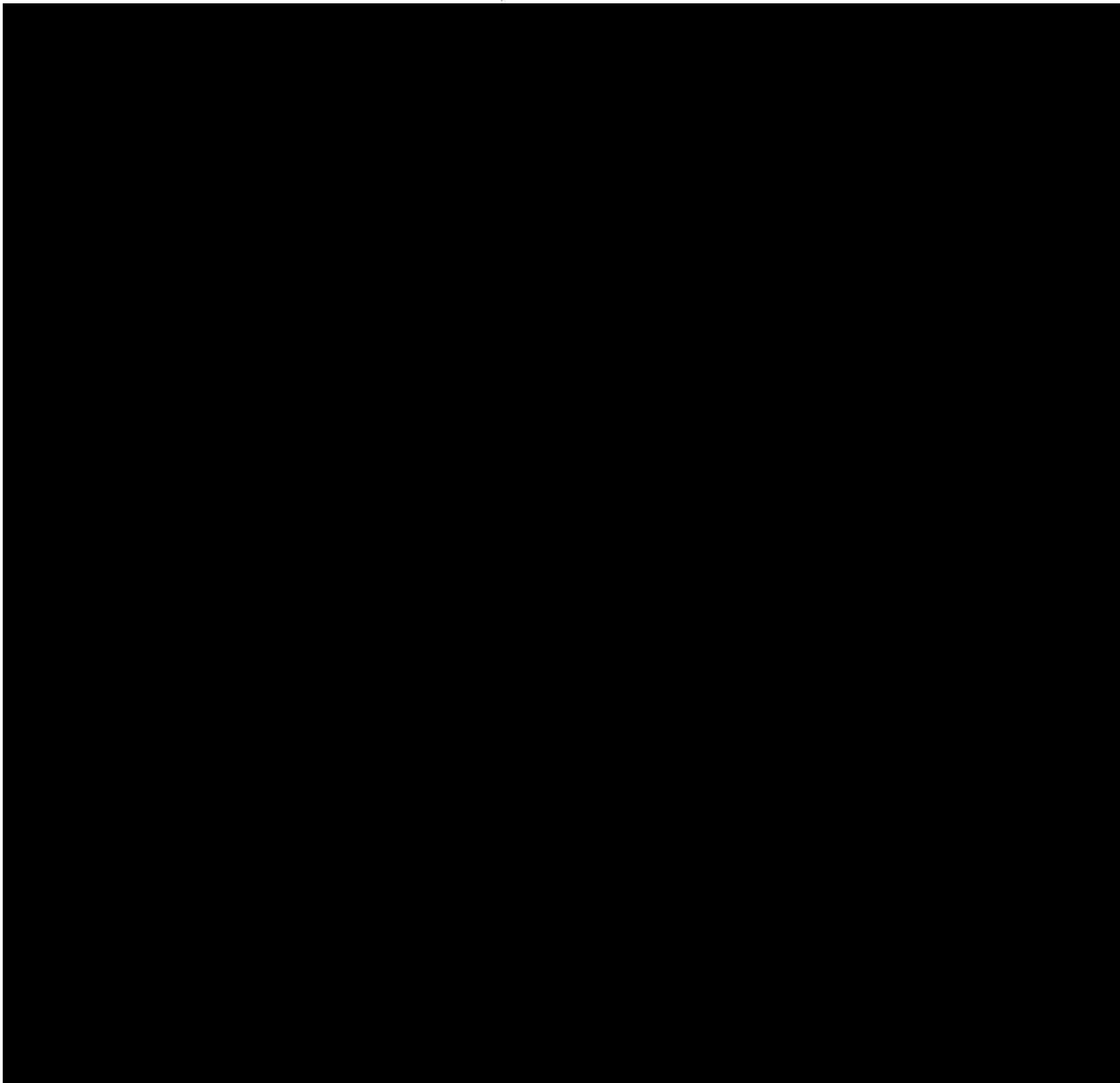
بصمة الابهام الايسر



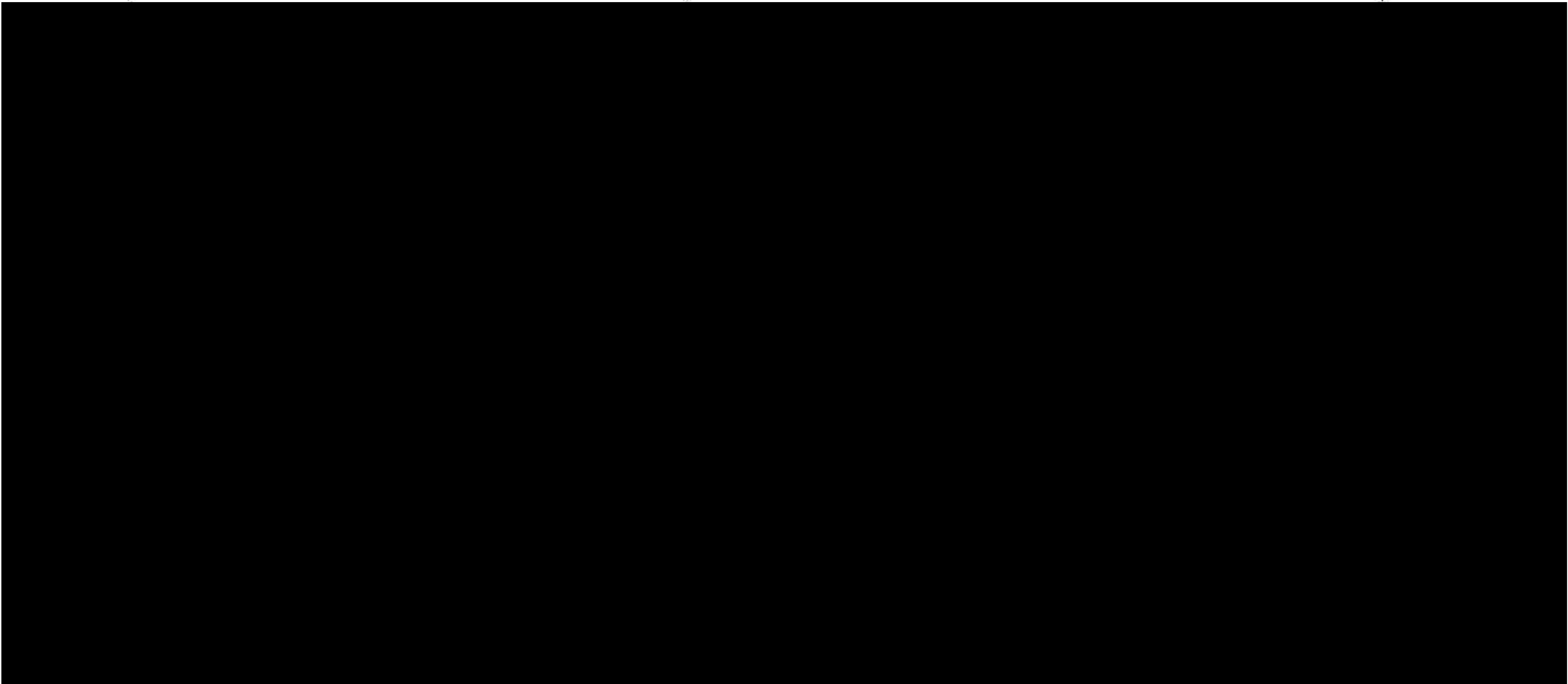
Biometric Information

Name: [REDACTED]

Alien Number: [REDACTED]



Fingerprints	
Left	Right



# EXHIBIT 1-7

*PII Redacted Pursuant to Fed. R. Civ. P. 5.2*

A [REDACTED] 296  
Subject Refused

السيد القنصل المحترم

م / جواز مرور

اني المواطن العراقي ( ارجو اصدار جواز مرور لي الى العراق وذلك  
لظروف الخاصة ورجيتي بالعودة الطوعية الى العراق , علماً انني لا احمل جواز سفر للعودة الى  
ارض الوطن .

التوقيع :

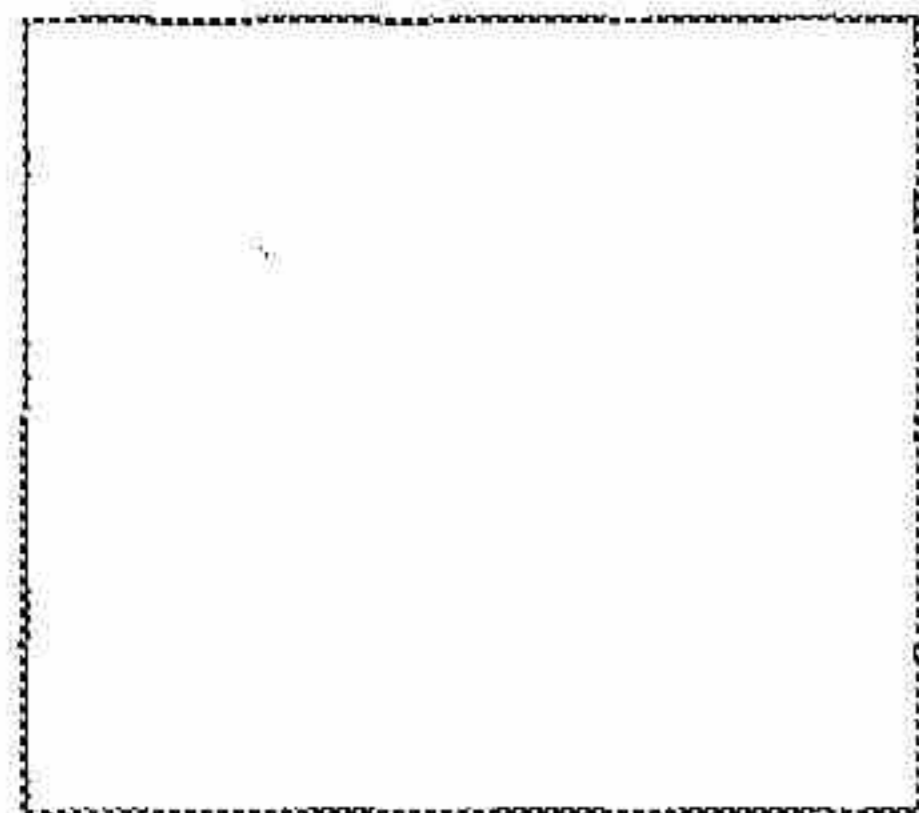
الاسم :

التاريخ : 2016/ /

العنوان :

رقم الهاتف :

بصمة الابهام الايسر



# EXHIBIT 1-8

*PII Redacted Pursuant to Fed. R. Civ. P. 5.2*

Consulate General of the Republic of Iraq

Detroit



القنصلية العامة لجمهورية العراق  
مكتب

No: C.D/6/6/2238

Date: December 6, 2016

U.S. Department of Homeland Security  
U.S. Immigration and Customs Enforcement  
Office of Detention and Removal Operation  
333 Mt. Elliott Street  
Detroit, MI 48207

Re: [REDACTED] (A [REDACTED] 3)

With reference to your letter dated on October 11, 2016 and in the light of the interview that conducted by the Iraqi consulate with above mentioned individual on November 15, 2016, kindly be advised that the Consulate General of the Republic of Iraq in Detroit is unable to issue travel document for him due to lack of his proper Iraqi documents which are necessary and required to process his application, these documents are consist of the Iraqi Personal Identification Card and Iraqi Citizenship Certificate, also Mr. [REDACTED] stated that he is unwilling to voluntary repatriated to Iraq, therefore and according to our regulations we will not be able to start any application for him at this time.

Please accept our high consideration with regards.

Sincerely,

Almanhal Al Safi  
Consul General



16445 W. 12 mile Rd., Southfield, MI 48076 | Tel: 248 423 1250 | fax: 248 423 1259

Email: [detcon@mofa.gov.iq](mailto:detcon@mofa.gov.iq)

# EXHIBIT 1-9

*Redacted Pursuant to ECF 470*

## Message

**From:** Farmer, Floyd S [/O=IRMMAIL/OU=MBX SERVERS - DAL/CN=RECIPIENTS/CN=FSFARMER]  
**Sent:** 7/7/2017 5:59:37 PM  
**To:** Clinton, Julius A [/O=IRMMAIL/OU=MBX Servers - NYC/cn=Recipients/cn=JAClinto]  
**Subject:** FW: Read Ahead: Meeting with U.S. Ambassador to Iraq - Douglas Silliman  
**Attachments:** Iraq Ambassador call.doc

Floyd S. Farmer  
Unit Chief  
HQ Immigration and Customs Enforcement,  
ERO/Removal and International Operations  
Middle East / East Africa  
500 12th St. S.W., RM 8019  
Washington, D.C. 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Farmer, Floyd S  
**Sent:** Friday, July 7, 2017 1:59 PM  
**To:** Schultz, John A  
**Cc:** Katz, Evan C  
**Subject:** RE: Read Ahead: Meeting with U.S. Ambassador to Iraq - Douglas Silliman

See attached per your request. This was the best we could do with such short notice. Once again, I did not attach the two attachments since I never received them from the last cleared paper.

Floyd S. Farmer  
Unit Chief  
HQ Immigration and Customs Enforcement,  
ERO/Removal and International Operations  
Middle East / East Africa  
500 12th St. S.W., RM 8019  
Washington, D.C. 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Schultz, John A  
**Sent:** Friday, July 7, 2017 1:18 PM  
**To:** Farmer, Floyd S  
**Cc:** Katz, Evan C  
**Subject:** FW: Read Ahead: Meeting with U.S. Ambassador to Iraq - Douglas Silliman

Sam

An you merge what you all had done into the attached format? Due by 2 p

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

---

**From:** Day, Dana [REDACTED]  
**Date:** Friday, Jul 07, 2017, 10:58 PM  
**To:** Katz, Evan C [REDACTED] >, Schultz, John A [REDACTED]  
**Subject:** FW: Read Ahead: Meeting with U.S. Ambassador to Iraq - Douglas Silliman

Corey/John,

Please see below and utilize the attached template for briefing material for the upcoming meeting. Also advise if the material can be provided by COB today.

Thanks

**Mr. Dana Day**  
Chief of Staff  
Removal Division  
Enforcement & Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street, SW  
Washington, D.C. 20536  
[REDACTED]  
[REDACTED]

**From:** Solorzano, Eliman  
**Sent:** Friday, July 7, 2017 11:37 AM  
**To:** Day, Dana  
**Cc:** Anderson, Jamia T  
**Subject:** Read Ahead: Meeting with U.S. Ambassador to Iraq - Douglas Silliman

Dana,

As discussed, please use the attached template to provide briefing material for Tuesday's meeting with the U.S. Ambassador to Iraq. John Schultz and Corey Katz are already aware of the meeting and should be working on briefing material.

Let me know if they can provide by **COB today**.

Thanks!

**Jussara Solórzano**  
*Special Assistant*  
*Chief of Staff*  
Enforcement and Removal Operations  
[REDACTED]  
[REDACTED]



U.S. Immigration  
and Customs  
Enforcement

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**MEETING WITH ABASSADOR TO IRAQ**

**Date and Time of Meeting** (e.g., February 26, 2015, 9:00 – 9:30 am)

**Location of Meeting** (e.g., PCN Conference Room 11018)

**Overview:**

- You will call the United States Ambassador to Iraq.
- Discuss Iraq's agreement to accept ICE Charter flights.
- Reinforce the importance of mutual cooperation between Iraq and the United States.

**Discussion Points:**

- Criminal convictions of those arrested include: homicide, rape, aggravated assault, kidnapping, burglary, drug trafficking, robbery, sex assault, sexual abuse of a minor, weapons violations and other offenses.
- All of the individuals arrested had been ordered removed by the Department of Justice's Executive Office for Immigration Review, which employs immigration judges who conduct fair and impartial hearings to determine whether an alien is removable from the United States and consider any claims for relief from removal that the alien may make.
- As of June 19, 2017, there were 1,428 Iraqi nationals in the United States with outstanding final orders of removal.

**Hot Topics:**

- Charter missions to Iraq scheduled for future dates. The number of detainees needed on each flight to make the mission cost appropriate. Iraq mentioned sending 60 a plane, this number will work for the first charter, but the number will need to be 75 for all future charter missions.
- The information on the fiscal loss is unknown; however this situation has resulted in litigation and has the potential to result in millions just in court costs and attorney fees given the class action lawsuits and other court filings.

**Background:**

- ERO has classified Iraq as being At Risk of Uncooperative (ARON) country regarding their compliance with ICE/ERO's attempts to procure travel documents (TDs) for Iraqi nationals who have been ordered removed from the U.S.
- Due to the lack of cooperation from the Iraq Embassy, Washington, D.C. on this issue, ERO and the Department of State developed a strategy to request approval for final order cases directly from Baghdad. In February 2017, ERO received confirmation from the U.S. Embassy in Baghdad that Iraqi officials have approved the acceptance of a Special High Risk Charter flight containing eight Iraqi detainees. These cases were approved and were removed. On April 19, 2017, ICE successfully completed the charter flight to Iraq since 2010.



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- On March 12, 2017, the Department of State issued a cable which summarized the outcomes of a meeting between the U.S. Embassy, Baghdad and the Iraq Ministry of Foreign Affairs (MFA). MFA informed the embassy representatives that an Iraq Inter-ministerial Committee of Deportation was formed and is comprised of representatives from the Prime Minister's Office, the Ministry of Foreign Affairs (MFA), the Ministry of Justice (MoJ), and the Ministry of the Interior (MoI). The Committee had identified four necessary steps for Iraq to facilitate deportation:
  - Consular access - MFA indicated that they would like to meet with those being removed at the point of embarkation from the U.S.
  - Citizenship verification- MFA indicated that the MOI would review and verify the evidence of citizenship provided by the U.S. ICE could use evidence of citizenship obtained from U.S. information systems in lieu of passports or national identity cards
  - Deportation order review- MFA indicated that the MOJ would review each deportation order in tandem with the citizenship verification process.
  - Travel document issuance- the Committee is prepared to inform the Iraqi Embassy and Consulates to provide travel documents for the 1,400 non-detained Iraqi nationals.
- On May 25, 2017, in preparation for a removal flight, ICE transmitted 280 travel document requests to the U.S. Embassy in Baghdad for submission to the inter-ministerial committee of deportation. The removal flight is scheduled to arrive in Bagdad on June 29, 2017 with no more than 75 Iraqi nationals with final orders of removal on board.
- Since May 15, 2017, 213 Iraqi nationals subject to a final order of removal have entered ICE custody all but four have criminal convictions.
- A list of 280 travel document requests were submitted by ICE to the U.S. Embassy in Baghdad during a period covering May 17, 2017 through June 6, 2017. After a DOS review and follow up questions regarding several cases, DOS submitted all 280 cases with a Dip note to the Iraqi MFA on June 6, 2017.
- ERO was notified on, June 21, 2017, that Iraq would not accept the charter scheduled to arrive on June 29, 2017.
- On June 22, 2017, the U.S. District Court for the Eastern District of Michigan temporarily stayed the removal of 114 Iraqi nationals.
- On June 26, 2017, the U.S. District Court filed a ruling expanding the June 22 order to apply to 1,144 similarly situated Iraqis with final orders nationwide.
- On July 5, 2017, the district court heard oral argument on two motions filed by plaintiffs – (1) to expedite briefing for a preliminary injunction motion and extend the temporary restraining order, and (2) to permit expedited class discovery.
- The district court granted an extension until July 24, 2017.



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**Press:**

- Closed

**Participants:**

*Internal*

- S1
- Others TBD

**Attachments:**

- Overview of DHS engagement
- Biography

**Staff Responsible for Briefing Memo:**

Julius Clinton, ERO RIO ICE, [REDACTED]

**Date Prepared:** July 7, 2017

# EXHIBIT 1-10

*Redacted Pursuant to ECF 470*

Message

**From:** Schultz, John A [/O=IRMMAIL/OU=MBX SERVERS - NYC/CN=RECIPIENTS/CN=JASCHULT]  
**Sent:** 4/26/2017 3:48:15 PM  
**To:** Farmer, Floyd S [/O=IRMMAIL/OU=MBX Servers - DAL/cn=Recipients/cn=FSFarmer]; Clinton, Julius A [/O=IRMMAIL/OU=MBX Servers - NYC/cn=Recipients/cn=JAClinto]  
**Subject:** FW: Iraq Accepts First Deportations since 2011

John A Schultz Jr.  
 Deputy Assistant Director  
 Removal Management Division- East  
 Enforcement and Removal Operations  
 Immigration and Customs Enforcement  
 500 12<sup>th</sup> Street SW  
 Washington, DC 20536

---

**From:** Hankinson, Simon R [REDACTED]  
**Sent:** Wednesday, April 26, 2017 11:26 AM  
**To:** Pineiro, Marlen; Katz, Evan C; Schultz, John A  
**Subject:** FW: Iraq Accepts First Deportations since 2011

The last line about kissing the ground is a nice touch.

**Official - SBU**  
 UNCLASSIFIED

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**From:** SMART Core  
**Sent:** Wednesday, April 26, 2017 11:14 AM  
**Cc:** King, Karin M; Siddiqi, Raja L; Norton, Bradley; McCarthy, Evan K; Ashby, Stephen M; Borkowicz, Brandon L; Hankinson, Simon R; Madre Rull, Nuria; Cuan, Andrew S; Mauck, Taylor R; Lewis, Poonam  
**Subject:** Iraq Accepts First Deportations since 2011

UNCLASSIFIED  
 SBU



**Info Office:** P, Special\_Assistant

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**MRN:** 17 BAGHDAD 514  
**Date/DTG:** Apr 26, 2017 / 261513Z APR 17  
**From:** AMEMBASSY BAGHDAD  
**Action:** WASHDC, SECSTATE ROUTINE  
**E.O.:** 13526  
**TAGS:** PREL, PGOV, CVIS, DHS, IQ  
**Captions:** SENSITIVE

**Subject:** Iraq Accepts First Deportations since 2011

1). (SBU) Summary: Signaling its determination to work with the USG on security and immigration issues, the GOI on April 19<sup>th</sup> accepted the first flight of its citizens deported from the U.S. since 2011. While the initial group of eight deportees was small, it showed that the issue had passed from the “if” to the “when” stage of action. With the channels between DHS/ICE, Embassy Baghdad and the GOI established, the stage is set to move the more than 1400 Iraqi detainees still pending deportation by ICE. A key to this successful outcome was shifting the focus from a political dialogue—the difficulty of accepting Iraqis with failed asylum claims who don’t want to return—to a law enforcement one—the transfer of Iraqis with court orders for their removal from the United States. End Summary.

2). (SBU) As described reftel, DHS/ICE Removal and International Operations prepared in early January to fly eight Iraqis to Baghdad, sidestepping GOI reluctance to issue them travel documents. In late January we provided the names and criminal records of the eight to MFA, and signaled our intent to return them by charter aircraft. At that time we noted that accepting this flight would be an encouraging sign of progress on an issue that could help remove Iraq from sanctions in future Executive Orders. By March, that reluctance to issue travel documents had been overcome, and Embassy Baghdad engaged with MFA, Ministry of Interior, and Baghdad airport authorities to arrange details such as landing clearance for the charter aircraft that ICE/RIO would use. Shortly before the flight was to leave, the Iraqi DCM, with the assistance of ICE, traveled to the federal holding facility in Louisiana. He confirmed their citizenship and issued laissez passer for the eight deportees. The flight left on April 17, landed in Dubai, and the Iraqi deportees were separated from other nationalities to fly into Baghdad the next day.

3). (SBU) On the morning of April 19, receiving word that the flight was inbound, Embassy officers (Consular, RSO, and Legatt) traveled under RSO protection to Baghdad International Airport to witness the transfer. We went first to the passenger terminal, though all the pre-plans had been for a planeside meeting. The Airport authority had been superseded by the Iraqi Intelligence Service (INIS) who would receive the deportees, and they had not been part of the planning sessions. After the inevitable confusion marked by multiple cell phones and many cigarettes, our vehicles were put into a convoy with a police escort and a mini-van for the arriving Iraqis. We proceeded plane side, where the ICE charter had landed some minutes ago, and whose crew was relieved to see us. The actual transfer was routine. Manifests were signed by the Embassy and the head of the Airport authority, the crew turned the laissez passer over to the senior INIS officer, and the deportees came down the gangway, seemingly untroubled by their return to their home country. There were some handshakes, tears, and even a kissing of the ground. Considering the six years of reluctance to accept deported citizens, the GOI had plenty of staff and resources committed to this effort, and those on the tarmac seemed to know this would not be the last trip.

Signature: Silliman

Drafted By: BAGHDAD:Miller, Andrew T  
Cleared By: RSO:Danielson, Ilsa O (Baghdad)  
Legat:Franks, Kimberly (Baghdad)  
Approved By: POL:Curran, Sylvia R (Baghdad)  
Released By: BAGHDAD:Miller, Andrew T

Action Post: NONE  
Dissemination Rule: DIS\_P, DIS\_SPECIAL\_ASSISTANT

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SBU

# EXHIBIT 1-11

*Redacted Pursuant to ECF 453 & 470*

Message

**From:** Raedy, Brendan [/O=IRMMAIL/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=RAEDY, BRENDAN19D]  
**Sent:** 3/7/2017 6:49:07 PM  
**To:** Pineiro, Marlen [/O=IRMMAIL/OU=MBX Servers - MIA/cn=Recipients/cn=mpineiro]; Murphy, Matthew B [/O=IRMMAIL/OU=MBX Servers - SEA/cn=Recipients/cn=MBMurphy]; Schultz, John A [/O=IRMMAIL/OU=Mbx servers - nyc/cn=recipients/cn=jaschult]; Birdsong, Denise M [/O=IRMMAIL/OU=MBX Servers - COW/cn=Recipients/cn=dmbirdso]; Day, Dana [/O=IRMMAIL/OU=MBX Servers - BAL/cn=Recipients/cn=dday]; Bernacke, Michael V [/O=IRMMAIL/OU=MBX Servers - PHO/cn=Recipients/cn=mvbernac]  
**CC:** Rodriguez, Sarah [/O=IRMMAIL/OU=MBX Servers - COW/cn=Recipients/cn=srodrig1]  
**Subject:** RE: OPA Issue - Recalcitrant Countries - Iraq  
**Attachments:** transcript.doc

Sorry Marlen, we only got ~40 minutes notice and did not get the call-in info until the last 5 minutes or so of the call. We did not expect recalcitrant countries to come up. I just got the transcript a few minutes ago, but saw references to it in the press, and we received a few inquiries that led me to ask around. I've attached the full transcript.

Apologies for not giving you a heads up sooner.

Thank you,

**Brendan Raedy**  
 Public Affairs Officer/Spokesperson  
 U.S. Immigration and Customs Enforcement (ICE)

---

**From:** Pineiro, Marlen  
**Sent:** Tuesday, March 07, 2017 1:46 PM  
**To:** Raedy, Brendan; Murphy, Matthew B; Schultz, John A; Birdsong, Denise M; Day, Dana; Bernacke, Michael V  
**Cc:** Rodriguez, Sarah  
**Subject:** RE: OPA Issue - Recalcitrant Countries - Iraq

I was not on call, nor did I get a read out or even know about it

---

**From:** Raedy, Brendan  
**Sent:** Tuesday, March 7, 2017 1:41 PM  
**To:** Murphy, Matthew B; Pineiro, Marlen; Schultz, John A; Birdsong, Denise M; Day, Dana; Bernacke, Michael V  
**Cc:** Rodriguez, Sarah  
**Subject:** RE: OPA Issue - Recalcitrant Countries - Iraq

Minus the collective for a moment – We need to flag this for DHS.

Were you all on the interagency (DHS/DOS/DOJ) DHS led call for the press yesterday regarding the latest/revised EO? I just got my hands on the transcript. From that call, per a “Senior DHS Official”:

1) “There are key differences though in this executive order that we should be aware of at the very beginning just so everyone's on the same page. First, the original executive order covered seven countries, Iraq, Iran, Somalia, Sudan, Yemen, Libya, and I think, I said seven, sorry. Iraq is no longer one of those countries as has been widely reported on. Iraq is no longer one of those countries because we have received firm commitments from the government of Iraq over the last several weeks since the first executive order was issued

about increased cooperation with the United States in terms of information sharing and other related activity... So Iraq is treated differently under this executive order.”

2) “Iraq has agreed to the timely return in repatriation of its nationals who are subject to final orders of removal... In addition, they have either, they either refuse to cooperate with the repatriation, the timely repatriation of the nationals or they delay doing so to the extent that we are stuck with their nationals in the United States if it causes significant causes or in some cases where there's no functioning government whatsoever... And even if the United States finds someone who is a terrorist from one of these countries inside the United States or at the time they apply for admission to the United States, it is much, much more difficult to remove them back to their home country... And because of Supreme Court case law that I'm sure most of you all are very familiar with, the *Zadvydas* decision back in 2001 I believe, we can only detain people for so long in most instances, six months, is the presumptive reasonable detention period over the supreme court's decision... But information sharing that are travel documents and the agreement to repatriate their nationals in a timely fashion are major provisions that are going to be extremely beneficial to the American, to the United States government. “

As I mentioned above, this information was provided to the press and to some extent has already been reported on: <http://www.wfdd.org/story/trump-signs-new-order-blocking-arrivals-6-majority-muslim-countries>

In light of the statements above, I'm wondering if we should possibly add a line along the lines of “While Iraq is still considered a recalcitrant country, we have received firm commitments from the government of Iraq regarding information sharing and the timely return of its nationals”- **would you all consider this a fair description of where we are with Iraq?**

Thank you,  
Brendan

---

**From:** Murphy, Matthew B  
**Sent:** Tuesday, March 07, 2017 1:30 PM  
**To:** Raedy, Brendan; #ICE OPA ERO Issue Paper  
**Cc:** Pineiro, Marlen; Schultz, John A; Birdsong, Denise M; Day, Dana  
**Subject:** RE: OPA Issue - Recalcitrant Countries - Iraq

Cleared by ERO. Removals has reviewed and concurs with the response.

*Matthew Murphy*  
HQ / Enforcement & Removal Operations

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**From:** Raedy, Brendan  
**Sent:** Tuesday, March 07, 2017 11:32 AM  
**To:** #ICE OPA ERO Issue Paper

**Cc:** Pineiro, Marlen; Schultz, John A; Birdsong, Denise M; Day, Dana

**Subject:** OPA Issue - Recalcitrant Countries - Iraq

**ISSUE:** Stephen Dinan from the *Washington Times* wrote seeking to confirm Iraq is still considered a recalcitrant country, and asking what measures ICE is asking/Iraq has promised to take in order to be deemed cooperative.

**DEADLINE:** 4pm EST Today

**INTERNAL BACKGROUND:** The previously cleared language below is based on Deputy Director Ragsdale's July 2016 Congressional Testimony, which mentions 23 recalcitrant countries, including specific mention of Iraq. ICE confirmed late last month that the most recent list of recalcitrant countries includes 20 countries, including the recent removal of [REDACTED] from the list.

**RESPONSE** (On background, from an ICE official):

DP

--  
Thank you,

**Brendan Raedy**

Public Affairs Officer/Spokesperson

U.S. Immigration and Customs Enforcement (ICE)

[REDACTED]  
[REDACTED]

# EXHIBIT 1-12

## Removal Issues Concerning Iraq

### Current state of play:

ERO has classified Iraq as an uncooperative country regarding their compliance with ICE/ERO's attempts to procure travel documents (TDs) for Iraqi nationals who have been ordered removed from the U.S. Due to the lack of cooperation from the Iraq Embassy, Washington, D.C. on this issue, ERO and the Department of State developed a strategy to request approval for final order cases directly from Baghdad. In February 2017, ERO received confirmation from the U.S. Embassy in Baghdad that Iraqi officials have approved the acceptance of a Special High Risk Charter flight containing eight Iraqi detainees. These cases will be removed without the need of TDs. ERO intends for this removal flight to occur in March 2017. **At this point ERO does not have a repeatable process in place regarding the removal of Iraqi nationals with final orders.**

### Asks from the Government of Iraq:

- That Iraq issue TDs to Iraqis who are subject to final orders of removal within 30 days of the TD request. This is accepted International standard promulgated by the International Civil Aviation Organization (ICAO), and Iraq is a member state of ICAO.
- That Iraq provides a written response as to why a travel document will not be issued in the 30 day time frame for each pending travel document request.
- That Iraq accept all of their nationals regardless of their status when they entered the U.S. The Embassy and Consulate has previously failed to issue for individuals who had informed them that they entered as a refugee or had claimed asylum.
- To expedite the verification process the Government of Iraq will interview all Iraqi nationals who are not in possession of an original or photocopies of Iraqi documents such as passport, driver's license etc.
- Immediately issue travel documents for the 16 detained cases that are pending travel document issuance.
- There are currently 960 non-detained final order Iraqis. Each month going forward Iraq will issue travel documents for 100 of these cases until the backlog is resolved.
- Iraq will accept large frame Special High Risk Charter flights to affect the removal of these cases.
- Once the detained and non-detained backlog is resolved Iraq will continue to issue travel document within 30 days of the request, interview detainees as needed and allow charter flights as needed.

# EXHIBIT 1-13

*Redacted Pursuant to ECF 470*

## Message

**From:** Schultz, John A [/O=IRMMAIL/OU=MBX SERVERS - NYC/CN=RECIPIENTS/CN=JASCHULT]  
**Sent:** 3/14/2017 5:35:15 PM  
**To:** Pineiro, Marlen [/O=IRMMAIL/OU=MBX Servers - MIA/cn=Recipients/cn=mpineiro]  
**CC:** Day, Dana [/O=IRMMAIL/OU=MBX Servers - BAL/cn=Recipients/cn=dday]  
**Subject:** FW: Iraq Inter-ministerial Committee on Deportations Outlines Deportations Facilitation

## Possible huge breakthrough in Iraq

Sent with Good (www.good.com)

---

**From:** Weiller, Brigid R (Baghdad)  
**Sent:** Tuesday, March 14, 2017 1:13:03 PM  
**To:** Hankinson, Simon R  
**Cc:** Clinton, Julius A; Schultz, John A; Fenzel, Andrew D; Lewis, Poonam  
**Subject:** RE: Iraq Inter-ministerial Committee on Deportations Outlines Deportations Facilitation

Hi Simon,

The Consular access request was not tied to travel document issuance; they wanted to individually visit each of the 1400 per consular access, which would be problematic vis-à-vis time, distance, and logistics. They agreed to consider the Consular access request met by having an Iraqi official present at the departure.

With regard to travel documents, the GoI agreed to have previously-reviewed plane manifests replace the need for travel documents for Iraqis for whom the USG can provide some evidence of Iraqi citizenship, i.e., valid or expired passports or national identification cards, or other Iraqi citizenship documentation. This was the "Haiti model" we previously discussed with DHS.

In addition, the GoI is willing to accept information derived from U.S. systems that note Iraqi citizenship as permitted by the United States (DHS and DoS records) in lieu of Iraqi citizenship documentation, i.e., for Iraqis who threw away passports or ID cards. The info would be vetted as part of the manifest package provision to the MFA.

Thanks,

Brigid

SBU  
This email is UNCLASSIFIED.

---

**From:** Hankinson, Simon R  
**Sent:** Monday, March 13, 2017 9:38 PM  
**To:** Weiller, Brigid R (Baghdad)  
**Cc:** Clinton, Julius A [REDACTED]; John A. Schultz [REDACTED]; Fenzel, Andrew D; Lewis, Poonam  
**Subject:** FW: Iraq Inter-ministerial Committee on Deportations Outlines Deportations Facilitation

Brigid

I didn't see the action request (last para) until I read it carefully today. "Action request for CA/VO and NEA/I: Please raise with DHS the request for DHS approval for Iraqi officials to meet with Iraqi deportees at the points of embarkation in order to meet the GoI's consular access request."

I don't know what this means. ICE is normally happy to arrange meetings between consular officials and detainees so they can establish nationality and issue TDs. What does it mean by the points of embarkation? They would need to have TDs in hand before anyone from ICE took them to an airport.

Simon

Official

UNCLASSIFIED

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**From:** SMART Core

**Sent:** Sunday, March 12, 2017 12:22 PM

**Cc:** King, Karin M; Siddiqi, Raja L; Norton, Bradley; McCarthy, Evan K; Ashby, Stephen M; Borkowicz, Brandon L; Hankinson, Simon R; Madre Rull, Nuria; Cuan, Andrew S; Schofield, Trina L; Mauck, Taylor R; Lewis, Poonam

**Subject:** Iraq Inter-ministerial Committee on Deportations Outlines Deportations Facilitation

UNCLASSIFIED  
SBU



**Info Office:** P, Special\_Assistant

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**MRN:** 17 BAGHDAD 278

**Date/DTG:** Mar 12, 2017 / 121621Z MAR 17

**From:** AMEMBASSY BAGHDAD

**Action:** WASHDC, SECSTATE *ROUTINE*

**E.O.:** 13526

**TAGS:** PGOV, PREL, CVIS, IQ, DHS, FBI

**Captions:** SENSITIVE

**Reference:** 17 BAGHDAD 66

**Pass Line:** PASS TO: CA/VO ANDREW FENZEL, NEA/I BRYAN KOONTZ, DHS/RIO JULIUS CLINTON

**Subject:** Iraq Inter-ministerial Committee on Deportations Outlines Deportations Facilitation

1. (SBU) Summary: Dr. Kadhim Al-Rikabi, Ministry of Foreign Affairs, met with the Deputy Consul General (DCG) and Assistant Legal Attaché March 7 to discuss the initial steps outlined by the Iraq Inter-ministerial Committee on Deportations to commence the return of over 1400 Iraqi nationals ordered deported from the United States. Al-Rikabi said the Committee had identified four necessary steps for Iraq to facilitate the deportations: consular access, Iraqi citizenship verification, deportation court order review, and travel document issuance. Al-

Rikabi said the deportations are a high priority for the Prime Minister and Foreign Minister, and the Committee was prepared to finalize within 30 days the removal of the first group of deportees. Al-Rikabi also said the GoI would share with the United States any derogatory information that surfaced in the inter-ministerial deportation documentation review. End Summary.

2. (SBU) Al-Rikabi said the newly-formed Iraq Inter-ministerial Committee on Deportations is comprised of representatives from the Prime Minister's Office, the Ministry of Foreign Affairs (MFA), the Ministry of Justice (MoJ), and the Ministry of the Interior (MoI). He said the structure of the Committee is designed to ensure the appropriate GoI ministries review the deportation notices thoroughly and quickly under the auspices of Deputy Foreign Minister Khairallah (reftel).

3. (SBU) Consular Access: Al-Rikabi said the Committee was prepared to direct officials from the Embassy of Iraq in Washington, DC and the consulates in Los Angeles, CA and Detroit, MI to meet individually with each of the approximately 1400 Iraqi nationals ordered deported from the United States, prior to facilitating their deportation. After a discussion of the workload implications for the Embassy and consulate officials, the time needed to coordinate and carry out the visits across the United States, and the additional logistical burden this would place on the Department of Homeland Security, Al-Rikabi agreed, provided DHS is amenable (see below action request), to consider the consular access request met by having an Iraqi official meet briefly with groups of deportees at the point of embarkation from the United States.

4. (SBU) Citizenship Verification: Al-Rikabi said once a deportation notification and accompanying documents were received by the MFA, the Ministry of Interior would review and verify the evidence of citizenship provided by the United States. Al-Rikabi noted that for cases where a deportee's travel documents could not be provided by the United States, the GoI was concerned that among the 1400 might be nationals of neighboring countries who were in possession of false Iraqi citizenship documents. In response to the DCG's offer for the United States to provide where permissible evidence of Iraqi citizenship derived from U.S. information systems, Al-Rikabi said the GoI would accept such evidence in lieu of passports and national identification cards.

5. (SBU) Deportation Order Review: Al-Rikabi said the Ministry of Justice (MoJ) would review each deportation court order in tandem with the citizenship verification review process. He stated the MoJ and MoI would also ascertain whether the deportees were subject to any pending criminal charges or convictions in Iraq.

6. (SBU) Travel Document Issuance: Al-Rikabi said the Committee was prepared to direct the Iraqi Embassy and Consulates to provide travel documents for each of the 1400 deportees. The DCG noted DHS had previously provided copies of passports and identification cards to the Embassy and consulates for the purpose of obtaining travel documents, but to no avail. Al-Rikabi agreed the process would be streamlined if the need for travel documents was minimized by excluding deportees who had some evidence of citizenship documents or secondary

information confirming their citizenship.

7. (SBU) Information Sharing: Al-Rikabi said the GoI would welcome detailed histories of the deportees' criminal behavior in the United States. He said the GoI would use the citizenship verification process to determine whether the deportees had pending criminal charges or convictions in Iraq. In response to the DCG's noting that information sharing, in addition to the deportations, met two of the three areas of enhanced Iraq-U.S. areas of cooperation per the March 6 Executive Order Protecting the Nation From Foreign Terrorist Entry Into the United States, Al-Rikabi agreed to have the GoI share with the United States any derogatory information that surfaced during the GoI reviews.

8. (SBU) Action request for CA/VO and NEA/I: Please raise with DHS the request for DHS approval for Iraqi officials to meet with Iraqi deportees at the points of embarkation in order to meet the GoI's consular access request.

Signature: Silliman

---

Drafted By: BAGHDAD:Weiller, Brigid R (Baghdad)  
Cleared By: DOJ:Brennan, Sean (Baghdad)  
POL:Curran, Sylvia R (Baghdad)  
Approved By: Executive Office:Williams, Stephanie T (Baghdad)  
Released By: BAGHDAD:Weiller, Brigid R (Baghdad)  
Info: BASRAH, AMCONSUL *ROUTINE*; ERBIL, AMCONSUL *ROUTINE*

---

Action Post: NONE  
Dissemination Rule: DIS\_P, DIS\_SPECIAL\_ASSISTANT

UNCLASSIFIED  
SBU

# EXHIBIT 1-14

*Filed Under Seal*

*Pursuant to ECF 453*

# EXHIBIT 1-15

*Redacted Pursuant to ECF 453*

U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, D.C. 20536



U.S. Immigration  
and Customs  
Enforcement

### Update on the Removal Cooperative Initiative

#### Purpose:

To provide an update on U.S. Immigration and Customs Enforcement's (ICE) mid-year run of the Removal Cooperation Initiative (RCI) tool and progress with recalcitrant and at-risk of noncompliance (ARON) countries working in conjunction with the U.S. Department of State (DOS) or through direct contact with each country's government.

#### Background:

During the October 2016 evaluation, ICE Enforcement and Removal Operations (ERO) determined that 20 countries were uncooperative and 55 countries were ranked as ARON.

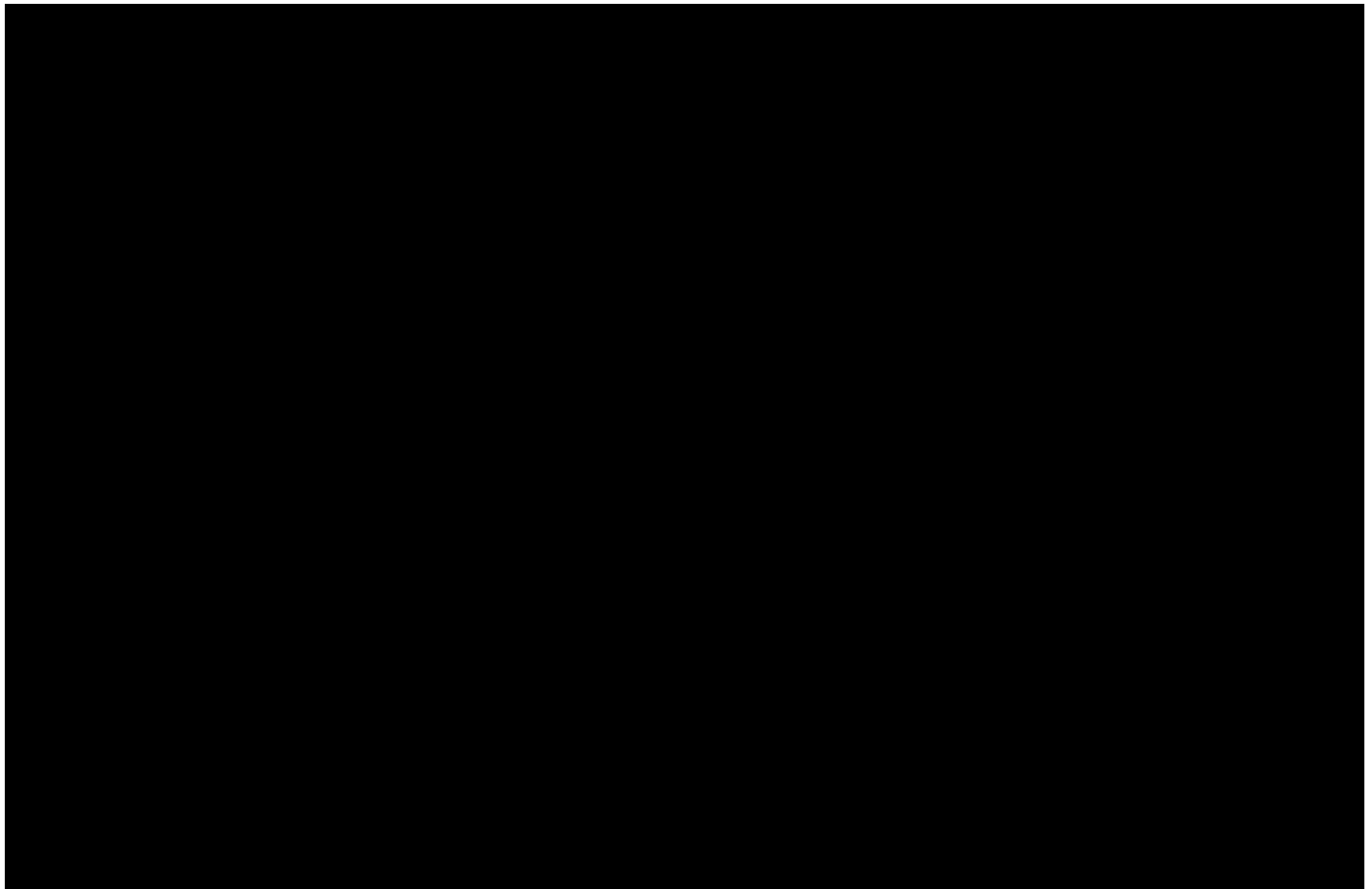
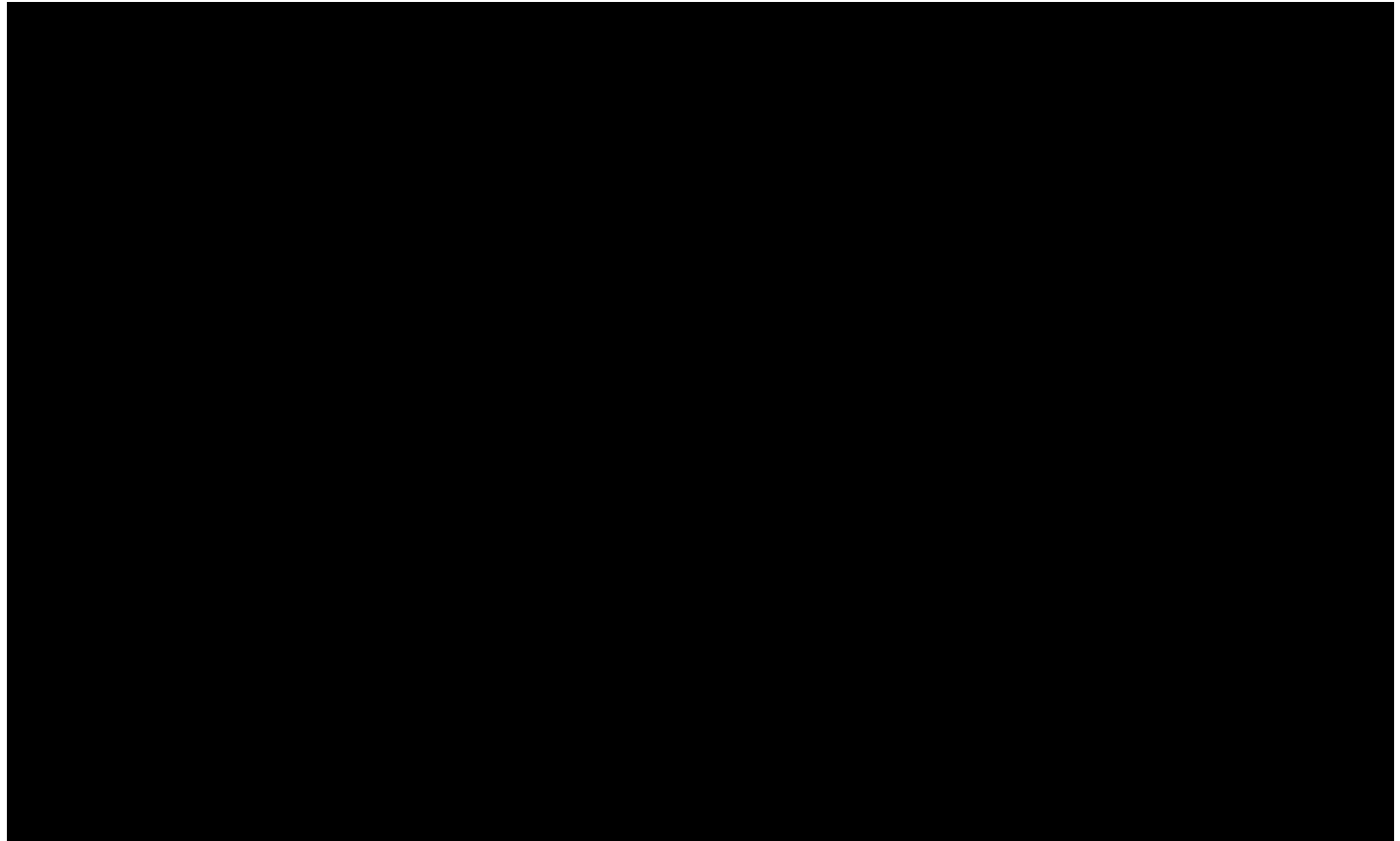
On May 4, 2017, ERO completed the April 2017 analysis on recalcitrant and ARON countries. As a result of ICE's tremendous effort, in just 6 months, there are now 12 uncooperative countries. Specifically, nine countries were removed from the list while one new country (Hong Kong) was added. In addition, the number of ARON countries is down from 55 to 47.

A great deal of work and effort went into this endeavor to accomplish these results. Due to the work of ERO, along with DOS, the U.S. Department of Homeland Security (DHS), and other ICE counterparts, the following are the biggest highlights of success stories associated with the nine countries that were formally removed from the uncooperative list:

1. [REDACTED]

Update on the Removal Cooperation Initiative

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Law Enforcement Sensitive

ICE - 0270939

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**4. Iraq**

- After numerous démarches and failure to make traction with the Iraq Embassy, ICE and DOS determined that it may be more productive to present travel document requests directly to the Ministry of Foreign Affairs in Baghdad.
- This process resulted in the approval and acceptance of eight Iraqi nationals via a charter flight on April 19, 2017
- Additionally, on March 12, 2017, the Government of Iraq notified DOS that they would accept the removal of the 1,400 non-detained final order Iraqis. To process these removals, the Iraq Inter-ministerial Committee of Deportation – comprised of representatives from the Prime Minister's Office, Ministry of Foreign Affairs, Ministry of Justice, and Ministry of the Interior – was created.

Citizenship Country	Detained Final Order TOTAL	Detained Final Order Convicted CRIMINAL	Detained Final Order NON-CRIMINAL
IRAQ	29	24	5

Citizenship Country	Non- Detained Final Order TOTAL	Non-Detained Final Order Convicted CRIMINAL	Detained Final Order NON-CRIMINAL
IRAQ	1,398	898	500

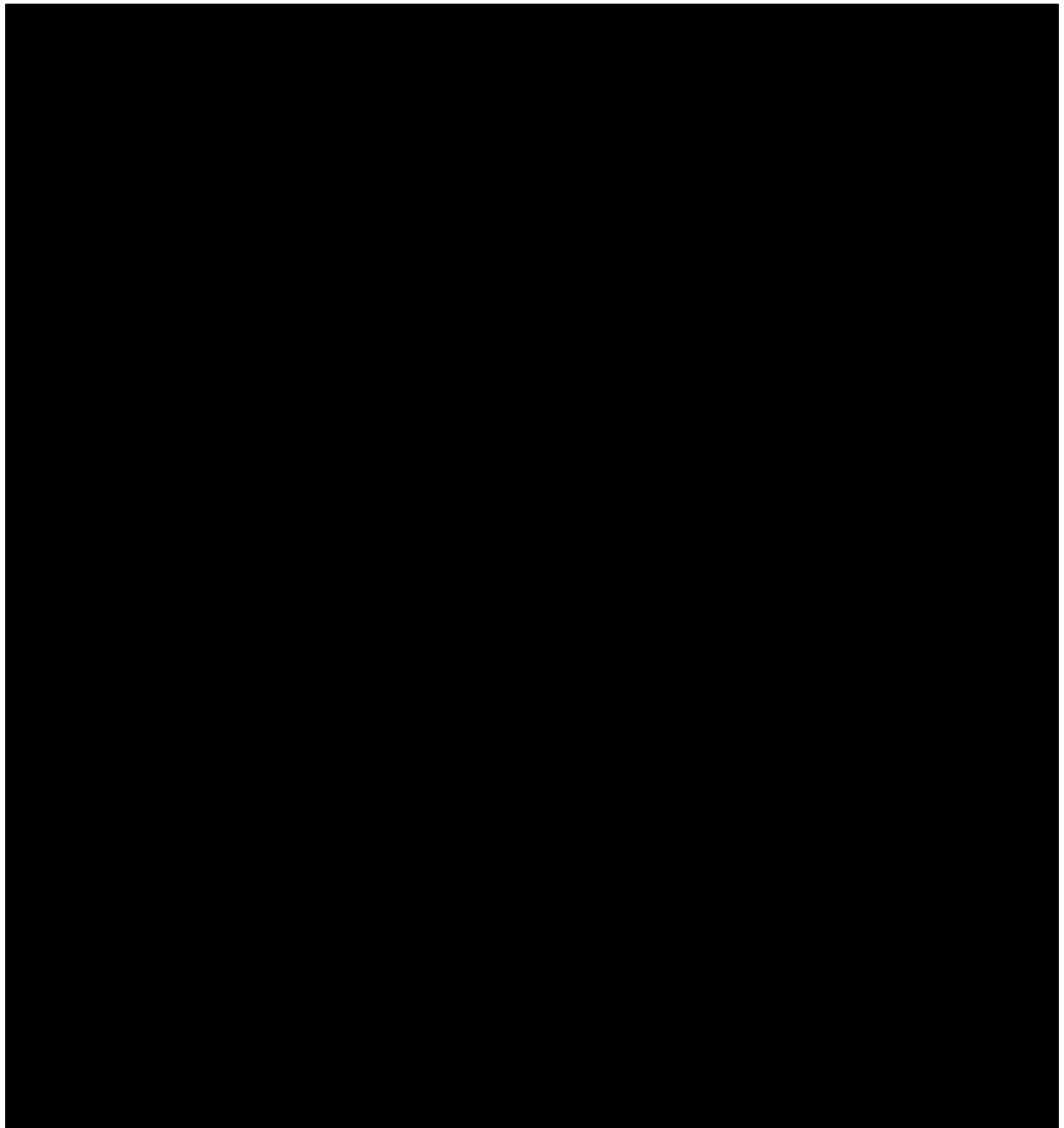
5.

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ICE - 0270940

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ICE - 0270941

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7.

[REDACTED]

[REDACTED]

8.

[REDACTED]

[REDACTED]

Update on the Removal Cooperation Initiative

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[REDACTED]

9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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ICE - 0270943

Update on the Removal Cooperation Initiative

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[REDACTED]

1. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

2. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Law Enforcement Sensitive

ICE - 0270944

# EXHIBIT 1-16

*PII Redacted Pursuant to Fed. R. Civ. P. 5.2*  
*Redacted Pursuant to ECF 470*

## Message

**From:** Reid, Joshua G [/O=IRMMAIL/OU=MBX SERVERS - BAL/CN=RECIPIENTS/CN=JGREID]  
**Sent:** 6/1/2017 8:37:49 PM  
**To:** George, Christopher [/O=IRMMAIL/OU=MBX Servers - BAL/cn=Recipients/cn=cgeorge2]  
**Subject:** RE: PHI Iraqi

Thank You

**From:** George, Christopher  
**Sent:** Thursday, June 01, 2017 4:25 PM  
**To:** Reid, Joshua G; Gigliotti, Joseph  
**Cc:** Hoffman, Christopher S; Foster, John C  
**Subject:** RE: PHI Iraqi

Philadelphia has not taken any into custody as of yet. Basically, to make a long story shorter, all those other requirements in order to obtain a TD are out the window as of now, subject to change at any time, and pending further review. Having said that, the aliens on the list provided by Andy and the FOTD were not properly vetted by RIO, well me, as the administration gave the green light to target all the Iraqi final order cases because they wanted these guys sent back now. For example, the case ending in 763, has been granted withholding and is not removable at this time. So I would suggest we double check the cases as per the usual when doing an FOW and arrest them all. That is the guidance sent to the field and that is what I have been relaying to everyone who inquires.

The Iraqi Government has agreed to take back their nationals and the Department of State is basically forcing their hand to accept our charter flights, pending that an alien is truly Iraqi. So with all that, what is basically needed is an update in eTD for all the cases, with a focus on a good I-217, any Iraqi ID docs, and a clear U order. Having original docs no longer applies, not having any docs is also no longer an excuse for them. **We are essentially going over the Consulates and Embassy's heads and going right to the Ministry of Foreign Affairs in Baghdad and presenting our TD requests there, and they are forcing the Embassy/Consulate to accept them.**

[REDACTED], is on the target list and I have already vetted him, if you get him into custody soon, he might be able to make the June Charter flight, if not, he will go in July.

I hope this helps, let me know if you have any questions.

Regards,  
Chris

---

**From:** Reid, Joshua G  
**Sent:** Thursday, June 01, 2017 4:04 PM  
**To:** Gigliotti, Joseph  
**Cc:** George, Christopher; Hoffman, Christopher S; Foster, John C  
**Subject:** FW: PHI Iraqi

I'm not aware of any. Philadelphia recently revoked the OSUP of an Iraqi who was previously released on OSUP at the conclusion of the removal period after Iraq refused to issue a TD. Previously, Iraq required ICE to provide original identity documents before they would issue TDs and we did not have any original documents for the subject. After he was released, Philadelphia obtained his original expired passport.

I believe there is a new agreement in which Iraq has agreed to issued TDs for cases in which ICE can provide copies of identity documents. Do you know if there are any copies of identity documents in this subject's A-file?

I've copied Chris George on this message, as he is working on reviewing all Iraqi cases national-wide on his HQ TDY and can provide further clarification.

Josh

---

**From:** Gigliotti, Joseph  
**Sent:** Thursday, June 01, 2017 3:39 PM  
**To:** Reid, Joshua G; Dubyak, Andrew M  
**Subject:** FW: PHI Iraqi

A [REDACTED], A [REDACTED] 237

This subject is in local custody and can be picked up by our CAP team. Have you taken any of these subject yet?

**From:** McCallion, Patrick  
**Sent:** Tuesday, May 16, 2017 9:11 AM  
**To:** Ramella, Michael C; Ortiz, John; McShane, Brian; Gingerich, Stewart L; Ritchey, Stephen D; Gigliotti, Joseph  
**Subject:** FW: PHI Iraqi

---

**From:** Lichtenstein, Andre  
**Sent:** Monday, May 15, 2017 4:32 PM  
**To:** McCallion, Patrick  
**Cc:** HQERO, FUGOPS  
**Subject:** PHI Iraqi

Good afternoon,

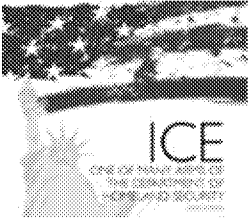
As per our conversation, please see attached list of outstanding Iraqi criminal Final Order individuals in your AOR. Disseminate your list to the appropriate FOT for action and please send me your Daily progress by copying and pasting the line of your arrested individual. As travel documents are possible please keep in custody any final order encounters related to the list. As additional leads come in from CTCU, I will keep the field apprised of all information.

If you have any questions, please feel free to call me.

Thank you for your time.

Andre Lichtenstein  
Detention and Deportation Officer  
Department of Homeland Security ICE/ERO  
National Fugitive Operations Program  
Fugitive Operations & Training Division  
500 12<sup>th</sup> Street SW  
Washington, D.C. 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

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# EXHIBIT 1-17

*PII Redacted Pursuant to Fed. R. Civ. P. 5.2*  
*Redacted Pursuant to ECF 470*

## Message

---

**From:** George, Christopher [/O=IRMMAIL/OU=MBX SERVERS - BAL/CN=RECIPIENTS/CN=CGEORGE2]  
**Sent:** 6/30/2017 5:11:46 PM  
**To:** Farmer, Floyd S [/O=IRMMAIL/OU=MBX Servers - DAL/cn=Recipients/cn=FSFarmer]; Carey, John J [/O=IRMMAIL/OU=MBX Servers - NYC/cn=Recipients/cn=jjcarey]; Clinton, Julius A [/O=IRMMAIL/OU=MBX Servers - NYC/cn=Recipients/cn=JAClinto]  
**Subject:** RE: For Your Awareness

No we don't.

---

**From:** Farmer, Floyd S  
**Sent:** Friday, June 30, 2017 1:11 PM  
**To:** George, Christopher; Carey, John J; Clinton, Julius A  
**Subject:** RE: For Your Awareness

Do we have a breakdown by religion?

Floyd S. Farmer  
Unit Chief  
HQ Immigration and Customs Enforcement,  
ERO/Removal and International Operations  
Middle East / East Africa  
500 12th St. S.W., RM 8019  
Washington, D.C. 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** George, Christopher  
**Sent:** Friday, June 30, 2017 1:09 PM  
**To:** Farmer, Floyd S; Carey, John J; Clinton, Julius A  
**Subject:** RE: For Your Awareness

Field ops has not sent out the new spread spreadsheet for this week yet. As soon as they do I will forward it, but its not 100% accurate as I have found cases that were not on the spreadsheet.

---

**From:** Farmer, Floyd S  
**Sent:** Friday, June 30, 2017 1:07 PM  
**To:** George, Christopher; Carey, John J; Clinton, Julius A  
**Subject:** RE: For Your Awareness

Do you have a up to date spreadsheet for Iraqis in custody, the last one you sent me was June 19-23? Let me know.

Floyd S. Farmer  
Unit Chief  
HQ Immigration and Customs Enforcement,  
ERO/Removal and International Operations  
Middle East / East Africa  
500 12th St. S.W., RM 8019  
Washington, D.C. 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** George, Christopher  
**Sent:** Friday, June 30, 2017 12:54 PM  
**To:** Farmer, Floyd S; Carey, John J; Clinton, Julius A  
**Subject:** RE: For Your Awareness

Below is what I could come up with for a timeline, please feel free to add or take away as you deem necessary.

May 15, 2017: First non-detained Iraqi national arrested as the start of the operation to begin removing non-detained Iraqi final order cases.

May 16, 2017: 64 non-detained cases submitted to the DOS for TD presentation.

May 17, 2017: List of 26 detained final order cases sent to DOS for presentation to the Iraqi MFA. These cases presented were from TD requests made to RIO by the field offices. No TD request for this subject was submitted to RIO.

May 22, 2017: 149 additional non-detained cases submitted to the DOS for TD presentation. The lists of 239 cases ready to be presented to the Iraqi MFA for the upcoming charter sent to Air Ops, Field Ops, and RIO. The lists contained mainly non-detained cases that had excellent ID docs which we anticipated would result in an easy TD, along with the fact that most of them were reporting on OSUP; along with the 26 detained cases with outstanding TD requests.

May 24, 2017: RIO received a TD request for a detained Iraqi national, which was forwarded to DOS for presentation. The list was now at 240 cases total. DOS requested RIO not submit anymore more cases for presentation at this time.

May 25, 2017: DOS submitted all 240 presentations to the Iraqi MFA along with a Dip note for the upcoming June charter. The subject of question was not on the list as he was not part of the non-detained review, and no TD presentation was made to RIO as a detained case.

May 30, 2017: ICE established June 28, 2017, as the removal date for the charter. As the field continued to make arrests of non-detained Iraqi nationals, RIO noticed a trend in which there were cases arrested that were not included on the original list of 240 cases submitted to the MFA for approval. RIO asks DOS if we still can submit more cases, otherwise the plane would only have about 40 passengers if we could only use cases that were submitted in the 240 list. DOS agrees to allow RIO to submit more cases but needs them ASAP.

May 31, 2017: RIO conducts a detained docket scrub and notices the subject of question was already scheduled for a commercial flight.

June 1, 2017: DOS informs RIO that June 6, 2017, was our drop dead date to submit the new cases that were arrested as part of the operation.

June 6, 2017: 40 add-on cases submitted to DOS for the June charter.

June 8, 2017: Received confirmation that the second leg of the Iraqi charter, from Cairo to Baghdad was a go.

June 9, 2017: At this point we have more aliens in custody than we have seats on the plane, only 75 can go, 15

alternates identified, total cases ready is at 90. 17 cases identified for the future July charter due to field arrests.

June 12, 2017: Charter list is submitted to Air ops.

As for the other questions below. We will add him to the manifest; however, I have not seen or heard of a new charter date, so commercial removal might be faster if this charter flight is still uncertain. I am not aware of any interactions between RIO and field regarding this subjects removal, I believe he entered our radar on May 31, 2017, only due to the self-initiated docket scrub. I don't believe the field submitted a TD request for the subject or informed RIO of his upcoming departure, but that's only what I know of.

I am not aware of the process by which who decides which aliens go commercially vs charter; however, I agree that closer collaboration with Air Ops and RIO could be established to determine when aliens should be cut from commercial removal in favor of a planned charter mission. Once a charter mission is outlined, RIO could reach out to Air Ops and obtain a list of all scheduled commercial removals for the charter country, then RIO could decide if the best viable option would be charter or commercial, include Air Ops in the decision making process, and execute the removal in whichever manner is the best option with all things being considered.

Please let me know what you think.

Regards,  
Chris

**From:** Farmer, Floyd S  
**Sent:** Friday, June 30, 2017 9:36 AM  
**To:** George, Christopher; Carey, John J; Clinton, Julius A  
**Subject:** FW: For Your Awareness

See below input form ICE AIR for POA. I guess we need to add our comments, so stop by if you need to discuss this further.

Floyd S. Farmer  
Unit Chief  
HQ Immigration and Customs Enforcement,  
ERO/Removal and International Operations  
Middle East / East Africa  
500 12th St. S.W., RM 8019  
Washington, D.C. 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Lambert, Sue L  
**Sent:** Thursday, June 29, 2017 5:01 PM  
**To:** Farmer, Floyd S; Schultz, John A  
**Cc:** Kane, Katrina S  
**Subject:** RE: For Your Awareness

John, Sam,

Below is our piece for a joint POA. Can you please add your part so we have a joint deliverable ready for AD MP that covers all the points.

-----

Regarding DET – A [REDACTED] (A [REDACTED] 876) – Depart Date 6/22/17 (JFK-IST-BAH-BGW) – Cancelled due to TRO

The following timeline is provided with respect to this particular removal:

May 3, 2017: Travel Request submitted by Detroit Field Office for Unescorted travel to Iraq.  
May 5, 2017: Travel Request for unescorted travel Cancelled. TMC prohibited from booking ticket on Iraq Air (final leg of the trip).  
May 9, 2017: Removal request submitted for Escorted travel, due to transit through Istanbul requiring escorts (no unescorted transits allowed through Istanbul). Due to time required for notification to Turkey (17 business days), removal was scheduled for 6/22/17. Officers to witness departure from Bahrain. (DTW-JFK-IST-BAH then alien only to Bagdad).  
May 26, 2017: Email message from DAD Schultz advising of June Iraq Charter signed memo to come out next week. No details included, no detainee list.  
May 30, 2017: eCC for Germany approved (officer only return).  
May 31, 2017: eCC for Bahrain approved.  
June 2, 2017: eCC for Turkey approved.

June 13, 2017: Email message from Taskings about charter flight to Iraq with list of detainees attached. The detainee scheduled for commercial removal on June 22 was **not** on the list.

-----

RIO, please feel free to fill in the blanks so that we may provide AD MP with a complete picture regarding this alien's scheduled removal...i.e., was he considered for the charter? If yes, why wasn't he included on the charter list of PAX for Iraqi charter? If no, please explain. Were there any additional communications between RIO and the Field Office, or RIO and CAO (of which I am unaware) that would explain the election for him to be removed via commercial air?

RIO, please advise as to whether or not you will be adding him to the manifest for the rescheduled charter flight? The Field Office is trying to reschedule him for commercial removal for departure, immediately in the days following the expiration of the TRO. The Iraqi passport is good until 5/21/23.

Is there an expectation that all commercial removals already scheduled be cancelled and scheduled for removal via an upcoming charter? CAO will follow up with field offices on any pending commercial travel to advise that they are being moved to a charter (as directed by RIO and communicated to the Field and CAO). Commercial Air Ops would simply ask that RIO establish a date by which commercial removals to any particular country should be halted.

Plan of Action for increased coordination – more streamlined and robust communication between RIO, Commercial Air Ops and the Field Offices in advance of each upcoming SHRC, regarding the expectation – i.e., directing Field Offices to route removals to the Charter, after a certain date. Also, consider cancelling any individual cases already submitted for commercial removal (review of commercial departure date vs charter departure date). Copy CAO on all the communication.

Thank you,  
Sue

**Sue Lambert**  
Unit Chief  
Commercial Air Operations  
ICE Air Operations →  
Mesa, Arizona  
[REDACTED]

**From:** Schultz, John A <[REDACTED]>  
**Date:** Wednesday, Jun 28, 2017, 12:59 PM  
**To:** Kane, Katrina S <[REDACTED]>, Lambert, Sue L <[REDACTED]>, Farmer, Floyd S <[REDACTED]>  
**Subject:** RE: For Your Awareness

KK so we shall draft a joint POA or is it yours to handle?

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Pineiro, Marlen  
**Sent:** Wednesday, June 28, 2017 3:58 PM  
**To:** Schultz, John A; Kane, Katrina S; Lambert, Sue L; Farmer, Floyd S  
**Cc:** Day, Dana  
**Subject:** RE: For Your Awareness

An email I got from Rebecca said he was escort. I'd like all the facts to go to field ops as this was a big part of my discussion with the fods. Also the question was for commercial as this is their lane :)

Sent with BlackBerry Work  
[www.blackberry.com](http://www.blackberry.com)

**From:** Schultz, John A <[REDACTED]>  
**Date:** Wednesday, Jun 28, 2017, 12:55 PM  
**To:** Pineiro, Marlen <[REDACTED]>, Kane, Katrina S <[REDACTED]>, Lambert, Sue L <[REDACTED]>, Farmer, Floyd S <[REDACTED]>  
**Cc:** Day, Dana <[REDACTED]>  
**Subject:** RE: For Your Awareness

We didn't have any communication with the field regarding canceling the removal and having him placed on the charter. From comments he appears to be a non-escort (Sue can you confirm?) but regardless we will have a POA together. Additionally the TRO is scheduled to expire on July 10 we can either hold him for the charter (which may be early Aug) or allow him to go commercial if his request is granted by the Judge and he is non-escort.

John A Schultz Jr.  
 Deputy Assistant Director  
 Removal Management Division- East  
 Enforcement and Removal Operations  
 Immigration and Customs Enforcement  
 500 12<sup>th</sup> Street SW  
 Washington, DC 20536  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

---

**From:** Pineiro, Marlen  
**Sent:** Wednesday, June 28, 2017 3:45 PM  
**To:** Kane, Katrina S; Schultz, John A; Lambert, Sue L; Farmer, Floyd S  
**Cc:** Day, Dana  
**Subject:** RE: For Your Awareness

Yes pls add if we pushed back at all and why would allow a removal to go just 6 days before. I'd like to see emails between us and field. My math says 120x6=\$720. That's not even what one of the officers would get on per diem add in taxis, OT, airfare x 2 and empty seats on plane....

If they could wait from may 12 to june 22 to do removal surely the could have waited another 6 days. If it would been an expedite and gone the following day, different stor

If we pushed back on field, I'd like to escalate this. If we didn't, I'd like corrective action and plan of action one week from today on how we will prevent this from occuring.

Thanks  
 MP

**From:** Kane, Katrina S  
**Sent:** Wednesday, June 28, 2017 3:37 PM  
**To:** Schultz, John A; Pineiro, Marlen; Lambert, Sue L; Farmer, Floyd S  
**Cc:** Day, Dana  
**Subject:** RE: For Your Awareness

Sue,

Any more to add?

Thanks!

~KK.

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

**From:** Schultz, John A <[REDACTED]>  
**Date:** Wednesday, Jun 28, 2017, 12:33 PM  
**To:** Pineiro, Marlen <[REDACTED]>, Kane, Katrina S <[REDACTED]>, Lambert, Sue L <[REDACTED]>, Farmer, Floyd S <[REDACTED]>  
**Cc:** Day, Dana <[REDACTED]>  
**Subject:** RE: For Your Awareness

MP-

On May 12 the field scheduled this removal to go commercial because he had a TD in hand. He was pulled from his removal on June 22 due to the district court stay.

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Pineiro, Marlen  
**Sent:** Wednesday, June 28, 2017 3:21 PM  
**To:** Schultz, John A; Kane, Katrina S; Lambert, Sue L; Farmer, Floyd S  
**Cc:** Day, Dana  
**Subject:** FW: For Your Awareness

Can I pls get info asap as to the pulled individual.

1. I wasn't aware anyone was going commercial.
2. The email I shared with all was clear that no removals

**From:** Adducci, Rebecca J  
**Sent:** Wednesday, June 28, 2017 3:00 PM

**To:** Asher, Nathalie R; Rivera, David D; Pineiro, Marlen

**Subject:** FW: For Your Awareness

FYSA

Sent with BlackBerry Work

([www.blackberry.com](http://www.blackberry.com))

**From:** Pincheck, Catherine <[REDACTED]>

**Date:** Wednesday, Jun 28, 2017, 11:56 AM

**To:** Adducci, Rebecca J [REDACTED]

**Subject:** For Your Awareness

The attorney for the individual we "pulled" from JFK is drafting a letter for us to submit to the federal court to provide notice that we are going to remove him. He wants to go and if he is subject to the Judge's June 22, 2017 TRO, wants to be excluded.

In addition, there is a possibility that approximately 20 individuals currently detained in AZ may also want to go and be excluded from the TRO if they are considered subject to it. We do not have names/A-numbers as of yet. As soon as we get them, I will let you know how many are DET cases, if any.

Safe travels,

Catherine

Catherine M. Pincheck

Chief Counsel

U.S. Immigration and Customs Enforcement

Office of the Chief Counsel – Detroit (Michigan and Ohio)

[REDACTED]  
[REDACTED]

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# EXHIBIT 1-18

*PII Redacted Pursuant to Fed. R. Civ. P. 5.2*

*Redacted Pursuant to ECF 470*

Message

**From:** Clinton, Julius A [/o=IRMMAIL/ou=MBX Servers - NYC/cn=Recipients/cn=JAClinto]  
**on behalf of** Clinton, Julius A  
**Sent:** 6/19/2017 3:49:55 PM  
**To:** Koontz, Bryan [REDACTED]  
**Subject:** FW: memo from Iraqi consulate  
**Attachments:** memo us department.PDF

Blanked denial letter we spoke about there are still 33 others with them. Also all these cases were sent to Brigid as well.

Respectfully,

**Julius A. Clinton**

Desk Officer  
Removal and International Operations (RIO)  
Removal Management Division  
U.S. Department of Homeland Security  
U.S. Immigration & Customs Enforcement  
Enforcement and Removal Operations Headquarters  
Potomac Center North  
500 12th Street SW  
Washington, DC 20536  
[REDACTED]

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---

**From:** Schultz, John A  
**Sent:** Wednesday, June 14, 2017 2:00 PM  
**To:** Clinton, Julius A  
**Cc:** Farmer, Floyd S  
**Subject:** FW: memo from Iraqi consulate

Julius-

Can you please reach out to the embassy to see whats the deal on the remaining 33?

thanks

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536  
[REDACTED]

---

**From:** Clinton, Julius A  
**Sent:** Wednesday, June 14, 2017 11:34 AM  
**To:** Schultz, John A  
**Subject:** FW: memo from Iraqi consulate

Respectfully,

Julius A. Clinton  
Desk Officer  
Removal and International Operations (RIO)  
Removal Management Division  
U.S. Department of Homeland Security  
U.S. Immigration & Customs Enforcement  
Enforcement and Removal Operations Headquarters  
Potomac Center North  
500 12th Street SW  
Washington, DC 20536

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---

**From:** Consulate DC <[REDACTED]>  
**Date:** Wednesday, Jun 14, 2017, 11:13 AM  
**To:** [julius.clinton@\[REDACTED\]](mailto:julius.clinton@[REDACTED]) <[REDACTED]>  
**Cc:** Hatim Al Anbari <[REDACTED]>  
**Subject:** memo from Iraqi consulate

HIGHLY CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
 باليونان كوه اري عراقي  
 EMBASSY OF THE REPUBLIC OF IRAQ

و.ط.ط.ن  
 WASHINGTON



June, 7th, 2017

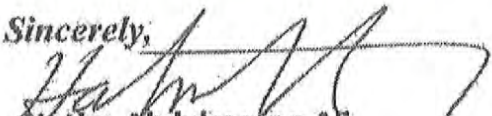
U.S. Department of Homeland Security  
 Immigration and Customs Enforcement  
 Mr. Julius A. Clinton  
 Embassy Liaison, Desk Officer  
 Potomac Center North (PCN)  
 500 12<sup>th</sup> St. SW Washington DC 20024

*Compliments,*

With reference to your request for travel documents for the aliens whose names are listed in the attachment, kindly be advised the Embassy of the Republic of Iraq in Washington D.C. is unable to issue such Travel documents for lack of the required official Iraqi documents. The Iraqi passports of these individual are invalid and cannot be extended. Expired passports are not alternative to the required Iraqi document in the process of travel document issuance. The applicant must submit with his request an original and valid Iraqi Personal Identification Card and Iraqi Citizenship Certificate and should express orally and in writing his willingness to return to Iraq voluntarily in order to be issued a travel document.

*Please accept our consideration with regards,*

*Sincerely,*

  
 Hatim Abdulrazzaq Ali

Consul of Iraq in Washington D.C

/6/2017



جمهورية العراق  
بالبوذية  
الاندى كؤمـارى عىـراق  
EMBASSY OF THE REPUBLIC OF IRAQ



والسـاطـن  
WASHINGTON

No	Name	A. Number
1	B...Y...	
2	K...N...	
3	H...A...	
4	T...Y...	
5	Sami Al issawi	
6	G...N...	
7	F...M...	
8	J...K...A...	
9	Usamah Hamama	
10	M...J...K...	
11	H...A...	
12	J...R...	
13	R...B...	
14	Jihan Asker	
15	J...A...	
16	M...A...H...	
17	S...S...	
18	A...T...	
19	J...A...	
20	S...T...	
21	A...S...	
22	B...S...	
23	K...A...	
24	A...A...	

# EXHIBIT 1-19

*Redacted Pursuant to ECF 470*

## Message

**From:** Koontz, Bryan K [REDACTED]  
**Sent:** 6/20/2017 3:17:46 PM  
**To:** Riedmann, Scott R (Baghdad) [REDACTED]; Hankinson, Simon R [REDACTED]; Salie, David P [REDACTED]  
**CC:** Farmer, Floyd S [/O=IRMMAIL/OU=MBX Servers - DAL/cn=Recipients/cn=FSFarmer]; Fenzel, Andrew D [REDACTED]; Shea, Peter T [REDACTED]; Miller, Andrew T [REDACTED]; Clinton, Julius A [/O=IRMMAIL/OU=MBX Servers - NYC/cn=Recipients/cn=JAClinto]; George, Christopher [/O=IRMMAIL/OU=MBX Servers - BAL/cn=Recipients/cn=cgeorge2]; Weiller, Brigid R (Baghdad) [REDACTED]  
**Subject:** RE: RE: Baghdad update 6/16

But don't they have an obligation under the UN Charter and the Int'l Convention on Human Rights to honor the citizenship of their own people, and not bar them return? If they cannot remain in the U.S., and wish to return to Iraq, then I believe Iraq has an obligation to allow them to return – at least that's my recollection from law school (though that was admittedly years ago). I defer, of course, to our brethren in L. The U.S., on the other hand, has no obligation to allow them to remain.

**Official - SBU**

UNCLASSIFIED

**From:** Riedmann, Scott R (Baghdad)  
**Sent:** Tuesday, June 20, 2017 11:01 AM  
**To:** Hankinson, Simon R; Salie, David P  
**Cc:** Farmer, Floyd S; Fenzel, Andrew D; Shea, Peter T; Miller, Andrew T; Clinton, Julius A; 'George, Christopher'; Koontz, Bryan K; Weiller, Brigid R (Baghdad)  
**Subject:** RE: RE: Baghdad update 6/16

So there really is no international agreement binding them to take back their own citizens. That is good to know.

Thanks,

Scott

**Official - SBU**

UNCLASSIFIED

**From:** Hankinson, Simon R  
**Sent:** Tuesday, June 20, 2017 5:59 PM  
**To:** Riedmann, Scott R (Baghdad); Salie, David P  
**Cc:** Farmer, Floyd S; Fenzel, Andrew D; Shea, Peter T; Miller, Andrew T; Clinton, Julius A; 'George, Christopher'; Koontz, Bryan K; Weiller, Brigid R (Baghdad)  
**Subject:** RE: RE: Baghdad update 6/16

+ David Salie (L/CA)

Scott – the ICAO thing is a standard which we ask countries to adhere to. It is not binding and they can file a “difference” if they want. Our basis for the claim that it is ‘international law’ that countries have to take back their nationals when asked is, frankly, rather tenuous and hard to briefly articulate.

Simon

**Official - SBU**  
UNCLASSIFIED

---

**From:** Riedmann, Scott R (Baghdad)  
**Sent:** Tuesday, June 20, 2017 5:33 AM  
**To:** Koontz, Bryan K; 'George, Christopher'; Clinton, Julius A; Weiller, Brigid R (Baghdad)  
**Cc:** Farmer, Floyd S; Fenzel, Andrew D; Hankinson, Simon R; Shea, Peter T; Miller, Andrew T  
**Subject:** RE: RE: Baghdad update 6/16

Bryan,

I did not know when writing this email, but we have a copy of ICAO's Annex 9 to the Convention on International Civil Aviation. Chapter 5 deals with deportees and states:

*5.22 - A Contracting State shall admit into its territory its nationals who have been deported from another state.*  
*5.26 - A Contracting State shall, when requested to provide travel documents to facilitate the return of one of its nationals, respond within a reasonable period of time and not more than 30 days after such a request was made either by issuing a travel document or by satisfying the requesting State that the person concerned is not one of its nationals.*

I am still curious to see what L says, but I think this is pretty clear.

Sorry for not having this earlier.

Best,

Scott

**Official - SBU**  
UNCLASSIFIED

---

**From:** Koontz, Bryan K  
**Sent:** Tuesday, June 20, 2017 3:25 AM  
**To:** Riedmann, Scott R (Baghdad); 'George, Christopher'; Clinton, Julius A; Weiller, Brigid R (Baghdad)  
**Cc:** Farmer, Floyd S; Fenzel, Andrew D; Hankinson, Simon R; Shea, Peter T; Miller, Andrew T  
**Subject:** RE: Baghdad update 6/16

Scott,

We've tried to answer your questions as best we could with our opinions on the various issues. Our replies are in red below. CA has cleared on these answers. Ideally, we would have liked to have cleared all of this with the various L offices before returning them to you, but wanted you to have the info as quickly as possible.

Thanks,

Bryan

**Official - SBU**  
UNCLASSIFIED

---

**From:** Riedmann, Scott R (Baghdad)  
**Sent:** Sunday, June 18, 2017 10:43 AM  
**To:** 'George, Christopher'; Clinton, Julius A; Weiller, Brigid R (Baghdad)

**Cc:** Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R; Shea, Peter T; Miller, Andrew T

**Subject:** RE: Baghdad update 6/16

Hello Ali,

I arrived a few days ago and am succeeding Andy, who will depart in a day or so. I am trying to convince him to stay, but no luck so far.

Anyway, we huddled today and Ambassador Silliman, as well as the rest of us, are drilling down on this and seeking clarity on some details. Specifically, the Ambo was asked the following questions by Amb. Yaseen:

--What happens to someone who may have committed a crime, fulfilled the sentence, been released and has since perhaps married and has Amcit children and/or spouse? Is there any allowance for this? All such information will have been taken into consideration during the review process. The manner of the subject's arrival, violation of their status, any steps to remediate that status, as well as any mitigating factors will have been covered by the court during the decision and appellate process. People who have received final orders of removal will most often have had several opportunities to convince the court as to why they should be allowed to remain in the U.S., and failed to do so.

-- Some of the deportation orders may be old. Is there a statute of limitations on these orders? We thought not but would like to confirm. There is no statute of limitations on an order of departure. The person remains in violation of their status until they are removed from the U.S. -- since their status is not amended, the order remains valid until executed, or until the court withdraws it for some reason.

-- The Iraqis are concerned by the large number of deportees this time around as opposed to last time (8 vice 75). They are wondering if it would be possible to regularize the process, by which we would deport in tranches of say 40 or 50, which they would deem a more manageable number? As well, would it be possible to handle the simple, straight forward cases first? That is, those cases where it is clear the individual is Iraqi, committed a crime recently or had a recent deportation order. There's a cost equation to this -- when ICE charts an aircraft, their options are limited. They have the option of chartering smaller, business aircraft which can handle 8 passengers, or much larger aircraft that can handle up to 200. Our hope is to remove about 100-50 per month until we eliminate the backlog. There is no difference between a crime committed 30 years ago and one committed yesterday in terms of violating the status and subjecting the person to removal. The order in which individuals are detained for removal is up to ICE; the first flight in April were individuals already in detention, but since then ICE has detailed Iraqis in a number of cities with high concentrations (it seems).

-- As well, was there some method for determining who would be deported first? Why were these specific 75 chosen for initial deportation? The initial priority removals (in April) were of those already in U.S. custody who had periods for incarceration running on them, i.e. those who had to be removed before they were ordered released by the courts. The rest of the removals are being processed in the order they are detained. Bear in mind that the majority of the people who have these final orders are not currently in custody, but are being processed for removal as they are being arrested.

-- Is denying these deportees Iraqi citizenship documents a violation of some international agreements? For example, I think we have been suggesting that issuance of citizenship docs (ppts) is required under ICAO. If so, this would be a useful point for us to make. We have contacted L to consult on this one, but we think you're correct. I'll advise as soon as we get their reply.

I am sure other questions will arise, but any information related to these questions/issues would be useful for us.

Many thanks,

Scott

**Official - SBU**  
**UNCLASSIFIED**

**From:** Shea, Peter T  
**Sent:** Friday, June 16, 2017 5:19 PM  
**To:** Miller, Andrew T; 'George, Christopher'; Clinton, Julius A; Weiller, Brigid R (Baghdad)  
**Cc:** Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R; Riedmann, Scott R (Baghdad)  
**Subject:** RE: Baghdad update 6/16

Andrew –

When DAS Pennington and Bryan met Amb Yaseen earlier this week, there was no hint that the GOI might be backing away from its commitment to proceed. Of course he was concerned about all the press coverage, and we gave him talking points that seemed to suffice. He had not received any new/different instructions from Baghdad. Correct Bryan?

Andrew, do you know when Amb Silliman spoke to Amb Yaseen? When we last discussed the specific element of lists (a week or two back – before the media kerfuffle), Amb. Yaseen said he needed to *receive that information from MFA/MOI*. At first he asked us if we had a list, then immediately he corrected himself and said “no no, wait, its better if this come from Baghdad.” We said we’d pass that way. So I am not so confident Yaseen will issue travel docs without Baghdad’s guidance. He’d be going out on a limb. Please let us know when Amb Silliman had that conversation.

Thanks  
Peter

SBU  
This email is UNCLASSIFIED.

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**From:** Miller, Andrew T  
**Sent:** Friday, June 16, 2017 7:54 AM  
**To:** 'George, Christopher'; Clinton, Julius A; Weiller, Brigid R (Baghdad)  
**Cc:** Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R; Shea, Peter T; Riedmann, Scott R (Baghdad)  
**Subject:** Baghdad update 6/16

Hello.  
Adding new Baghdad CG Scott Riedmann and Iraq desk director Peter Shea. I just talked to Ambassador Silliman, who relayed a conversation he had with Iraqi Ambassador to the U.S. Farid Yaseen. Ambassador Yaseen has offered to provide the travel documents for the deportees from Washington, without waiting for go ahead from Baghdad. He needs the information on who is to be deported, so they can research and confirm citizenship.

I would recommend that a combined State/ICE group meet with or provide the Ambassador that information as soon as possible. The first attachment is Chris's full manifest for the June charter. The second is a version I cut down to send to the Ministry of Foreign Affairs in Baghdad. That has only bio information on the passengers. The third is one example of the packets we have received from ICE to send to the Ministry. They are very nicely detailed, and the information on citizenship varies from person to person. In this case, citizenship was confirmed by a twelve year old fax from the Iraqi Embassy itself!

This is different from what the Iraqis had told us in April. I know, that they could only move if so directed by the MFA in Baghdad. But it seems the Iraqi Ambassador is trying to be helpful, and if we can have the players in Washington sharing the information on this group of deportees, that can at least take the logistical concerns off the table. Ambassador Silliman is back and will be looking for senior people to remind the Iraqis of their commitment to make this happen.  
Thanks, Andy

-----Original Message-----

From: George, Christopher [mailto: [REDACTED]]  
 Sent: Tuesday, June 13, 2017 5:12 PM  
 To: Miller, Andrew T; Clinton, Julius A; Weiller, Brigid R (Baghdad)  
 Cc: Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R  
 Subject: RE: Baghdad update

Good day Andy.

Attached is the list of the names for the flight in June. Our max number we can send back for this specific flight is 75, but as issues arise and some cases get cut from the list, we will pull from the list of alternates to ensure we can go with a max full flight. All of the cases on the attached list have been sent over and we included any citizenship documents, or biographical information in the absence of citizenship documents.

Best Regards,  
 Chris

-----Original Message-----

From: Miller, Andrew T [mailto: [REDACTED]]  
 Sent: Tuesday, June 13, 2017 9:48 AM  
 To: Clinton, Julius A; Weiller, Brigid R (Baghdad)  
 Cc: George, Christopher; Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R  
 Subject: Baghdad update

Hello Julius.

I wanted to give you an update from here. We talked to Brigid's primary POC in the Ministry of Foreign Affairs, reminding him of our dipnote of May which noted the June flight, and letting him know another note with more names was on its way. We reminded him that the Prime Minister had promised our Ambassador that deportations would resume. His response was that with such a large number this time there were important identity and logistical issues to arrange, and the best he could offer was a meeting at MFA next week with all the Iraqi players. He was very concerned that anyone deported is truly an Iraqi. He offered several times that delaying this flight would give them more room. I didn't take the bait. The roundups in Detroit over the weekend got some big play in the media here, and that may play into their reticence. He was alarmed about the media stalking out the airport and watching for the flight, as well as getting adequate reception facilities for dozens of deportees.

For our part, we are trying to get our Charge to meet with the Foreign Minister to underscore the importance of this happening on time.

On our side, the sooner you can provide a list of actual names for that flight, (for which you have already provided what citizenship documents you have for the cases you've sent) the better prepared we can be to get the identity/nationality piece dealt with, and get them focused on the other logistics.

Thanks,  
 Andy Miller  
 Baghdad Consul General

-----Original Message-----

From: Clinton, Julius A [mailto: [REDACTED]]  
 Sent: Tuesday, June 13, 2017 2:17 PM  
 To: Weiller, Brigid R (Baghdad)  
 Cc: George, Christopher; Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R; Miller, Andrew T  
 Subject: RE: Hello

I have no idea where that MFA statement came from. I will ask John where it came from. I don't think anyone in this shop is too worried about it, unless you confirmed that it was in fact true. As long as the flights continue to flow, my bosses will be happy. ICE Air was instructed to lock this June plane in and are on the hook (money wise) for that flight. We will have a call soon so everyone can be updated.

Respectfully,

Julius A. Clinton  
 Desk Officer  
 Removal and International Operations (RIO) Removal Management Division U.S. Department of Homeland Security U.S.

Immigration & Customs Enforcement Enforcement and Removal Operations Headquarters Potomac Center North  
500 12th Street SW  
Washington, DC 20536

[REDACTED]

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-----Original Message-----

From: Weiller, Brigid R (Baghdad) [mailto:[REDACTED]]  
Sent: Monday, June 12, 2017 5:40 PM  
To: Clinton, Julius A  
Cc: George, Christopher; Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R; Miller, Andrew T  
Subject: Re: Hello

The MFA wrote yesterday and said that the flight "decision" is with "top Iraqi officials." Our front office was briefed and we are engaging to push the issue.

This will take time to sort out so please bear with us on this end.

I am about to get on a flight to Rome and will check in with you tomorrow.

Do you know where the info re the MFA's reported comments came from?

Thanks in advance for the goodies.

Brigid

Sent from my BlackBerry 10 smartphone.  
From: Clinton, Julius A  
Sent: Monday, June 12, 2017 11:28 AM  
To: Weiller, Brigid R (Baghdad)  
Cc: George, Christopher; Farmer, Floyd S  
Subject: Hello

Greetings Brigid.

On a side note we have a question, have you heard anything regarding Iraq backing out of the charter missions? DAD Schultz is answering a message regarding the Ministry of Foreign Affairs allegedly stating that there is no agreement with the US Government. There has already been a tons of protests here, so I am sure the bad press is making it back to Baghdad.

Respectfully,

Julius A. Clinton  
Desk Officer  
Removal and International Operations (RIO) Removal Management Division U.S. Department of Homeland Security U.S.  
Immigration & Customs Enforcement Enforcement and Removal Operations Headquarters Potomac Center North  
500 12th Street SW  
Washington, DC 20536

[REDACTED]

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Official

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**Official**

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# EXHIBIT 1-20

*Redacted Pursuant to ECF 470*

## Message

**From:** Tampio, A Jesse [REDACTED]  
**Sent:** 6/20/2017 6:44:00 PM  
**To:** Salie, David P [REDACTED]; Hankinson, Simon R [REDACTED]; Riedmann, Scott R (Baghdad) [REDACTED]  
**CC:** Farmer, Floyd S [/O=IRMMAIL/OU=MBX Servers - DAL/cn=Recipients/cn=FSFarmer]; Fenzel, Andrew D [REDACTED]; Shea, Peter T [REDACTED]; Clinton, Julius A [/O=IRMMAIL/OU=MBX Servers - NYC/cn=Recipients/cn=JAClinto]; George, Christopher [/O=IRMMAIL/OU=MBX Servers - BAL/cn=Recipients/cn=cgeorge2]; Koontz, Bryan K [REDACTED]; Weiller, Brigid R (Baghdad) [REDACTED]; Mitchell, Mary T [REDACTED]; Walklet-Tighe, Megan [REDACTED]; Melamud, Anna [REDACTED]  
**Subject:** RE: RE: Baghdad update 6/16

All: Here is the standard talking point on the ICAO standard we've used for recent demarches to other countries:

-- The International Civil Aviation Organization has promulgated a standard under the Chicago Convention providing that Contracting States, when requested to provide travel documents to facilitate the return of one of their nationals, shall respond within a reasonable period of time and not more than 30 days after such a request was made either by issuing a travel document or by satisfying the requesting State that the person concerned is not one of its nationals. We request that XXXX, as an ICAO Member State, comply with this standard.

To explain further, the Chicago Convention provides ICAO with authority to promulgate Annexes to the Convention that contain Standards and Recommended Practices (SARPs). Standards are binding on ICAO Member States *unless* they have filed a "difference" with ICAO on how their domestic law differs from the ICAO standards (Recommended Practices are never binding). The only States to have filed differences to Standard 5.26 (quoted below by Simon) are China and the UK. So technically it is binding on Iraq, but given that Iraq maintains the option to opt out, we try to fudge the issue slightly in the talking point.

Our demarches also include this broader international law point but as Simon notes, I believe we try to avoid getting pinned down on exactly where this obligation comes from. Copying Anna in L/HRR if she wants to add more on this.

-- The U.S. government believes that under international law every state is obligated to accept the return of all its nationals who are not eligible to remain in the United States or in any other country.

Thanks, Jesse

---

A. Jesse Tampio // Attorney-Adviser, Economics & Business Affairs (L/EB)

**Official - SBU**  
**UNCLASSIFIED**

---

**From:** Salie, David P  
**Sent:** Tuesday, June 20, 2017 11:21 AM  
**To:** Hankinson, Simon R; Riedmann, Scott R (Baghdad)  
**Cc:** Farmer, Floyd S; Fenzel, Andrew D; Shea, Peter T; Clinton, Julius A; 'George, Christopher'; Koontz, Bryan K; Weiller, Brigid R (Baghdad); Tampio, A Jesse  
**Subject:** RE: RE: Baghdad update 6/16

+ Jesse Tampio (L/EB).

Jesse knows ICAO better than I, but because it is a "Convention," my understanding is that it is generally binding. However, Jesse (and EB) might be able to explain better certain other policy reasons that impact how and whether the USG would invoke ICAO to force these issues.

The international legal obligation is that countries accept the return of their nationals who are ineligible to remain in the United States or any other country.

-d

**Official - SBU**  
**UNCLASSIFIED**

**From:** Hankinson, Simon R  
**Sent:** Tuesday, June 20, 2017 10:59 AM  
**To:** Riedmann, Scott R (Baghdad); Salie, David P  
**Cc:** Farmer, Floyd S; Fenzel, Andrew D; Shea, Peter T; Miller, Andrew T; Clinton, Julius A; 'George, Christopher'; Koontz, Bryan K; Weiller, Brigid R (Baghdad)  
**Subject:** RE: RE: Baghdad update 6/16

+ David Salie (L/CA)

Scott – the ICAO thing is a standard which we ask countries to adhere to. It is not binding and they can file a "difference" if they want. Our basis for the claim that it is 'international law' that countries have to take back their nationals when asked is, frankly, rather tenuous and hard to briefly articulate.

Simon

**Official - SBU**  
**UNCLASSIFIED**

**From:** Riedmann, Scott R (Baghdad)  
**Sent:** Tuesday, June 20, 2017 5:33 AM  
**To:** Koontz, Bryan K; 'George, Christopher'; Clinton, Julius A; Weiller, Brigid R (Baghdad)  
**Cc:** Farmer, Floyd S; Fenzel, Andrew D; Hankinson, Simon R; Shea, Peter T; Miller, Andrew T  
**Subject:** RE: RE: Baghdad update 6/16

Bryan,

I did not know when writing this email, but we have a copy of ICAO's Annex 9 to the Convention on International Civil Aviation. Chapter 5 deals with deportees and states:

*5.22 - A Contracting State shall admit into its territory its nationals who have been deported from another state.*  
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I am still curious to see what L says, but I think this is pretty clear.

Sorry for not having this earlier.

Best,

Scott

**Official - SBU**  
**UNCLASSIFIED**

---

**From:** Koontz, Bryan K  
**Sent:** Tuesday, June 20, 2017 3:25 AM  
**To:** Riedmann, Scott R (Baghdad); 'George, Christopher'; Clinton, Julius A; Weiller, Brigid R (Baghdad)  
**Cc:** Farmer, Floyd S; Fenzel, Andrew D; Hankinson, Simon R; Shea, Peter T; Miller, Andrew T  
**Subject:** RE: Baghdad update 6/16

Scott,

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Thanks,

Bryan

**Official - SBU**  
**UNCLASSIFIED**

---

**From:** Riedmann, Scott R (Baghdad)  
**Sent:** Sunday, June 18, 2017 10:43 AM  
**To:** 'George, Christopher'; Clinton, Julius A; Weiller, Brigid R (Baghdad)  
**Cc:** Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R; Shea, Peter T; Miller, Andrew T  
**Subject:** RE: Baghdad update 6/16

Hello Ali,

I arrived a few days ago and am succeeding Andy, who will depart in a day or so. I am trying to convince him to stay, but no luck so far.

Anyway, we huddled today and Ambassador Silliman, as well as the rest of us, are drilling down on this and seeking clarity on some details. Specifically, the Ambo was asked the following questions by Amb. Yaseen:

--What happens to someone who may have committed a crime, fulfilled the sentence, been released and has since perhaps married and has Amcit children and/or spouse? Is there any allowance for this? All such information will have been taken into consideration during the review process. The manner of the subject's arrival, violation of their status, any steps to remediate that status, as well as any mitigating factors will have been covered by the court during the decision and appellate process. People who have received final orders of removal will most often have had several opportunities to convince the court as to why they should be allowed to remain in the U.S., and failed to do so.

-- Some of the deportation orders may be old. Is there a statute of limitations on these orders? We thought not but would like to confirm. There is no statute of limitations on an order of departure. The person remains in violation of their status until they are removed from the U.S. -- since their status is not amended, the order remains valid until executed, or until the court withdraws it for some reason.

-- The Iraqis are concerned by the large number of deportees this time around as opposed to last time (8 vice 75). They are wondering if it would be possible to regularize the process, by which we would deport in tranches of say 40 or 50, which they would deem a more manageable number? As well, would it be possible to handle the simple, straight forward cases first? That is, those cases where it is clear the individual is Iraqi, committed a crime recently or had a recent deportation order. There's a cost equation to this -- when ICE charters an aircraft, their options are limited. They have the option of chartering smaller, business aircraft which can handle 8 passengers, or much larger aircraft that can handle up to 200. Our hope is to remove about 100-50 per month until we eliminate the backlog. There is no difference between a crime committed 30 years ago and one committed yesterday in terms of violating the status and subjecting the person to removal. The order in which individuals are detained for removal is up to ICE; the first flight in April were individuals already in detention, but since then ICE has detailed Iraqis in a number of cities with high concentrations (it seems).

-- As well, was there some method for determining who would be deported first? Why were these specific 75 chosen for initial deportation? The initial priority removals (in April) were of those already in U.S. custody who had periods for incarceration running on them, i.e. those who had to be removed before they were ordered released by the courts. The rest of the removals are being processed in the order they are detained. Bear in mind that the majority of the people who have these final orders are not currently in custody, but are being processed for removal as they are being arrested.

-- Is denying these deportees Iraqi citizenship documents a violation of some international agreements? For example, I think we have been suggesting that issuance of citizenship docs (ppts) is required under ICAO. If so, this would be a useful point for us to make. We have contacted L to consult on this one, but we think you're correct. I'll advise as soon as we get their reply.

I am sure other questions will arise, but any information related to these questions/issues would be useful for us.

Many thanks,

Scott

**Official - SBU**  
**UNCLASSIFIED**

**From:** Shea, Peter T

**Sent:** Friday, June 16, 2017 5:19 PM

**To:** Miller, Andrew T; 'George, Christopher'; Clinton, Julius A; Weiller, Brigid R (Baghdad)

**Cc:** Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R; Riedmann, Scott R (Baghdad)

**Subject:** RE: Baghdad update 6/16

Andrew --

When DAS Pennington and Bryan met Amb Yaseen earlier this week, there was no hint that the GOI might be backing away from its commitment to proceed. Of course he was concerned about all the press coverage, and we gave him talking points that seemed to suffice. He had not received any new/different instructions from Baghdad. Correct Bryan?

Andrew, do you know when Amb Silliman spoke to Amb Yaseen? When we last discussed the specific element of lists (a week or two back -- before the media kerfuffle), Amb. Yaseen said he needed to *receive that information from MFA/MOI*. At first he asked us if we had a list, then immediately he corrected himself and said "no no, wait, its better if this come from Baghdad." We said we'd pass that way. So I am not so confident Yaseen will issue travel docs without Baghdad's guidance. He'd be going out on a limb. Please let us know when Amb Silliman had that conversation.

Thanks  
Peter

SBU  
This email is UNCLASSIFIED.

---

**From:** Miller, Andrew T  
**Sent:** Friday, June 16, 2017 7:54 AM  
**To:** 'George, Christopher'; Clinton, Julius A; Weiller, Brigid R (Baghdad)  
**Cc:** Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R; Shea, Peter T; Riedmann, Scott R (Baghdad)  
**Subject:** Baghdad update 6/16

Hello.  
Adding new Baghdad CG Scott Riedmann and Iraq desk director Peter Shea. I just talked to Ambassador Silliman, who relayed a conversation he had with Iraqi Ambassador to the U.S. Farid Yaseen. Ambassador Yaseen has offered to provide the travel documents for the deportees from Washington, without waiting for go ahead from Baghdad. He needs the information on who is to be deported, so they can research and confirm citizenship.

I would recommend that a combined State/ICE group meet with or provide the Ambassador that information as soon as possible. The first attachment is Chris's full manifest for the June charter. The second is a version I cut down to send to the Ministry of Foreign Affairs in Baghdad. That has only bio information on the passengers. The third is one example of the packets we have received from ICE to send to the Ministry. They are very nicely detailed, and the information on citizenship varies from person to person. In this case, citizenship was confirmed by a twelve year old fax from the Iraqi Embassy itself!

This is different from what the Iraqis had told us in April. I know, that they could only move if so directed by the MFA in Baghdad. But it seems the Iraqi Ambassador is trying to be helpful, and if we can have the players in Washington sharing the information on this group of deportees, that can at least take the logistical concerns off the table. Ambassador Silliman is back and will be looking for senior people to remind the Iraqis of their commitment to make this happen.  
Thanks, Andy

-----Original Message-----

From: George, Christopher [mailto: ]  
Sent: Tuesday, June 13, 2017 5:12 PM  
To: Miller, Andrew T; Clinton, Julius A; Weiller, Brigid R (Baghdad)  
Cc: Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R  
Subject: RE: Baghdad update

Good day, Andy,

Attached is the list of the names for the flight in June. Our max number we can send back for this specific flight is 75, but as issues arise and some cases get cut from the list, we will pull from the list of alternates to ensure we can go with a max full flight. All of the cases on the attached list have been sent over and we included any citizenship documents, or biographical information in the absence of citizenship documents.

Best Regards,  
Chris

-----Original Message-----

From: Miller, Andrew T [mailto: ]  
Sent: Tuesday, June 13, 2017 9:48 AM  
To: Clinton, Julius A; Weiller, Brigid R (Baghdad)  
Cc: George, Christopher; Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R  
Subject: Baghdad update

Hello Julius,

I wanted to give you an update from here. We talked to Brigid's primary POC in the Ministry of Foreign Affairs, reminding him of our dipnote of May which noted the June flight, and letting him know another note with more names was on its way. We reminded him that the Prime Minister had promised our Ambassador that deportations would resume. His response was that with such a large number this time there were important identity and logistical issues to arrange, and the best he could offer was a meeting at MFA next week with all the Iraqi players. He was very concerned that anyone deported is truly an Iraqi. He offered several times that delaying this flight would give them more room. I didn't take the bait. The roundups in Detroit over the weekend got some big play in the media here, and that may play into their reticence. He was alarmed about the media stalking out the airport and watching for the flight, as well as getting adequate reception facilities for dozens of deportees.

For our part, we are trying to get our Charge to meet with the Foreign Minister to underscore the importance of this happening on time.

On our side, the sooner you can provide a list of actual names for that flight, (for which you have already provided what citizenship documents you have for the cases you've sent) the better prepared we can be to get the identity/nationality piece dealt with, and get them focused on the other logistics.

Thanks.

Andy Miller

Baghdad Consul General

-----Original Message-----

From: Clinton, Julius A [mailto: [REDACTED] ]

Sent: Tuesday, June 13, 2017 2:17 PM

To: Weiller, Brigid R (Baghdad)

Cc: George, Christopher; Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R; Miller, Andrew T

Subject: RE: Hello

I have no idea where that MFA statement came from. I will ask John where it came from. I don't think anyone in this shop is too worried about it, unless you confirmed that it was in fact true. As long as the flights continue to flow, my bosses will be happy. ICE Air was instructed to lock this June plane in and are on the hook (money wise) for that flight. We will have a call soon so everyone can be updated.

Respectfully,

Julius A. Clinton

Desk Officer

Removal and International Operations (RIO) Removal Management Division U.S. Department of Homeland Security U.S.

Immigration & Customs Enforcement Enforcement and Removal Operations Headquarters Potomac Center North

500 12th Street SW

Washington, DC 20536

[REDACTED]

[REDACTED]

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-----Original Message-----

From: Weiller, Brigid R (Baghdad) [mailto: [REDACTED] ]

Sent: Monday, June 12, 2017 5:40 PM

To: Clinton, Julius A

Cc: George, Christopher; Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R; Miller, Andrew T

Subject: Re: Hello

The MFA wrote yesterday and said that the flight "decision" is with "top Iraqi officials." Our front office was briefed and we are engaging to push the issue.

This will take time to sort out so please bear with us on this end.

I am about to get on a flight to Rome and will check in with you tomorrow.

Do you know where the info re the MFA's reported comments came from?

Thanks in advance for the goodies.

Brigid

Sent from my BlackBerry 10 smartphone.  
From: Clinton, Julius A  
Sent: Monday, June 12, 2017 11:28 AM  
To: Weiller, Brigid R (Baghdad)  
Cc: George, Christopher; Farmer, Floyd S  
Subject: Hello

Greetings Brigid.

On a side note we have a question, have you heard anything regarding Iraq backing out of the charter missions? DAD Schultz is answering a message regarding the Ministry of Foreign Affairs allegedly stating that there is no agreement with the US Government. There has already been a tons of protests here, so I am sure the bad press is making it back to Baghdad.

Respectfully,

Julius A. Clinton  
Desk Officer  
Removal and International Operations (RIO) Removal Management Division U.S. Department of Homeland Security U.S.  
Immigration & Customs Enforcement Enforcement and Removal Operations Headquarters Potomac Center North  
500 12th Street SW  
Washington, DC 20536

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Official

UNCLASSIFIED

**Official**

UNCLASSIFIED

# EXHIBIT 1-21

*Redacted Pursuant to ECF 470*

## Message

**From:** Clinton, Julius A [/O=IRMMAIL/OU=MBX SERVERS - NYC/CN=RECIPIENTS/CN=JACLINTO]  
**Sent:** 6/19/2017 9:02:00 PM  
**To:** Farmer, Floyd S [/O=IRMMAIL/OU=MBX Servers - DAL/cn=Recipients/cn=FSFarmer]  
**Subject:** FW: Baghdad update 6/16

Is there any input you would like us to have on this? I think my meeting with the ambassador and John may have fixed this issue.

Respectfully,

Julius A. Clinton  
Desk Officer  
Removal and International Operations (RIO)  
Removal Management Division  
U.S. Department of Homeland Security  
U.S. Immigration & Customs Enforcement  
Enforcement and Removal Operations Headquarters  
Potomac Center North  
500 12th Street SW  
Washington, DC 20536

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**From:** Fenzel, Andrew D <[REDACTED]>  
**Date:** Monday, Jun 19, 2017, 2:48 PM  
**To:** Koontz, Bryan K <[REDACTED]>, Clinton, Julius A <[REDACTED]>  
**Subject:** RE: Baghdad update 6/16

Looks alright to me.

Andrew Fenzel  
Post Operations Division, Office of Visa Services  
Bureau of Consular Affairs  
U.S. Department of State  
[REDACTED]

**Official - SBU**  
**UNCLASSIFIED**

**From:** Koontz, Bryan K  
**Sent:** Monday, June 19, 2017 11:48 AM

**To:** Clinton, Julius A; Fenzel, Andrew D

**Subject:** FW: Baghdad update 6/16

Guys,

Here are my draft answers to Post's questions. What do you think?

B

**Official - SBU**

UNCLASSIFIED

**From:** Riedmann, Scott R (Baghdad)

**Sent:** Sunday, June 18, 2017 10:43 AM

**To:** 'George, Christopher'; Clinton, Julius A; Weiller, Brigid R (Baghdad)

**Cc:** Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R; Shea, Peter T; Miller, Andrew T

**Subject:** RE: Baghdad update 6/16

Hello All,

I arrived a few days ago and am succeeding Andy, who will depart in a day or so. I am trying to convince him to stay, but no luck so far.

Anyway, we huddled today and Ambassador Silliman, as well as the rest of us, are drilling down on this and seeking clarity on some details. Specifically, the Ambo was asked the following questions by Amb. Yaseen:

--What happens to someone who may have committed a crime, fulfilled the sentence, been released and has since perhaps married and has Amcit children and/or spouse? Is there any allowance for this? All such information will have been taken into consideration during the review process. The manner of the subject's arrival, violation of their status, any steps to remediate that status, as well as any mitigating factors will have been covered by the court during the decision and appellate process. People who have received final orders of removal will most often have had several opportunities to convince the court as to why they should be allowed to remain in the U.S., and failed to do so.

-- Some of the deportation orders may be old. Is there a statute of limitations on these orders? We thought not but would like to confirm. There is no statute of limitations on an order of departure. The person remains in violation of their status until they are removed from the U.S. – since their status is not amended, the order remains valid until executed, or until the court withdraws it for some reason.

-- The Iraqis are concerned by the large number of deportees this time around as opposed to last time (8 vice 75). They are wondering if it would be possible to regularize the process, by which we would deport in tranches of say 40 or 50, which they would deem a more manageable number? As well, would it be possible to handle the simple, straight forward cases first? That is, those cases where it is clear the individual is Iraqi, committed a crime recently or had a recent deportation order. There's a cost equation to this – when ICE charters an aircraft, their options are limited. They have the option of chartering smaller, business aircraft which can handle 8 passengers, or much larger aircraft that can handle up to 200. There is no difference between a crime committed 30 years ago and one committed yesterday in terms of violating the status and subjecting the person to removal. (I think it better to keep the groups mixed to avoid someone in the GOI deciding entire flights should not be received because the passengers all received final orders more than 10 yrs ago, for example. Removal should be kept in the order they were captured. Just because someone got away with a crime for 2 decades doesn't mean they should suddenly get let off the hook. We shouldn't lose sight of the fact that the removees created the set of fact they are now dealing with, not the USG.)

— As well, was there some method for determining who would be deported first? Why were these specific 75 chosen for initial deportation? The initial priority removals were of those already in U.S. custody who had periods for

incarceration running on them, i.e. those who had to be removed before they were ordered released by the courts. The rest of the removals are being processed in the order they are detained. Bear in mind that the majority of the people who have these final orders are not currently in custody, but are being processed for removal as they are being arrested.

-- Is denying these deportees Iraqi citizenship documents a violation of some international agreements? For example, I think we have been suggesting that issuance of citizenship docs (ppts) is required under ICAO. If so, this would be a useful point for us to make. Have to consult with L on this one – it hasn't been part of our talking points at the desk.

I am sure other questions will arise, but any information related to these questions/issues would be useful for us.

Many thanks,

Scott

**Official - SBU**  
**UNCLASSIFIED**

---

**From:** Shea, Peter T  
**Sent:** Friday, June 16, 2017 5:19 PM  
**To:** Miller, Andrew T; 'George, Christopher'; Clinton, Julius A; Weiller, Brigid R (Baghdad)  
**Cc:** Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R; Riedmann, Scott R (Baghdad)  
**Subject:** RE: Baghdad update 6/16

Andrew --

When DAS Pennington and Bryan met Amb Yaseen earlier this week, there was no hint that the GOI might be backing away from its commitment to proceed. Of course he was concerned about all the press coverage, and we gave him talking points that seemed to suffice. He had not received any new/different instructions from Baghdad. Correct Bryan?

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Thanks  
Peter

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**To:** 'George, Christopher'; Clinton, Julius A; Weiller, Brigid R (Baghdad)  
**Cc:** Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R; Shea, Peter T; Riedmann, Scott R (Baghdad)  
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Thanks, Andy

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Subject: RE: Baghdad update

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Best Regards,  
Chris

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For our part, we are trying to get our Charge to meet with the Foreign Minister to underscore the importance of this happening on time.

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Thanks,

Andy Miller

Baghdad Consul General

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Respectfully,

Julius A. Clinton  
Desk Officer  
Removal and International Operations (RIO) Removal Management Division U.S. Department of Homeland Security U.S.  
Immigration & Customs Enforcement Enforcement and Removal Operations Headquarters Potomac Center North  
500 12th Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

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From: Weiller, Brigid R (Baghdad) [mailto: [REDACTED]]  
Sent: Monday, June 12, 2017 5:40 PM  
To: Clinton, Julius A  
Cc: George, Christopher; Farmer, Floyd S; Koontz, Bryan K; Fenzel, Andrew D; Hankinson, Simon R; Miller, Andrew T  
Subject: Re: Hello

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This will take time to sort out so please bear with us on this end.

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Thanks in advance for the goodies.

Brigid

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From: Clinton, Julius A  
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To: Weiller, Brigid R (Baghdad)  
Cc: George, Christopher; Farmer, Floyd S  
Subject: Hello

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answering a message regarding the Ministry of Foreign Affairs allegedly stating that there is no agreement with the US Government. There has already been a tons of protests here, so I am sure the bad press is making it back to Baghdad.

Respectfully,

Julius A. Clinton

Desk Officer

Removal and International Operations (RIO) Removal Management Division U.S. Department of Homeland Security U.S.

Immigration & Customs Enforcement Enforcement and Removal Operations Headquarters Potomac Center North

500 12th Street SW

Washington, DC 20536

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# EXHIBIT 1-22

**HIGHLY CONFIDENTIAL**  
**SUBJECT TO PROTECTIVE ORDER**

Hamama v. Adducci – Interrogatory 12

This supplemental response to Interrogatory 12 is based on information available to Respondent ICE at the time of response. Further discovery, investigation, research and analysis may supply additional facts and meaning to currently known information. Consistent with Fed. R. Civ. P. 26(e), Respondent ICE will amend any and all responses herein as additional facts are ascertained, legal research is completed, and analysis is undertaken. The responses herein are made in a good faith effort to supply as much information as is known to Respondent ICE at this time, consistent with the positions set forth in the Joint Statement of Issues, ECF No. 235. Attendees listed for agencies other than ICE are based upon information in ICE's possession and the recollection of ICE's attendees.

<b>Date of Meeting</b>	<b>ICE Attendees</b>	<b>Department of State Attendees</b>	<b>Government of Iraq Attendees</b>
March 2017	<ul style="list-style-type: none"> <li>John Schultz, Deputy Assistant Director, ERO</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>	<ul style="list-style-type: none"> <li>Fareed Yasseen, Iraqi Ambassador</li> </ul>
April 5, 2017	<ul style="list-style-type: none"> <li>Julius Clinton, Detention and Deportation Officer</li> </ul>	<ul style="list-style-type: none"> <li>Brigid Reilly Weiller, Deputy General Counsel, U.S. Embassy Baghdad</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>
April 13, 2017	<ul style="list-style-type: none"> <li>Julius Clinton, Detention and Deportation Officer</li> <li>Jorge Tenarodriguez, Assistant Attaché for Removals</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>
April 25, 2017	<ul style="list-style-type: none"> <li>John Schultz, Deputy Assistant Director, ERO</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>	<ul style="list-style-type: none"> <li>Dr. Mohamad Jawad, Deputy Chief of Mission</li> </ul>
June 18, 2017	<ul style="list-style-type: none"> <li>N/A, but ICE is aware that a meeting between Department of State and Iraq took place</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>
June 19, 2017	<ul style="list-style-type: none"> <li>John Schultz, Deputy Assistant Director, ERO</li> <li>Julius Clinton, Detention and Deportation Officer</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>	<ul style="list-style-type: none"> <li>Fareed Yasseen, Iraqi Ambassador</li> </ul>
June 20, 2017	<ul style="list-style-type: none"> <li>Julius Clinton, Detention and Deportation Officer</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>	<ul style="list-style-type: none"> <li>Ahmed Utaifa, 2<sup>nd</sup> Secretary, Embassy of Iraq</li> </ul>
June 23, 2017	<ul style="list-style-type: none"> <li>John Schultz, Deputy Assistant Director, ERO</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>	<ul style="list-style-type: none"> <li>Ahmed Utaifa, 2<sup>nd</sup> Secretary, Embassy of</li> </ul>

HIGHLY CONFIDENTIAL  
SUBJECT TO PROTECTIVE ORDER

	<ul style="list-style-type: none"> <li>Julius Clinton, Detention and Deportation Officer</li> </ul>		Iraq
June 23, 2017	<ul style="list-style-type: none"> <li>Tom Homan, Deputy Director and Senior Official Performing the Duties of the Director</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>	<ul style="list-style-type: none"> <li>Fareed Yasseen, Iraqi Ambassador</li> </ul>
October 31, 2017	<ul style="list-style-type: none"> <li>John Schultz, Deputy Assistant Director, ERO</li> <li>Julius Clinton, Detention and Deportation Officer</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>	<ul style="list-style-type: none"> <li>Dr. Mohamed Jawad, Deputy Chief of Mission</li> </ul>
January 9, 2018	<ul style="list-style-type: none"> <li>John Schultz, Deputy Assistant Director, ERO</li> <li>Michael Bernacke, Unit Chief</li> <li>Julius Clinton, Detention and Deportation Officer</li> </ul>	<ul style="list-style-type: none"> <li>David Nobles</li> <li>Kris Clark</li> <li>Derek Hoffmann, Political Unit Chief, Iraq Desk</li> </ul>	<ul style="list-style-type: none"> <li>Dr. Mohamad Jawad, Deputy Chief of Mission</li> <li>Wathiq Ibrahim</li> <li>Yarub Al Anpaqi, First Secretary, Director of Political Section, First Secretary, Director of Political Section</li> </ul>
January 10, 2018	<ul style="list-style-type: none"> <li>Michael Bernacke, Unit Chief</li> <li>Julius Clinton, Detention and Deportation Officer</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>	<ul style="list-style-type: none"> <li>Wathiq Ibrahim, Embassy of Iraq</li> </ul>
January 19, 2018	<ul style="list-style-type: none"> <li>Michael Bernacke, Unit Chief</li> <li>John Schultz, Deputy Assistant Director, ERO</li> <li>Julius Clinton, Detention and Deportation Officer</li> </ul>	<ul style="list-style-type: none"> <li>David Nobles</li> <li>Kris Clark</li> </ul>	<ul style="list-style-type: none"> <li>Wathiq Ibrahim, Embassy of Iraq</li> <li>Yarub Al Anpaqi, First Secretary, Director of Political Section, First Secretary, Director of Political Section</li> </ul>
March 20, 2018	<ul style="list-style-type: none"> <li>Michael Bernacke, Unit Chief</li> <li>Robert Tremont</li> <li>John Schultz, Deputy Assistant Director, ERO</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>	<ul style="list-style-type: none"> <li>Unable to confirm</li> </ul>

# EXHIBIT 1-23

*Redacted Pursuant to ECF 470*

From: [King, Matthew](#)  
To: [Hamilton, Gene](#)  
Cc: [Rezmovic, Jeffrey](#); [Holt, Kenneth](#); [Gearino, Evan](#); [Hayes, Bradley](#); [Petyo, Briana](#); [Chalkley, Marie](#); [Homan, Thomas](#)  
Subject: Iraqi Ambo call  
Date: Friday, June 23, 2017 6:18:11 PM

---

**Bottom Line Up Front:** D1 and I connected with the Iraqi Ambassador at 5:25PM, June 23<sup>rd</sup>, 2017, to demonstrate the Department's commitment to the lawful repatriation of a group of Iraqis scheduled to be deported on June 28<sup>th</sup>, 2017. The Ambassador agreed to signal the urgency of this situation — through his informal channels—to the relevant Ministries in Iraq.

**Summary:**

After a brief summary of the situation—which the Ambassador was familiar with—I expressed the importance of ensuring this flight departs and arrives as scheduled. We mentioned that the Secretary is aware and firm and [REDACTED]. The Ambassador said he was sympathetic to our need but was similarly facing bureaucratic hurdles on his side.

In response, the Ambassador noted that this flight is scheduled to land during an important Islamic holiday, which poses problems from the Iraqi side. He said the logistics are daunting primarily because the government is basically closed through 29 June – after which it would be closed Fri/Sat (weekend) and then would be in bedlam for a week after. I acknowledged the complications of the holiday and noted that the date of this flight was established on May 25<sup>th</sup>. D1 concurred and concurrently emphasized strongly the importance of this flight.

D1 and I made clear that DHS and [REDACTED] are firmly committed to the removals and that the flight had to go on time, as scheduled.

In response to the above, the Ambassador said he was unaware of when or by whom the flight approval came and acknowledged that a mistake could've happened due to Iraqi bureaucratic clumsiness. He expressed that this flight is problematic (almost impossible) as scheduled. Additionally, the Ambassador noted that in Iraq, the multi-agency coordination to facilitate deportations takes longer than what the U.S. expects.

➤ Note: In several instances, the Ambassador claimed he had not seen the paperwork for the removals. D1 assured the Ambassador that they had been sent through the proper channels. We urged the Ambassador work with the relevant Ministries to gain the approvals necessary for this flight. He pointed out the incredible bureaucracy of the Iraqi government.

The Ambassador promised to work through informal channels in the PM's office to press the urgency to Baghdad. ICE ERO subsequently provided the documents to the Ambassador at the email address he provided and I will text him my coordinates for any updates. The call concluded with the above promise.

Matthew H. King

DHSHAMAMA000097

Deputy Assistant Secretary  
Office of International Engagement  
U.S. Department of Homeland Security

**From:** Blank, Thomas

**Sent:** Friday, June 23, 2017 15:56

**To:** Avanni, Arex <[REDACTED]>; Hamilton, Gene <[REDACTED]>;  
Rezmovic, Jeffrey <[REDACTED]>; King, Matthew <[REDACTED]>;  
Chalkley, Marie <[REDACTED]>; Gearino, Evan <[REDACTED]>; Taylor,  
Miles <[REDACTED]>

**Cc:** OIA-MEASA <[REDACTED]>; Hayes, Bradley <[REDACTED]>; Petyo,  
Briana <[REDACTED]>; Askew, Marineka <[REDACTED]>; Gauvin,  
Connor <[REDACTED]>

**Subject:** RE: Iraq

[REDACTED]

Tom

Tom Blank  
ICE/DHS  
[REDACTED]

**From:** Avanni, Arex <[REDACTED]>

**Date:** Friday, Jun 23, 2017, 3:08 PM

**To:** Hamilton, Gene <[REDACTED]>, Blank, Thomas <[REDACTED]>,  
Rezmovic, Jeffrey <[REDACTED]>, King, Matthew <[REDACTED]>,  
Chalkley, Marie <[REDACTED]>, Gearino, Evan <[REDACTED]>, Taylor,  
Miles <[REDACTED]>

**Cc:** OIA-MEASA <[REDACTED]>, Hayes, Bradley <[REDACTED]>, Petyo,  
Briana <[REDACTED]>, Askew, Marineka <[REDACTED]>, Gauvin,  
Connor <[REDACTED]>

**Subject:** RE: Iraq

[REDACTED]

With kind regards,  
-Arex

---

**From:** Hamilton, Gene  
**Sent:** Friday, June 23, 2017 2:44 PM  
**To:** Blank, Thomas <[REDACTED]>; Rezmovic, Jeffrey <[REDACTED]>; King, Matthew <[REDACTED]>; Chalkley, Marie <[REDACTED]>; Gearino, Evan <[REDACTED]>; Taylor, Miles <[REDACTED]>  
**Cc:** OIA-MEASA <[REDACTED]>; Hayes, Bradley <[REDACTED]>; Petyo, Briana <[REDACTED]>; Avanni, Arex <[REDACTED]>; Askew, Marineka <[REDACTED]>; Gauvin, Connor <[REDACTED]>  
**Subject:** RE: Iraq

Can anyone send me a few bullets to summarize all of the below? Just basic facts - who is requesting what and when.

Thank you!

Gene P. Hamilton  
Senior Counselor to the Secretary  
U.S. Department of Homeland Security

---

**From:** Hamilton, Gene  
**Sent:** Friday, June 23, 2017 2:02:44 PM  
**To:** Blank, Thomas; Rezmovic, Jeffrey; King, Matthew; Chalkley, Marie; Gearino, Evan; Taylor, Miles  
**Cc:** OIA-MEASA; Hayes, Bradley; Petyo, Briana; Avanni, Arex; Askew, Marineka; Gauvin, Connor  
**Subject:** RE: Iraq

I am caught up in something but will chime in soon. Please pause until future notice

Gene P. Hamilton  
Senior Counselor to the Secretary  
U.S. Department of Homeland Security

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**From:** Blank, Thomas  
**Sent:** Friday, June 23, 2017 1:58:52 PM  
**To:** Rezmovic, Jeffrey; King, Matthew; Chalkley, Marie; Gearino, Evan; Taylor, Miles; Hamilton, Gene  
**Cc:** OIA-MEASA; Hayes, Bradley; Petyo, Briana; Avanni, Arex; Askew, Marineka; Gauvin, Connor  
**Subject:** RE: Iraq

Jeff:

Multiple things have happened including an injunction be issued. I am checking the overall status

and will advise shortly.

Tom

---

**From:** Rezmovic, Jeffrey

**Sent:** Friday, June 23, 2017 1:49 PM

**To:** King, Matthew; Chalkley, Marie; Gearino, Evan; Taylor, Miles; Hamilton, Gene

**Cc:** OIA-MEASA; Hayes, Bradley; Petyo, Briana; Avanni, Arex; Askew, Marineka; Gauvin, Connor; Blank, Thomas

**Subject:** Re: Iraq

---

**From:** King, Matthew

**Sent:** Friday, June 23, 2017 12:45 PM

**To:** Rezmovic, Jeffrey; Chalkley, Marie; Gearino, Evan; Taylor, Miles; Hamilton, Gene

**Cc:** OIA-MEASA; Hayes, Bradley; Petyo, Briana; Avanni, Arex; Askew, Marineka; Gauvin, Connor; Gearino, Evan

**Subject:** Iraq

Jeff—We were unclear that ICE leadership meant only Homan. We noted that the #3 in ICE ERO, John Schultz, has twice met with the Iraqi Ambassador on this issue.

The Assistant Director for ERO, Marlen Pineiro, contacted PLCY with a request for DHS leverage. Only this week Tuesday did they learn that the PM was not going to approve the flight, despite coordination months in advance. Lots of media attention on this.

I will fwd to PLCY exec sec a briefing memo with some background materials on this situation and the Department's engagement with Iraq.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Matthew H. King  
Deputy Assistant Secretary  
Office of International Engagement  
U.S. Department of Homeland Security

[REDACTED]  
[REDACTED]

---

**From:** Rezmovic, Jeffrey  
**Sent:** Friday, June 23, 2017 11:31 AM  
**To:** Chalkley, Marie; Gearino, Evan; King, Matthew; Taylor, Miles; Hamilton, Gene  
**Cc:** OIA-MEASA; Hayes, Bradley; Petyo, Briana; Avanni, Arex; Askew, Marineka; Gauvin, Connor  
**Subject:** RE: Iraq

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

I'm heading out of town in the next few minutes, but will be available on my cell. [REDACTED]

--Jeff

---

**From:** Chalkley, Marie  
**Sent:** Thursday, June 22, 2017 3:18 PM  
**To:** Gearino, Evan <[REDACTED]>; King, Matthew <[REDACTED]>;  
Rezmovic, Jeffrey <[REDACTED]>; Taylor, Miles <[REDACTED]>;  
Hamilton, Gene <[REDACTED]>  
**Cc:** OIA-MEASA <[REDACTED]>; Hayes, Bradley <b[REDACTED]>  
**Subject:** RE: Iraq

[REDACTED]

--

Marie Chalkley

[REDACTED] | (O) [REDACTED] | (M) [REDACTED]

---

**From:** Gearino, Evan

**Sent:** Thursday, June 22, 2017 3:16 PM

**To:** King, Matthew <[REDACTED]>; Rezmovic, Jeffrey

<[REDACTED]>; Taylor, Miles <[REDACTED]>; Hamilton, Gene

<[REDACTED]>

**Cc:** OIA-MEASA <[REDACTED]>; Chalkley, Marie <[REDACTED]>

**Subject:** RE: Iraq

Good Afternoon All,

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Please don't hesitate to contact us with any questions.

Respectfully,

Evan

--

**Evan B. Gearino**

Regional Affairs Specialist || Middle East

U.S. Department of Homeland Security || Office of Policy

[REDACTED] || (O) [REDACTED] || (M) [REDACTED]

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**From:** King, Matthew

**Sent:** Thursday, June 22, 2017 14:53

**To:** Rezmovic, Jeffrey <[REDACTED]>; Taylor, Miles <[REDACTED]>;

Hamilton, Gene <[REDACTED]>

**Cc:** OIA-MEASA <[REDACTED]>

**Subject:** RE: Iraq

MEASA pls. Going into S1. I know that ice and Embassy have been going hard at it.

Matthew H. King  
Deputy Assistant Secretary  
Office of International Engagement  
U.S. Department of Homeland Security  
[REDACTED]

---

**From:** Rezmovic, Jeffrey  
**Sent:** Thursday, June 22, 2017 7:50:31 PM  
**To:** Taylor, Miles; King, Matthew; Hamilton, Gene  
**Cc:** OIA-MEASA  
**Subject:** Re: Iraq

Has ICE leadership spoken to them yet? I'm sure she would be willing but schedule for tomorrow is tight.

---

**From:** Taylor, Miles  
**Sent:** Thursday, June 22, 2017 01:56 PM  
**To:** King, Matthew; Rezmovic, Jeffrey; Hamilton, Gene  
**Cc:** OIA-MEASA  
**Subject:** RE: Iraq

Ok. Because this is a repatriation issue, adding Gene to the equation. M

---

**From:** King, Matthew  
**Sent:** Thursday, June 22, 2017 1:54 PM  
**To:** Taylor, Miles <[REDACTED]>; Rezmovic, Jeffrey <[REDACTED]>  
**Cc:** OIA-MEASA <[REDACTED]>  
**Subject:** Iraq

[REDACTED]  
[REDACTED]  
[REDACTED] -- [REDACTED]

Matthew H. King  
Deputy Assistant Secretary  
Office of International Engagement  
U.S. Department of Homeland Security

DHSHAMAMA000103

[REDACTED]  
[REDACTED]

# EXHIBIT 1-24

## LAW ENFORCEMENT SENSITIVE

**Removal Efforts and Challenges: Iraq**

July 19, 2017

**Overview**

Although most countries adhere to their international obligation to accept the timely return of their nationals that have been ordered removed from the United States, U.S. Immigration and Customs Enforcement (ICE) considers Iraq to be among the most recalcitrant countries. Despite expending significant resources and exhausting other available means to obtain cooperation, ICE has been unsuccessful in securing cooperation from the Government of Iraq in the acceptance of its nationals subject to final orders of removal and has determined that implementing visa sanctions pursuant to section 243(d) of the Immigration and Nationality Act (INA) is the only remaining avenue available to secure cooperation.

Uncooperative or recalcitrant countries are identified by the Removal Cooperation Initiative tool, a deliberative mechanism that aligns ICE's efforts in improving operations with international partners and other U.S. Government stakeholders to maximize ICE's impact on public safety through rapid, prioritized removal of final-order foreign nationals. Countries are assessed on a series of systematic factors to determine the level of cooperation received in the removal process, and ranked on a scale ranging from uncooperative to cooperative based on statistical data and expert analytical feedback on the totality of factors affecting the country. Aggravating factors include refusal to accept charter removal missions and perform identity verification interviews, percentage of releases when compared to removals, and average length of time between issuance of an executable final order and removal. Mitigating factors regarding recent country conditions are also taken into account in assessing if a country is intentionally uncooperative or incapable of cooperation due to exigent circumstances, such as natural or man-made disasters or the lack of a functioning government.

**Background**

ICE and the U.S. Department of State (State) have collaborated to engage Iraq and have pursued graduated measures outlined in the April 2011 Memorandum of Understanding between ICE and State Bureau of Consular Affairs concerning repatriation. These and other diplomatic efforts, as described below, have failed to yield substantive progress regarding the removal of Iraqi nationals.

Due to the lack of cooperation from the Iraq Embassy, Washington, D.C. on this issue, ERO and the Department of State developed a strategy to request approval for final order cases directly from Baghdad. In February 2017, ERO received confirmation from the U.S. Embassy in Baghdad that Iraqi officials have approved the acceptance of a Special High Risk Charter flight containing eight Iraqi detainees. These cases were approved and were removed. On April 19, 2017, ICE successfully completed the charter flight to Iraq since 2010.

On March 12, 2017, the Department of State issued a cable which summarized the outcomes of a meeting between the U.S. Embassy, Baghdad and the Iraq Ministry of Foreign Affairs (MFA). MFA informed the embassy representatives that an Iraq Inter-ministerial Committee of

LAW ENFORCEMENT SENSITIVE

## LAW ENFORCEMENT SENSITIVE

Deportation was formed and is comprised of representatives from the Prime Minister's Office, the Ministry of Foreign Affairs (MFA), the Ministry of Justice (MoJ), and the Ministry of the Interior (MoI). The Committee had identified four necessary steps for Iraq to facilitate deportation:

- Consular access - MFA indicated that they would like to meet with those being removed at the point of embarkation from the U.S.
- Citizenship verification- MFA indicated that the MOI would review and verify the evidence of citizenship provided by the U.S. ICE could use evidence of citizenship obtained from U.S. information systems in lieu of passports or national identity cards
- Deportation order review- MFA indicated that the MOJ would review each deportation order in tandem with the citizenship verification process.
- Travel document issuance- the Committee is prepared to inform the Iraqi Embassy and Consulates to provide travel documents for the 1,400 non-detained Iraqi nationals. On May 25, 2017, in preparation for a removal flight, ICE transmitted 280 travel document requests to the U.S. Embassy in Baghdad for submission to the inter-ministerial committee of deportation. The removal flight was scheduled to arrive in Bagdad on June 29, 2017 with no more than 75 Iraqi nationals with final orders of removal on board. This flight was postponed due to ongoing litigation and will take place at a future date.
- Since May 15, 2017, 213 Iraqi nationals subject to a final order of removal have entered ICE custody all but four have criminal convictions.

### Current Status of Efforts

A list of 280 travel document requests were submitted by ICE to the U.S. Embassy in Baghdad during a period covering May 17, 2017 through June 6, 2017. After a DOS review and follow up questions regarding several cases, DOS submitted all 280 cases with a Dip note to the Iraqi MFA on June 6, 2017.

ERO was notified on, June 21, 2017, that Iraq would not accept the charter scheduled to arrive on June 29, 2017.

### Statistics

	FY 2015	FY 2016	FY 2017	Total
<b>Removals</b>	36	48	12	96

	FY 2017		Total
	Detained	Non-Detained	
<b>Final Orders of Removal</b>	262	X	X

Fiscal Year (FY) 2017 data are updated through [July 10, 2017]. FY 2015 and FY 2016 data are historical and remains static.

### Conclusion

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE

ICE believes that it has exhausted all means at its disposal to secure cooperation from the Government of Iraq, consistent with its international obligation to promptly facilitate the return of its nationals. A tool unavailable to ICE, but vested in the Secretary of Homeland Security, is visa sanctions under section 243(d) of the Immigration and Nationality Act, which provides that:

On being notified by the Secretary of Homeland Security John F. Kelly that the government of a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country after Secretary Kelly asks whether the government will accept the alien under this section, the Secretary of State shall order consular officers in that foreign country to discontinue granting immigrant visas or nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country until Secretary Kelly notifies the Secretary of State that the country has accepted the alien.

In conclusion it is recommended to keep the U.S. Embassy in Iraq engaged. The Embassy should continue to engage and address issues as they arise. Iraq has also mentioned not taking back non-criminals. The fact that all Iraqis in the United States with a final order of removal are subject to being removed should be reinforced.

LAW ENFORCEMENT SENSITIVE

ERO Citizenship Country	Currently Detained with Final Order					Currently Non-Detained with Final Order				
	ICE Threat Level 1	ICE Threat Level 2	ICE Threat Level 3	Non-Criminal Immigration Violator	Total	ICE Threat Level 1	ICE Threat Level 2	ICE Threat Level 3	Non-Criminal Immigration Violator	Total
IRAQ	12	1	1	6	20	735	72	65	505	1,377

ERO Citizenship Country	Currently Detained with Final Order					Currently Non-Detained with Final Order				
	ICE Threat Level 1	ICE Threat Level 2	ICE Threat Level 3	Non-Criminal Immigration Violator	Total	ICE Threat Level 1	ICE Threat Level 2	ICE Threat Level 3	Non-Criminal Immigration Violator	Total
IRAQ	12	1	1	6	20	735	72	65	505	1,377

# EXHIBIT 1-25

*Redactions Made by Respondents*

~~CONFIDENTIAL~~

**FOR OFFICIAL USE ONLY**

**(U) Background Information on Iraq**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- (U//FOUO) In June 2017, the Iraqi Government refused to accept a charter flight of 64 Iraqi nationals (arranged by ICE/ERO) that had been scheduled to arrive in Iraq on June 28 and for which the Iraqi Government had previously given tacit approval.
- (U//FOUO) On June 23, Acting ICE Director Thomas Homan and DAS Matt King called the Iraqi Ambassador to the United States and pressed him to ensure the flight land as scheduled. The Ambassador indicated he was limited in his ability to persuade Baghdad to allow the flight to land, highlighting bureaucratic clumsiness and the *eid al-fitr* holiday that fell during the time the flight was scheduled to land (celebrated in Iraq this year from June 25 to June 29).

[REDACTED]

[REDACTED]

DHSHAMAMA000001

# EXHIBIT 1-26

*Redactions Made by Respondents*  
*Redactions Pursuant ECF 470*

From: Holt, Kenneth  
To: [King, Matthew](#); [Dougherty, Michael](#); [Petyo, Briana](#)  
Cc: [Simmons, Timothy](#); [Chalkley, Marie](#)  
Subject: RE: Update  
Date: Friday, June 30, 2017 9:48:37 AM

---

Plus Marie as well.

---

**From:** King, Matthew  
**Sent:** Friday, June 30, 2017 9:28 AM  
**To:** Dougherty, Michael <[REDACTED]>; Petyo, Briana <[REDACTED]>; Holt, Kenneth <[REDACTED]>  
**Cc:** Simmons, Timothy <[REDACTED]>  
**Subject:** RE: Update

Plus Ken. [REDACTED]

---

**From:** Dougherty, Michael  
**Sent:** Thursday, June 29, 2017 1:34:00 PM  
**To:** King, Matthew; Petyo, Briana  
**Cc:** Simmons, Timothy  
**Subject:** FW: Update

Hi guys, should have looped you in earlier, can we discuss?

Michael T. Dougherty  
A/S for Border, Immigration and Trade Policy  
Office of Policy  
Department of Homeland Security  
[REDACTED]

---

**From:** Pineiro, Marlen  
**Sent:** Wednesday, June 28, 2017 6:33 PM  
**To:** Dougherty, Michael <[REDACTED]>  
**Cc:** Hamilton, Gene <[REDACTED]>  
**Subject:** RE: Update

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks  
MP

Sent with BlackBerry Work  
(www.blackberry.com)

---

**From:** Dougherty, Michael <[REDACTED]>  
**Date:** Wednesday, Jun 28, 2017, 2:37 PM  
**To:** Pineiro, Marlen <[REDACTED]>  
**Cc:** Hamilton, Gene <[REDACTED]>  
**Subject:** FW: Update

Marlen, please advise if PLCY can render any assistance.

Regards,

Michael T. Dougherty  
A/S for Border, Immigration and Trade Policy  
Office of Policy  
Department of Homeland Security  
[REDACTED]

---

**From:** Riedmann, Scott R (Baghdad) [mailto:[REDACTED]]  
**Sent:** Wednesday, June 28, 2017 3:47 PM  
**To:** Dougherty, Michael <[REDACTED]>; Pineiro, Marlen  
<[REDACTED]>; Schultz, John A <[REDACTED]>; Fenzel, Andrew D  
<[REDACTED]>; Lewis, Poonam <[REDACTED]>; McEvoy, Meredith C  
<[REDACTED]>; Koontz, Bryan K <[REDACTED]>  
**Cc:** Pennington, Joseph S <[REDACTED]>; Farmer, Floyd S  
<[REDACTED]>; Weiller, Brigid R (Baghdad) <[REDACTED]>; Hankinson,  
Simon R <[REDACTED]>; King, Karin M <[REDACTED]>; King, Matthew  
<[REDACTED]>  
**Subject:** RE: Update

Hi John,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best,

Scott

**Official - SBU**  
**UNCLASSIFIED**

---

**From:** Dougherty, Michael [mailto:[REDACTED]]  
**Sent:** Wednesday, June 28, 2017 7:43 PM  
**To:** Pineiro, Marlen; Schultz, John A; Fenzel, Andrew D; Lewis, Poonam; McEvoy, Meredith C; Riedmann, Scott R (Baghdad); Koontz, Bryan K  
**Cc:** Pennington, Joseph S; Farmer, Floyd S; Weiller, Brigid R (Baghdad); Hankinson, Simon R; King, Karin M; King, Matthew  
**Subject:** RE: Update

Thanks for the SA

Michael T. Dougherty

Assistant Secretary  
Border, Immigration and Trade Policy  
Department of Homeland Security  
[REDACTED]

---

**From:** Pineiro, Marlen  
**Sent:** Wednesday, June 28, 2017 5:35:48 PM  
**To:** Schultz, John A; Fenzel, Andrew D ([REDACTED]); Lewis, Poonam ([REDACTED]); [REDACTED]; Riedmann, Scott R (Baghdad) ([REDACTED]); Koontz, Bryan K ([REDACTED])  
**Cc:** Pennington, Joseph S ([REDACTED]); Farmer, Floyd S ([REDACTED]); 'Hankinson, Simon R'; 'King, Karin M'; Dougherty, Michael; King, Matthew  
**Subject:** RE: Update

+Karen/Mike/Matt/Simon

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

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**From:** Schultz, John A <[REDACTED]>  
**Date:** Wednesday, Jun 28, 2017, 9:32 AM  
**To:** Fenzel, Andrew D ([REDACTED]) <[REDACTED]>, Lewis, Poonam ([REDACTED]) <[REDACTED]>, Riedmann, Scott R (Baghdad) ([REDACTED]) <[REDACTED]>, Koontz, Bryan K ([REDACTED])  
**Cc:** Pennington, Joseph S ([REDACTED]) <[REDACTED]>, Pineiro, Marlen ([REDACTED]) <[REDACTED]>, Farmer, Floyd S ([REDACTED]) <[REDACTED]>  
**Subject:** FW: Update

Scott/Andrew/Bryan-

I wanted to share with you an email that Ambassador Yasseen sent to the Acting ICE Director on Monday. There are a number of items within this email which we find to be concerning:

- *That the Embassy says that we had not consulted with the Gol regarding the date of flight.* When provided with the presentation packages on May 25 the Gol had been informed of the scheduled date and didn't indicate that there would be an issue.
- *That the removal is court ordered-* a removal order could be rendered by an Immigration Judge, the Board of Immigration Appeals, an Immigration Officer, or other judicial authority authorized under the Immigration and Nationality Act
- *Limits removal cases to only criminals-* we expect all countries to accept their nationals, who have been ordered removed, regardless of criminality

Our Acting Director did point out these concerns to the Ambassador who in turn said he would communicate them to Baghdad.

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536

[REDACTED] office)  
[REDACTED] (mobile)  
[REDACTED]

**From:** Fareed Yasseen [REDACTED]  
**Sent:** Monday, June 26, 2017 12:10 PM  
**To:** Homan, Thomas; King, Matthew; Schultz, John A  
**Cc:** Ahmed Utaifa; Chalkley, Marie; Mohamad Jawad; Pineiro, Marlen  
**Subject:** Update

Dear friends,

I forwarded the information to Baghdad and I heard from them this morning. I think that the fact that the deputy foreign minister would respond on this issue in spite of the holiday underlines the importance we attach to this issue.

The lists and documentation that you provided is being circulated among related Iraqi agencies, in particular the Justice Ministry. Because of the large number of returnees and the logistics required, the Deputy FM requested clearance from the PM's office, and we are awaiting the response. The US embassy had informed the Foreign Ministry that the batch of returnees would arrive on June 29. That date was determined by the US embassy and other US agencies without consultation with the Iraqi agencies involved. As things stand, we will not be able to receive the returnees on the date mentioned (time too short to guarantee receipt of PM's clearance or to arrange for the logistics required for such a large number of returnees). On this issue, our working group met in Baghdad with the US Consul and his deputy or assistant and explained these issues, the Consul in turn promised to delay the trip until after receipt of the PM's clearances on a later date to be agreed to by both sides.

With regard to the names on the list, Iraq can only admit:

1. Those whose Iraqi citizenship is confirmed through the agreed to procedures for this issue utilized previously by both Iraqi and US sides;
2. That they have completed their sentences;
3. That the removal procedure is court-ordered;
4. That their crime be different from illegal entry into the USA as these fall into the category of asylum seekers and their removal could be considered an enforced repatriation.

As you can see, the response of the ministry is quite consistent with what I anticipated during our phone conversation. In all cases, I will keep you apprised of all/any developments.

With best regards,  
Fareed Yasseen

# EXHIBIT 1-27

*Redactions Made by Respondents*  
*Redactions Pursuant to ECF 470*

From: [King, Matthew](#)  
To: [Dougherty, Michael](#); [Petyo, Briana](#); [Holt, Kenneth](#)  
Cc: [Simmons, Timothy](#)  
Subject: RE: Update  
Date: Friday, June 30, 2017 9:27:51 AM

---

Plus Ken. [REDACTED]

---

From: Dougherty, Michael  
Sent: Thursday, June 29, 2017 1:34:00 PM  
To: King, Matthew; Petyo, Briana  
Cc: Simmons, Timothy  
Subject: FW: Update

Hi guys, should have looped you in earlier, can we discuss?

Michael T. Dougherty  
A/S for Border, Immigration and Trade Policy  
Office of Policy  
Department of Homeland Security  
[REDACTED]

---

From: Pineiro, Marlen  
Sent: Wednesday, June 28, 2017 6:33 PM  
To: Dougherty, Michael <[REDACTED]>  
Cc: Hamilton, Gene <[REDACTED]>  
Subject: RE: Update

Hi and thank you. We have exhausted all our efforts at our level. We haven't even been able to get a new tentative date for the flight. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks  
MP

Sent with BlackBerry Work  
(www.blackberry.com)

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**From:** Dougherty, Michael <[REDACTED]>  
**Date:** Wednesday, Jun 28, 2017, 2:37 PM  
**To:** Pineiro, Marlen <[REDACTED]>  
**Cc:** Hamilton, Gene <[REDACTED]>  
**Subject:** FW: Update

Marlen, please advise if PLCY can render any assistance.

Regards,

Michael T. Dougherty  
A/S for Border, Immigration and Trade Policy  
Office of Policy  
Department of Homeland Security  
[REDACTED]

---

**From:** Riedmann, Scott R (Baghdad) [mailto:[REDACTED]]  
**Sent:** Wednesday, June 28, 2017 3:47 PM  
**To:** Dougherty, Michael <[REDACTED]>; Pineiro, Marlen <[REDACTED]>; Schultz, John A <[REDACTED]>; Fenzel, Andrew D <[REDACTED]>; Lewis, Poonam <[REDACTED]>; McEvoy, Meredith C <[REDACTED]>; Koontz, Bryan K <[REDACTED]>  
**Cc:** Pennington, Joseph S <[REDACTED]>; Farmer, Floyd S <[REDACTED]>; Weiller, Brigid R (Baghdad) <[REDACTED]>; Hankinson, Simon R <[REDACTED]>; King, Karin M <[REDACTED]>; King, Matthew <[REDACTED]>  
**Subject:** RE: Update

Hi John,

[REDACTED] As you point out, the GOI definitely knew of the date and never objected to it. We have an email from them about this.

[REDACTED] the GOI basically told us they would not accept the flight until the PM signed off on it. We never promised to delay the flight; we merely acknowledged their decision and said we would relay it. The only concerns they raised at that time were the numbers and the timing of this particular flight. They also told us they wanted to establish a procedure for handling the rest of the deportees, and that they had already sent a memo for approval to the PMs office with a proposal for handling future flights. They actually suggested 60 per month as a durable solution.

The Amb met with the PM yesterday and this was the first issue the Amb raised. The PM said he

wasn't sure why he even had to decide this issue again. To him, the issue had already been decided and the relevant ministries should work out. He also said he had not received a memo about this,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best,

Scott

**Official - SBU**  
**UNCLASSIFIED**

---

**From:** Dougherty, Michael [mailto:[REDACTED]]  
**Sent:** Wednesday, June 28, 2017 7:43 PM  
**To:** Pineiro, Marlen; Schultz, John A; Fenzel, Andrew D; Lewis, Poonam; McEvoy, Meredith C; Riedmann, Scott R (Baghdad); Koontz, Bryan K  
**Cc:** Pennington, Joseph S; Farmer, Floyd S; Weiller, Brigid R (Baghdad); Hankinson, Simon R; King, Karin M; King, Matthew  
**Subject:** RE: Update

Thanks for the SA

Michael T. Dougherty  
Assistant Secretary  
Border, Immigration and Trade Policy  
Department of Homeland Security  
[REDACTED]

---

**From:** Pineiro, Marlen  
**Sent:** Wednesday, June 28, 2017 5:35:48 PM  
**To:** Schultz, John A; Fenzel, Andrew D ([REDACTED]); Lewis, Poonam ([REDACTED]); [REDACTED]; Riedmann, Scott R (Baghdad) ([REDACTED]); Koontz, Bryan K ([REDACTED])  
**Cc:** Pennington, Joseph S ([REDACTED]); Farmer, Floyd S; [REDACTED]; 'Hankinson, Simon R'; 'King, Karin M'; Dougherty, Michael; King, Matthew  
**Subject:** RE: Update

+Karen/Mike/Matt/Simon

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

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**From:** Schultz, John A <[REDACTED]>  
**Date:** Wednesday, Jun 28, 2017, 9:32 AM  
**To:** Fenzel, Andrew D [REDACTED] Lewis, Poonam [REDACTED], Riedmann, Scott R (Baghdad) ([REDACTED]) Koontz, Bryan K ([REDACTED])  
**Cc:** Pennington, Joseph S ([REDACTED]), Pineiro, Marlen [REDACTED], Farmer, Floyd S ([REDACTED]), [REDACTED]  
<[REDACTED]>  
**Subject:** FW: Update

Scott/Andrew/Bryan-

I wanted to share with you an email that Ambassador Yasseen sent to the Acting ICE Director on Monday. There are a number of items within this email which we find to be concerning:

- *That the Embassy says that we had not consulted with the Gol regarding the date of flight.* When provided with the presentation packages on May 25 the Gol had been informed of the scheduled date and didn't indicate that there would be an issue.
- *That the removal is court ordered-* a removal order could be rendered by an Immigration Judge, the Board of Immigration Appeals, an Immigration Officer, or other judicial authority authorized under the Immigration and Nationality Act
- *Limits removal cases to only criminals-* we expect all countries to accept their nationals, who have been ordered removed, regardless of criminality

Our Acting Director did point out these concerns to the Ambassador who in turn said he would communicate them to Baghdad.

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536

[REDACTED] (office)

[REDACTED] (mobile)

[REDACTED]

**From:** Fareed Yasseen [[mailto:\[REDACTED\]](mailto:[REDACTED])]

**Sent:** Monday, June 26, 2017 12:10 PM  
**To:** Homan, Thomas; King, Matthew; Schultz, John A  
**Cc:** Ahmed Utaifa; Chalkley, Marie; Mohamad Jawad; Pineiro, Marlen  
**Subject:** Update

Dear friends,

I forwarded the information to Baghdad and I heard from them this morning. I think that the fact that the deputy foreign minister would respond on this issue in spite of the holiday underlines the importance we attach to this issue.

The lists and documentation that you provided is being circulated among related Iraqi agencies, in particular the Justice Ministry. Because of the large number of returnees and the logistics required, the Deputy FM requested clearance from the PM's office, and we are awaiting the response. The US embassy had informed the Foreign Ministry that the batch of returnees would arrive on June 29. That date was determined by the US embassy and other US agencies without consultation with the Iraqi agencies involved. As things stand, we will not be able to receive the returnees on the date mentioned (time too short to guarantee receipt of PM's clearance or to arrange for the logistics required for such a large number of returnees). On this issue, our working group met in Baghdad with the US Consul and his deputy or assistant and explained these issues, the Consul in turn promised to delay the trip until after receipt of the PM's clearances on a later date to be agreed to by both sides.

With regard to the names on the list, Iraq can only admit:

1. Those whose Iraqi citizenship is confirmed through the agreed to procedures for this issue utilized previously by both Iraqi and US sides;
2. That they have completed their sentences;
3. That the removal procedure is court-ordered;
4. That their crime be different from illegal entry into the USA as these fall into the category of asylum seekers and their removal could be considered an enforced repatriation.

As you can see, the response of the ministry is quite consistent with what I anticipated during our phone conversation. In all cases, I will keep you apprised of all/any developments.

With best regards,

Fareed Yasseen

# EXHIBIT 1-28

*Redactions Made by Respondents*  
*Redactions Pursuant to ECF 470*

## Message

**From:** Schultz, John A [/O=IRMMAIL/OU=MBX SERVERS - NYC/CN=RECIPIENTS/CN=JASCHULT]  
**Sent:** 7/26/2017 7:01:50 PM  
**To:** Pineiro, Marlen [/O=IRMMAIL/OU=MBX Servers - MIA/cn=Recipients/cn=mpineiro]  
**Subject:** FW: Iraq

Odd adam said there wasn't a discussion but here is the read out from Josh

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Coster, Joshua  
**Sent:** Wednesday, July 26, 2017 2:57 PM  
**To:** Schultz, John A  
**Subject:** RE: Iraq

Sir,

There was no defined way forward as to Iraq and the current TD issuance problems we're facing. The discussion yesterday was during an OPLA update and specific to the *Hamama v. Adducci* case and the TRO filed in District Court.

AWP

AWP

He mentioned the meeting with Ambassador Silliman and the fact that State countered the argument that Iraqi Chaldeans would necessarily face persecution upon return to Iraq.

That said, I wanted to get a copy of the report for the Acting DD and AD1's staff for better awareness on the topic.

Thanks again for your assistance!

Josh

Joshua Coster  
Deputy Chief of Staff  
ICE-Deputy Director  
U.S. Immigration and Customs Enforcement  
[REDACTED]  
[REDACTED]

---

**From:** Schultz, John A  
**Sent:** Wednesday, July 26, 2017 1:53 PM  
**To:** Coster, Joshua  
**Subject:** Iraq

Waiting on state to send me their report did anything come from the meeting or conversation regarding a way forward?

John A Schultz Jr.

Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536

[REDACTED]  
[REDACTED]  
[REDACTED]

# EXHIBIT 1-29

*Redacted Pursuant to ECF 470*

## Message

**From:** Schultz, John A [/O=IRMMAIL/OU=MBX SERVERS - NYC/CN=RECIPIENTS/CN=JASCHULT]  
**Sent:** 7/11/2017 9:16:20 PM  
**To:** Shea, Peter T [REDACTED]; Tenarodriguez, Jorge [/O=IRMMAIL/OU=MBX Servers - PHO/cn=Recipients/cn=jtenarod]; Riedmann, Scott R (Baghdad) [REDACTED]; Fenzel, Andrew D [REDACTED]; Katz, Evan C [/O=IRMMAIL/OU=MBX Servers - ATL/cn=Recipients/cn=eckatz]; Knoch, Johanna L [REDACTED]; Pennington, Joseph S [REDACTED]  
**CC:** Howell, Loye E [REDACTED]; Abdelraouf, Hadeil [REDACTED]; Coble, Elizabeth A [REDACTED]; Khoury-Kincannon, Sahar [REDACTED]; Koontz, Bryan K [REDACTED]; Stafford, John W [REDACTED]; Yu, William Q (Baghdad) [REDACTED]; Weiller, Brigid R (Baghdad) [REDACTED]; Rapp, Marc A [/O=IRMMAIL/OU=MBX Servers - LOS/cn=Recipients/cn=marapp]; Farmer, Floyd S [/O=IRMMAIL/OU=MBX Servers - DAL/cn=Recipients/cn=FSFarmer]; Williams, Johnny N [/O=IRMMAIL/OU=MBX Servers - LOS/cn=Recipients/cn=jnwillia]; Kane, Katrina S [/O=IRMMAIL/OU=First Administrative Group/cn=Recipients/cn=kskane]; Lenox, Mark R [/O=IRMMAIL/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Lenox, Mark R]; Farmer, Floyd S [/O=IRMMAIL/OU=MBX Servers - DAL/cn=Recipients/cn=FSFarmer]; Clinton, Julius A [/O=IRMMAIL/OU=MBX Servers - NYC/cn=Recipients/cn=JAClinto]  
**Subject:** RE: Anything new?

Scott/Peter-

I wanted to let you know that we met with Ambassador Silliman today and informed if that the plan is to proceed with the removal of 60 Iraqi nationals on July 25. This would result in the arrival in Baghdad on July 26. Given this is contingent on two things 1. That the TRO is lifted and 2. That Iraq allows us to proceed.

John A Schultz Jr.  
 Deputy Assistant Director  
 Removal Management Division- East  
 Enforcement and Removal Operations  
 Immigration and Customs Enforcement  
 500 12<sup>th</sup> Street SW  
 Washington, DC 20536  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

**From:** Shea, Peter T [mailto:[REDACTED]]  
**Sent:** Friday, July 7, 2017 8:40 AM  
**To:** Schultz, John A; Tenarodriguez, Jorge; Riedmann, Scott R (Baghdad); Fenzel, Andrew D; Katz, Evan C; Knoch, Johanna L; Pennington, Joseph S  
**Cc:** Howell, Loye E; Abdelraouf, Hadeil; Coble, Elizabeth A; Khoury-Kincannon, Sahar; Koontz, Bryan K; Stafford, John W; Yu, William Q (Baghdad); Weiller, Brigid R (Baghdad); Rapp, Marc A; Farmer, Floyd S; Williams, Johnny N; Kane, Katrina S; Lenox, Mark R  
**Subject:** RE: Anything new?

Thanks John. I will relay that. I should also mention, in addition to my meeting with Yaseen today, Ambassador Silliman (who will be here for the D-ISIS meetings) will see Yaseen early Monday morning. The Deputy Foreign Minister may/may also be in DC next week, and he is critical to actually issuing the instructions to Amb Yaseen. We'll engage him as well - here in DC if he travels, in Baghdad if not.

So we will have ample opportunities.

Best,  
 Peter

This email is UNCLASSIFIED.

**From:** Schultz, John A [mailto: [REDACTED]]  
**Sent:** Friday, July 07, 2017 8:30 AM  
**To:** Shea, Peter T; Tenarodriguez, Jorge; Riedmann, Scott R (Baghdad); Fenzel, Andrew D; Katz, Evan C; Knoch, Johanna L; Pennington, Joseph S  
**Cc:** Howell, Loye E; Abdelraouf, Hadeil; Coble, Elizabeth A; Khoury-Kincannon, Sahar; Koontz, Bryan K; Stafford, John W; Yu, William Q (Baghdad); Weiller, Brigid R (Baghdad); Rapp, Marc A; Farmer, Floyd S; Williams, Johnny N; Kane, Katrina S; Lenox, Mark R  
**Subject:** RE: Anything new?

Please let him know that I can touch base with him on Monday and I will certainly provide the read out of the call.

Yes the 60 for the next flight are in Mesa but we would expect they interview all of those in Mesa to get a head start on the subsequent flights.

We are going to start planning for the flight during the week of the 24th.

Thanks

Sent with BlackBerry Work  
[www.blackberry.com](http://www.blackberry.com)

**From:** Shea, Peter T <[REDACTED]>  
**Date:** Friday, Jul 07, 2017, 7:14 PM  
**To:** Schultz, John A <[REDACTED]>, Tenarodriguez, Jorge <[REDACTED]>, Riedmann, Scott R (Baghdad) <[REDACTED]>, Fenzel, Andrew D <[REDACTED]>, Katz, Evan C <[REDACTED]>, Knoch, Johanna L <[REDACTED]>, Pennington, Joseph S <[REDACTED]>  
**Cc:** Howell, Loye E <[REDACTED]>, Abdelraouf, Hadeil <[REDACTED]>, Coble, Elizabeth A <[REDACTED]>, Khoury-Kincannon, Sahar <[REDACTED]>, Koontz, Bryan K <[REDACTED]>, Stafford, John W <[REDACTED]>, Yu, William Q (Baghdad) <[REDACTED]>, Weiller, Brigid R (Baghdad) <[REDACTED]>, Rapp, Marc A <[REDACTED]>, Farmer, Floyd S <[REDACTED]>, Williams, Johnny N <[REDACTED]>, Kane, Katrina S <[REDACTED]>  
**Subject:** RE: Anything new?

I am seeing Ambassador Yaseen today at 12 noon and will raise whether he is willing to send the team now, while the TRO is still in place. Earlier this week he said he wants the new instructions, and I expect he will not want to send the team twice (once for those with prior felonies, and later for the rest – right now he feels he can only issue docs to the former, until the new instructions come in). But I will press him. I will also suggest he give you a call John. We're happy with you having that direct line, just so long as we get a back-brief to allow us all to stay on message.

Quick clarifications... all of the 60 who would be on the next flight at in Mesa? (among those 90?)

Will ICE wait until after July 24 to decide the date for the next flight, or will you try to schedule ahead of time pending the decision?

Thanks.

This email is UNCLASSIFIED.

**From:** Schultz, John A [mailto: [REDACTED]]

**Sent:** Friday, July 07, 2017 8:03 AM

**To:** Shea, Peter T; Tenarodriguez, Jorge; Riedmann, Scott R (Baghdad); Fenzel, Andrew D; Katz, Evan C; Knoch, Johanna L; Pennington, Joseph S

**Cc:** Howell, Loe E; Abdelraouf, Hadeil; Coble, Elizabeth A; Khoury-Kincannon, Sahar; Koontz, Bryan K; Stafford, John W; Yu, William Q (Baghdad); Weiller, Brigid R (Baghdad); Rapp, Marc A; Farmer, Floyd S; Williams, Johnny N; Kane, Katrina S

**Subject:** RE: Anything new?

Peter/Scott

I was jut informed that the TRO has been extended until July 24.

There are about 90 or so detained in Mesa and most of them are criminals. Again it would be helpful for the PM's office to dispatch the Embassy to Mesa to conduct the interviews so that once the TRO is lifted we can move quickly.

Thanks

John

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

**From:** Shea, Peter T <[REDACTED]>

**Date:** Thursday, Jul 06, 2017, 8:40 AM

**To:** Schultz, John A <[REDACTED]>, Tenarodriguez, Jorge <[REDACTED]>, Riedmann, Scott R (Baghdad) <[REDACTED]>, Fenzel, Andrew D <[REDACTED]>, Katz, Evan C

<[REDACTED]>, Knoch, Johanna L <[REDACTED]>, Pennington, Joseph S <[REDACTED]>

**Cc:** Howell, Loe E <[REDACTED]>, Abdelraouf, Hadeil <[REDACTED]>, Coble, Elizabeth A

<[REDACTED]>, Khoury-Kincannon, Sahar <[REDACTED]>, Koontz, Bryan K <[REDACTED]>,

Stafford, John W <[REDACTED]>, Yu, William Q (Baghdad) <[REDACTED]>, Weiller, Brigid R (Baghdad)

<[REDACTED]>, Rapp, Marc A <[REDACTED]>, Farmer, Floyd S <[REDACTED]>,

Williams, Johnny N <[REDACTED]>, Kane, Katrina S <[REDACTED]>

**Subject:** Re: Anything new?

Thanks John. I expect Amb Yaseen would prefer to wait for revised instructions. I know **Amb Silliman is pressing for those from the Baghdad end.** Perhaps Amb Yaseen could be convinced to pre-screen those previously convicted of felonies. Are all the individuals in Mesa, AZ?

Sent from my BlackBerry 10 smartphone.

**From:** Schultz, John A

**Sent:** Wednesday, July 5, 2017 8:09 PM

**To:** Shea, Peter T; Tenarodriguez, Jorge; Riedmann, Scott R (Baghdad); Fenzel, Andrew D; Katz, Evan C; Knoch, Johanna L; Pennington, Joseph S

**Cc:** Howell, Loe E; Abdelraouf, Hadeil; Coble, Elizabeth A; Khoury-Kincannon, Sahar; Koontz, Bryan K; Stafford, John W; Yu, William Q (Baghdad); Weiller, Brigid R (Baghdad); Rapp, Marc A; Farmer, Floyd S; Williams, Johnny N; Kane, Katrina S

**Subject:** RE: Anything new?

Peter

Thanks for the read out. We haven't received word regarding the hearing today and I hope that we will get a decision tomorrow.

Do you think there would be any willingness on the Ambassadors part to proactively conduct the interviews while awaiting word from Baghdad?

Sent with BlackBerry Work  
(www.blackberry.com)

From: Shea, Peter T <[REDACTED]>  
Date: Thursday, Jul 06, 2017, 6:38 AM  
To: Tenarodriguez, Jorge <[REDACTED]>, Schultz, John A <[REDACTED]>, Riedmann, Scott R (Baghdad) <[REDACTED]>, Fenzel, Andrew D <[REDACTED]>, Katz, Evan C <[REDACTED]>, Knoch, Johanna L <[REDACTED]>, Pennington, Joseph S <[REDACTED]>  
Cc: Howell, Loye E <[REDACTED]>, Abdelraouf, Hadeil <[REDACTED]>, Coble, Elizabeth A <[REDACTED]>, Khoury-Kincannon, Sahar <[REDACTED]>, Koontz, Bryan K <[REDACTED]>, Stafford, John W <[REDACTED]>, Yu, William Q (Baghdad) <[REDACTED]>, Weiller, Brigid R (Baghdad) <[REDACTED]>, Rapp, Marc A <[REDACTED]>, Farmer, Floyd S <[REDACTED]>, Williams, Johnny N <[REDACTED]>, Kane, Katrina S <[REDACTED]>  
Subject: Re: Anything new?

This afternoon with Amb Yaseen I previewed the aim for a July 13 flight if the court injunction is removed (I've still not seen anything yet). I told him this could be 60 pax, but in future months we want to see that number increase. Fareed reiterated his willingness to cooperate. He is awaiting new instructions from Baghdad, including to clarify if the embassy may issue travel docs to all removal cases, or only those who had been convicted of felonies and have served their sentences. I reiterated that U.S. law does not differentiate, that Iraq has an obligation to accept all, and that we believe PM Abadi understands this. Fareed understood.

As for the 13th date, the Ambassador noted that it will be hard logistically for the Embassy to make work unless it's decided today or perhaps tomorrow at the latest. Fareed would have to get his team to the holding facility Friday or Monday, after he gets instructions.

I expect Amb Yaseen will reach out to you John as well.

Peter

Sent from my BlackBerry 10 smartphone.

From: Shea, Peter T  
Sent: Wednesday, July 5, 2017 11:43 AM  
To: Tenarodriguez, Jorge; Schultz, John A; Riedmann, Scott R (Baghdad); Fenzel, Andrew D; Katz, Evan C; Knoch, Johanna L; Pennington, Joseph S  
Cc: Howell, Loye E; Abdelraouf, Hadeil; Coble, Elizabeth A; Khoury-Kincannon, Sahar; Koontz, Bryan K; Stafford, John W; Yu, William Q (Baghdad); Weiller, Brigid R (Baghdad); Rapp, Marc A; Farmer, Floyd S; Williams, Johnny N; Kane, Katrina S  
Subject: RE: Anything new?

FYI -- I will see Ambassador Yaseen at 4:00pm. Any updates on the court or other matters before that hour will be greatly appreciated.

This email is UNCLASSIFIED.

From: Tenarodriguez, Jorge [mailto: [REDACTED]]  
 Sent: Wednesday, July 05, 2017 9:50 AM  
 To: Schultz, John A; Riedmann, Scott R (Baghdad); Fenzel, Andrew D; Katz, Evan C; Shea, Peter T; Knoch, Johanna L; Pennington, Joseph S  
 Cc: Howell, Loye E; Abdelraouf, Hadeil; Coble, Elizabeth A; Khoury-Kincannon, Sahar; Koontz, Bryan K; Stafford, John W; Yu, William Q (Baghdad); Weiller, Brigid R (Baghdad); Rapp, Marc A; Farmer, Floyd S; Williams, Johnny N; Kane, Katrina S  
 Subject: RE: Anything new?

If I may chime in....and this only applies if we're using Cairo as the "tech spot" (detainee transfer point), Egypt MFA requires at least 4 weeks, from the moment we submit it, to processes the dip note and give us written approval to conduct the operation.

That said, July 13th would only give us only 1 week.

Sent with BlackBerry Work

(www.blackberry.com<http://www.blackberry.com<http://www.blackberry.com<http://www.blackberry.com>>>)

From: Schultz, John A < [REDACTED]>  
 Date: Wednesday, Jul 05, 2017, 10:47 AM  
 To: Riedmann, Scott R (Baghdad) < [REDACTED]>>, Fenzel, Andrew D  
 < [REDACTED]>>, Katz, Evan C  
 < [REDACTED]>>, Shea, Peter T < [REDACTED]>>,  
 Knoch, Johanna L < [REDACTED]>>, Pennington, Joseph S  
 < [REDACTED]>>  
 Cc: Howell, Loye E < [REDACTED]>>, Abdelraouf, Hadeil  
 < [REDACTED]>>, Coble, Elizabeth A  
 < [REDACTED]>>, Khoury-Kincannon, Sahar  
 < [REDACTED]>>, Koontz, Bryan K  
 < [REDACTED]>>, Stafford, John W < [REDACTED]>>,  
 Yu, William Q (Baghdad) < [REDACTED]>>, Weiller, Brigid R (Baghdad)  
 < [REDACTED]>>, Tenarodriguez, Jorge  
 < [REDACTED]>>, Rapp, Marc A  
 < [REDACTED]>>, Farmer, Floyd S  
 < [REDACTED]>>, Williams, Johnny N  
 < [REDACTED]>>, Kane, Katrina S  
 < [REDACTED]>>  
 Subject: RE: Anything new?

Sorry landing in Baghdad on July 13th.

Sent with BlackBerry Work

(www.blackberry.com<http://www.blackberry.com<http://www.blackberry.com<http://www.blackberry.com>>>)

From: Riedmann, Scott R (Baghdad) < [REDACTED]>>  
 Date: Wednesday, Jul 05, 2017, 3:44 PM  
 To: Schultz, John A < [REDACTED]>>, Fenzel, Andrew D  
 < [REDACTED]>>, Katz, Evan C  
 < [REDACTED]>>, Shea, Peter T < [REDACTED]>>,  
 Knoch, Johanna L < [REDACTED]>>, Pennington, Joseph S  
 < [REDACTED]>>  
 Cc: Howell, Loye E < [REDACTED]>>, Abdelraouf, Hadeil  
 < [REDACTED]>>, Coble, Elizabeth A  
 < [REDACTED]>>, Khoury-Kincannon, Sahar  
 < [REDACTED]>>, Koontz, Bryan K  
 < [REDACTED]>>, Stafford, John W < [REDACTED]>>,  
 Yu, William Q (Baghdad) < [REDACTED]>>, Weiller, Brigid R (Baghdad)  
 < [REDACTED]>>, Tenarodriguez, Jorge  
 < [REDACTED]>>, Rapp, Marc A  
 < [REDACTED]>>, Farmer, Floyd S  
 < [REDACTED]>>, Williams, Johnny N  
 < [REDACTED]>>, Kane, Katrina S  
 < [REDACTED]>>

Subject: RE: Anything new?

Which date exactly?

SBU

This email is UNCLASSIFIED.

From: Schultz, John A [mailto: ]

Sent: Wednesday, July 05, 2017 8:55 AM

To: Riedmann, Scott R (Baghdad); Fenzel, Andrew D; Katz, Evan C; Shea, Peter T; Knoch, Johanna L; Pennington, Joseph S

Cc: Howell, Loye E; Abdelraouf, Hadeil; Coble, Elizabeth A; Khoury-Kincannon, Sahar; Koontz, Bryan K; Stafford, John W; Yu,

William Q (Baghdad); Weiller, Brigid R (Baghdad); Tenarodriguez, Jorge; Rapp, Marc A; Farmer, Floyd S; Williams, Johnny N;

Kane, Katrina S

Subject: RE: Anything new?

Scott

I am going to see if we can get the plane for next week. Can you socialize the date today? We will do 60 on this flight but need to have 75 on subsequent flights as we have over 200 final order cases in custody.

Thanks

John

Sent with BlackBerry Work

(www.blackberry.com<http://www.blackberry.com<http://www.blackberry.com<http://www.blackberry.com>>>)

From: Riedmann, Scott R (Baghdad) < >

Date: Wednesday, Jul 05, 2017, 12:38 PM

To: Schultz, John A < >>, Fenzel, Andrew D

< >>, Katz, Evan C

< >>, Shea, Peter T < >.

Knoch, Johanna L < >>, Pennington, Joseph S

< >>

Cc: Howell, Loye E < >>, Abdelraouf, Hadeil

< >>, Coble, Elizabeth A

< >>, Khoury-Kincannon, Sahar

< >>, Koontz, Bryan K

< >>, Stafford, John W < >>.

Yu, William Q (Baghdad) < >>, Weiller, Brigid R (Baghdad)

< >>

Subject: RE: Anything new?

Hopefully you had some chow in Hanoi. Safe travels.

Talk to you soon.

Scott

SBU

This email is UNCLASSIFIED.

From: Schultz, John A [mailto: ]

Sent: Wednesday, July 05, 2017 8:36 AM

To: Riedmann, Scott R (Baghdad); Fenzel, Andrew D; Katz, Evan C; Shea, Peter T; Knoch, Johanna L; Pennington, Joseph S

Cc: Howell, Loye E; Abdelraouf, Hadeil; Coble, Elizabeth A; Khoury-Kincannon, Sahar; Koontz, Bryan K; Stafford, John W; Yu,

William Q (Baghdad); Weiller, Brigid R (Baghdad)

Subject: RE: Anything new?

Hey Scott

The fourth was spent on a plane traveling to Hanoi - I did see a picture of fireworks :)

Thanks for the update I will get with our team in DC and start planning. I am guessing it will be towards the end of July but once I have something concrete I will circle back with you.

Thanks again

John

Sent with BlackBerry Work

(www.blackberry.com<http://www.blackberry.com<http://www.blackberry.com<http://www.blackberry.com>>>)

From: Riedmann, Scott R (Baghdad) <[REDACTED]>>

Date: Wednesday, Jul 05, 2017, 12:09 PM

To: Schultz, John A <[REDACTED]>>, Fenzel, Andrew D

<[REDACTED]>>, Katz, Evan C

<[REDACTED]>>, Shea, Peter T <[REDACTED]>>.

Knoch, Johanna L <[REDACTED]>>, Pennington, Joseph S

<[REDACTED]>>

Cc: Howell, Lyle E <[REDACTED]>>, Abdelraouf, Hadeil

<[REDACTED]>>, Coble, Elizabeth A

<[REDACTED]>>, Khoury-Kincannon, Sahar

<[REDACTED]>>, Koontz, Bryan K

<[REDACTED]>>, Stafford, John W <[REDACTED]>>.

Yu, William Q (Baghdad) <[REDACTED]>>, Weiller, Brigid R (Baghdad)

<[REDACTED]>>

Subject: RE: Anything new?

Hi John,

Hope you a great 4th. I have some good news for you.

I wanted to let you know I spoke with Dr. Rikabi from the MFA today and he told me the PMs office gave them the go-ahead on deportations. He said I should provide him a date for the next flight as soon as we know. I explained the current court situation and he understood, but I told him we would let him know a date as soon as we were able to determine it, given the current status.

As far as numbers, he did not mention a specific amount, but we know from previous discussions that their preferred amount is 60 per flight, at least for now and until we can establish a reasonable return schedule. Amb Silliman will be in DC in a few days and I think is planning to meet with you all to discuss.

The Iraqi Embassy in Washington is the next piece of the puzzle. They will need to be geared up to meet with detainees/issue travel docs, or whatever they feel they need/want to do. I'm sure Amb Silliman will meet with Amb Yaseen as well to discuss.

Hopefully we can implement a durable solution. We are cautiously optimistic.

Best,

Scott

SBU

This email is UNCLASSIFIED.

From: Schultz, John A [mailto:[REDACTED]]

Sent: Monday, July 03, 2017 3:59 PM

To: Riedmann, Scott R (Baghdad); Weiller, Brigid R (Baghdad); Fenzel, Andrew D; Katz, Evan C

Cc: Howell, Lyle E; Abdelraouf, Hadeil; Coble, Elizabeth A; Khoury-Kincannon, Sahar; Koontz, Bryan K; Stafford, John W; Yu, William Q (Baghdad)

Subject: Anything new?

Hi Scott

I am sure you are all busy planning for the fourth but wanted to see if there had been any new developments regarding the removals

Thanks

Sent with BlackBerry Work

(www.blackberry.com<http://www.blackberry.com<http://www.blackberry.com<http://www.blackberry.com>>>)

From: Schultz, John A <[REDACTED]>

Date: Tuesday, Jun 27, 2017, 12:24 PM

To: Riedmann, Scott R (Baghdad) <[REDACTED]>, Weiller, Brigid R (Baghdad)

<[REDACTED]>, Fenzel, Andrew D <[REDACTED]>.

Katz, Evan C <[REDACTED]>

Cc: Howell, Loye E <[REDACTED]>, NEA-I-POL-DL <[REDACTED]>

<[REDACTED]>, Yu, William Q (Baghdad) <[REDACTED]>

Subject: RE: Iraq URGENT Assistant Req

Thanks for all the support on our end our Director has been in communication with the Ambassador and our legal team is working on having the TRO lifted.

Sent with BlackBerry Work

(www.blackberry.com<http://www.blackberry.com<http://www.blackberry.com<http://www.blackberry.com>>>)

From: Riedmann, Scott R (Baghdad) <[REDACTED]>

Date: Tuesday, Jun 27, 2017, 10:10 AM

To: Weiller, Brigid R (Baghdad) <[REDACTED]>, Schultz, John A

<[REDACTED]>, Fenzel, Andrew D

<[REDACTED]>, Katz, Evan C

<[REDACTED]>

Cc: Howell, Loye E <[REDACTED]>, NEA-I-POL-DL <[REDACTED]>

<[REDACTED]>, Yu, William Q (Baghdad) <[REDACTED]>

Subject: RE: Iraq URGENT Assistant Req

John,

Amb is hoping to get in to see the PM this week as Eid finishes. This item is #1 on his list.

Best,

Scott

Official - SBU

UNCLASSIFIED

From: Weiller, Brigid R (Baghdad)

Sent: Tuesday, June 27, 2017 5:05 PM

To: Schultz, John A; Fenzel, Andrew D; Katz, Evan C

Cc: Howell, Loye E; NEA-I-POL-DL; Yu, William Q (Baghdad); Riedmann, Scott R (Baghdad)

Subject: RE: Iraq URGENT Assistant Req

John,

Identifying a date is an absolute priority for post.

Thanks.

Brigid

Official - SBU  
UNCLASSIFIED

From: Schultz, John A [mailto: [REDACTED]]  
Sent: Tuesday, June 27, 2017 4:33 PM  
To: Fenzel, Andrew D; Katz, Evan C  
Cc: Howell, Loye E; NEA-I-POL-DL; Yu, William Q (Baghdad); Weiller, Brigid R (Baghdad)  
Subject: RE: Iraq URGENT Assistant Req

Right now we are standing by as it unfolds but we hope that post can make some headway in country regarding the agreement of a date for the charter

Sent with BlackBerry Work  
(www.blackberry.com<http://www.blackberry.com<http://www.blackberry.com<http://www.blackberry.com>>>)  
From: Fenzel, Andrew D < [REDACTED]>  
Date: Tuesday, Jun 27, 2017, 8:55 AM  
To: Schultz, John A < [REDACTED]>, Katz, Evan C  
< [REDACTED]>  
Cc: Howell, Loye E < [REDACTED]>, NEA-I-POL-DL < [REDACTED]>, Yu, William Q (Baghdad) < [REDACTED]>, Weiller, Brigid R (Baghdad) < [REDACTED]>  
Subject: RE: Iraq URGENT Assistant Req

John/Corey,

Is there anything you need from State at this time? Please let us know asap.

Thanks,  
Andrew

Andrew Fenzel  
Post Operations Division, Office of Visa Services  
Bureau of Consular Affairs  
U.S. Department of State  
(W) [REDACTED]

Official - SBU  
UNCLASSIFIED

From: Howell, Loye E  
Sent: Tuesday, June 27, 2017 8:23 AM  
To: NEA-I-POL-DL; Yu, William Q (Baghdad); Weiller, Brigid R (Baghdad)  
Cc: Fenzel, Andrew D  
Subject: FW: Iraq URGENT Assistant Req

Colleagues,

Please see email below from DHS and let us know if you have any questions.  
Regards,  
Loye

SBU  
This email is UNCLASSIFIED.

From: Pineiro, Marlen [mailto: [REDACTED]]

Sent: Monday, June 26, 2017 10:59 PM

To: King, Karin M; Dougherty, Michael

Cc: Miller, Philip T; Schultz, John A; Day, Dana; Kane, Katrina S; Lenox, Mark R; King, Matthew; Chalkley, Marie; Kisselburg,

Alexander; Gearino, Evan; Zadrozny, John A. EOP/WHO

Subject: RE: Iraq URGENT Assistant Req

Folks,

Pls be advised that about an hour ago the judge in Detroit expanded the injunction and it is now nationwide. As such no Iraqis can be removed for at least 14 days.

MP

Sent with BlackBerry Work

([www.blackberry.com](http://www.blackberry.com)<<http://www.blackberry.com><<http://www.blackberry.com><<http://www.blackberry.com>>>>)

# EXHIBIT 1-30

## Message

---

**From:** George, Christopher [/O=IRMMAIL/OU=MBX SERVERS - BAL/CN=RECIPIENTS/CN=CGEORGE2]  
**Sent:** 7/11/2017 2:38:59 PM  
**To:** Farmer, Floyd S [/O=IRMMAIL/OU=MBX Servers - DAL/cn=Recipients/cn=FSFarmer]  
**CC:** Carey, John J [/O=IRMMAIL/OU=MBX Servers - NYC/cn=Recipients/cn=jjcarey]; Clinton, Julius A  
[/O=IRMMAIL/OU=MBX Servers - NYC/cn=Recipients/cn=JAClinto]  
**Subject:** Charter request memo for Iraqi Removal mission on July 25, 2017  
**Attachments:** Iraq Charter (July 25, 2017).xlsx; SHRC to Iraq (July 25, 2017).docx

Sam,

Please see the attached charter request memorandum for an Iraqi removal mission scheduled for July 25, 2017. Also attached is the current manifest of 60 cases, with 20 alternates.

Please let us know if you have any questions or concerns.

Regards,  
Chris

*Enforcement and Removal Operations*

U.S. Department of Homeland Security  
500 12th Street SW  
Washington, D.C. 20536



**U.S. Immigration  
and Customs  
Enforcement**

July 7, 2017

MEMORANDUM FOR: Marlen Pinciro  
Assistant Director  
Removal

THROUGH: John Schultz  
Deputy Assistant Director  
Removal Management Division

FROM: Floyd S. Farmer  
Unit Chief  
Removal and International Operations -Middle East/Eastern  
Africa

SUBJECT: Request for Charter Mission to Iraq

Issue:

The purpose of this memorandum is to request authorization to conduct a charter removal mission to Iraq to affect the removal of 60 Iraqi nationals who cannot be removed via commercial means.

Background:

The Removal and International Operations (RIO) is currently managing sixty (60) cases involving Iraqi nationals who do not have travel documents (TD). RIO in conjunction with the Department of State (DOS) in Baghdad has acquired permission to send these 60 subjects on a charter flight. Iraq will accept the cases with an approved manifest instead of TDs. Commercial Airlines would require a TD issued by the receiving country before they allow these subjects to board the aircraft. Accordingly, these individuals cannot be removed on commercial airlines and require charter removal via ICE Air Operations (IAO).

[www.dhs.gov](http://www.dhs.gov)

Request for Charter Mission to Iraq  
Page 2

Attached to this memorandum is the list of individuals currently identified for this charter, along with 20 proposed alternates.

Recommendation:

RMD recommends approval of this mission in order to finalize the manifest. Once approved, RMD will coordinate with IAO to finalize the manifest and schedule the mission for July 25, 2017.

It is anticipated that the following GS-13 or above will travel for this mission:

- Removal Management Division: One GS-14 Detention and Deportation Officer who is familiar with the cases and is familiar with Embassy protocols.
- International Operations Division: ERO (A) Assistant Attaché for Removal, Jorge Tenarodriguez may be on ground in Iraq. An HSI Country Attaché may be on the ground in Iraq.
- ICE Air Operations: One GS-13 or above.

Request for Charter Mission to Iraq  
Page 3

Approve: \_\_\_\_\_

Disapprove: \_\_\_\_\_

Modified: \_\_\_\_\_

Needs Discussion: \_\_\_\_\_

cc: Katrina Kane  
Deputy Assistant Director  
ICE Air Operations

# EXHIBIT 1-31

*Redacted Pursuant to ECF 470*

## Message

**From:** Riedmann, Scott R (Baghdad) [REDACTED]  
**Sent:** 7/18/2017 12:05:46 PM  
**To:** Schultz, John A [/O=IRMMAIL/OU=Mbx servers - nyc/cn=recipients/cn=jaschult]  
**Subject:** RE: Ordered Removal Proceedings

Your call. Just be warned: the NS cases might cause the Iraqis to balk and cancel last minute. I'd hate to see you lose another charter.

SBU

This email is UNCLASSIFIED.

---

**From:** Schultz, John A [mailto:[REDACTED]]  
**Sent:** Tuesday, July 18, 2017 2:42 PM  
**To:** Riedmann, Scott R (Baghdad)  
**Subject:** RE: Ordered Removal Proceedings

Will be hard pressed to swap out the NS cases and other than those and the guy that wants to go back al rest are crim

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

---

**From:** Riedmann, Scott R (Baghdad) <[REDACTED]>  
**Date:** Tuesday, Jul 18, 2017, 7:40 AM  
**To:** Schultz, John A <[REDACTED]>  
**Subject:** RE: Ordered Removal Proceedings

That does help, actually. If he wants to go back and this is just the easiest, cheapest option for him, we can sell that.

But the other non-crims may raise an issue as well. I think if you can swap them for alternates, especially on this first flight, it makes subsequent flights so much easier. Once we start to institutionalize this program, we will have more latitude. Right now, the goal for us is to regularize these flights. Sending crims will do that.

SBU

This email is UNCLASSIFIED.

---

**From:** Schultz, John A [mailto:[REDACTED]]  
**Sent:** Tuesday, July 18, 2017 1:57 PM  
**To:** Riedmann, Scott R (Baghdad)  
**Subject:** RE: Ordered Removal Proceedings

The non-crim guy has a passport and from what I recall wants to go back. I believe his family is already there waiting for him. Once the TRO is lifted the quickest way for his return would be via the charter.

I think the commercial itinerary that we had for him routed him through Turkey which necessitates two officers to escort him that far and due to Turkey's country notification process adds 30 days to the removal.

Does that effect the situation at all?

His case sort of floated to the surface because he had wanted to go and was on a commercial flight rather than the first planned charter so it will take some effort on my part to back him off the charter.

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

---

**From:** Riedmann, Scott R (Baghdad) <[REDACTED]>  
**Date:** Tuesday, Jul 18, 2017, 6:47 AM  
**To:** Schultz, John A <[REDACTED]>  
**Subject:** RE: Ordered Removal Proceedings

Have you given thought to the compromise? I think we should really accommodate the Iraqis on this. This is a great way to get this program started and moving forward.

SBU  
This email is UNCLASSIFIED.

---

**From:** Schultz, John A [mailto:[REDACTED]]  
**Sent:** Tuesday, July 18, 2017 1:36 PM  
**To:** Riedmann, Scott R (Baghdad)  
**Subject:** RE: Ordered Removal Proceedings

Sure let me see what I can run down- most likely won't need to go via class system but I can send that way if you think I should.

Let me know

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

---

**From:** Riedmann, Scott R (Baghdad) <[REDACTED]>  
**Date:** Tuesday, Jul 18, 2017, 5:35 AM  
**To:** Schultz, John A <[REDACTED]>  
**Cc:** Shea, Peter T <[REDACTED]>, Koontz, Bryan K <[REDACTED]>, Pennington, Joseph S <[REDACTED]>  
**Subject:** RE: Ordered Removal Proceedings

John,

The Front Office here would like some clarity on the national security cases. I assumed they are individuals of concern who have other convictions/violations. Could you please confirm.

Thx,

Scott

-----Original Message-----

From: Schultz, John A [mailto: [REDACTED]]  
Sent: Tuesday, July 18, 2017 12:44 AM  
To: Riedmann, Scott R (Baghdad)  
Cc: Shea, Peter T; Koontz, Bryan K; Pennington, Joseph S  
Subject: RE: Ordered Removal Proceedings

Scott-

The Ambo has advised me that two individuals will be going to AZ tomorrow to conduct "preliminary interviews". I don't expect any TDs to be issued at this time but he indicated this will cut down the time to issue once we are prepared to go wheels up.

Regarding the 5 non-crimis - 4 are national security cases that we have prioritized and only 1 is a run of the mill case.

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12th Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

-----Original Message-----

From: Riedmann, Scott R (Baghdad) [mailto: [REDACTED]]  
Sent: Monday, July 17, 2017 12:46 PM  
To: Schultz, John A  
Cc: Shea, Peter T; Koontz, Bryan K; Pennington, Joseph S  
Subject: Re: Ordered Removal Proceedings

Any way to swap out the five?

Sent from my BlackBerry 10 smartphone.

From: Schultz, John A  
Sent: Monday, July 17, 2017 19:38  
To: Riedmann, Scott R (Baghdad)  
Cc: Shea, Peter T; Koontz, Bryan K; Pennington, Joseph S  
Subject: RE: Ordered Removal Proceedings

Scott-

we are certainly looking to move criminals first but there are some other "non-crimis" who will also be on the first flight. I expect the first flight to be approx. 55 crimis and 5 non-crimis.

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12th Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

From: Riedmann, Scott R (Baghdad) [mailto: [REDACTED]]  
Sent: Monday, July 17, 2017 5:53 AM

To: Schultz, John A  
Cc: Shea, Peter T; Koontz, Bryan K; Pennington, Joseph S  
Subject: RE: Ordered Removal Proceedings

Hi John,

Stephanie and I had a good meeting with the Dep Foreign Minister today. He agreed again to instruct the Embassy to start issuing travel docs and to resume flights with 60 deportees.

He explained that he is under pressure from Parliament about some deportees returning who claimed asylum and have other immigration violations. We explained there is not difference and he agreed that legal system is fair and that all have had multiple chances to make their case. It's all about optics.

We told him that roughly 800 of the 1444 have criminal convictions and this is the reason for their ordered departure. For him politically, it would be very helpful if the initial flights contained only deportees with criminal convictions. Since there is no dispute about those with criminal convictions, this would allow the flight process to become routine and then, hopefully, the political issue surrounding the flights simply dies because the process is now normalized.

Is that something you all could accommodate? It would give the GOI necessary political cover and give us what we want with respect to implementing a regular return schedule. It seems win-win and a good way to get this moving forward.

Let me know your thoughts.

Best,

Scott

SBU  
This email is UNCLASSIFIED.

From: Schultz, John A [mailto: ]  
Sent: Sunday, July 16, 2017 6:12 PM  
To: Riedmann, Scott R (Baghdad)  
Cc: Shea, Peter T; Koontz, Bryan K; Pennington, Joseph S  
Subject: RE: Ordered Removal Proceedings

About 800 had criminal convictions

Sent with BlackBerry Work  
(www.blackberry.com<http://www.blackberry.com>)  
From: Riedmann, Scott R (Baghdad) < >>  
Date: Sunday, Jul 16, 2017, 11:06 AM  
To: Schultz, John A < >>  
Cc: Shea, Peter T < >>, Koontz, Bryan K  
< >>, Pennington, Joseph S  
< >>  
Subject: RE: Ordered Removal Proceedings

Good to know. That is a bit of a sticking point with the GOI. They believe someone ordered removed solely based on an failed asylum claim is somehow different. We are explaining that legally, judicially an ordered removal is an ordered removal - the reason for said removal is irrelevant.

Is it fair to say that most of the 1444 also have other criminal convictions?

SBU  
This email is UNCLASSIFIED.

From: Schultz, John A [mailto: ]  
 Sent: Sunday, July 16, 2017 5:59 PM  
 To: Riedmann, Scott R (Baghdad)  
 Cc: Shea, Peter T; Koontz, Bryan K; Pennington, Joseph S  
 Subject: RE: Ordered Removal Proceedings

Scott

Technology is blocking my ability to open the extract of the 1400 cases and give you a number of how many but I can assure you that there are failed asylum seekers within the group of final orders.

John A Schultz Jr.  
 Deputy Assistant Director  
 Removal Management Division- East  
 Enforcement and Removal Operations  
 Immigration and Customs Enforcement  
 500 12th Street SW  
 Washington, DC 20536

From: Riedmann, Scott R (Baghdad) [mailto: ]  
 Sent: Sunday, July 16, 2017 10:54 AM  
 To: Schultz, John A  
 Cc: Shea, Peter T; Koontz, Bryan K; Pennington, Joseph S  
 Subject: RE: Ordered Removal Proceedings

Hi John,

This is very helpful. Do we know how many, if any, of the 1444 deportees had asylum claims? This would be very useful in our discussions.

Thx,

Scott

SBU  
 This email is UNCLASSIFIED.

From: Schultz, John A [mailto: ]  
 Sent: Sunday, July 16, 2017 5:49 PM  
 To: Riedmann, Scott R (Baghdad)  
 Cc: Shea, Peter T; Koontz, Bryan K; Pennington, Joseph S  
 Subject: RE: Ordered Removal Proceedings

Hi Scott

What constitutes and Immigration violation?

Any violation of the Immigration and Nationality Act (INA) and United States Code (USC) Title 8. There are too many violations to list them all but most common are- overstay, illegal entry, conviction of crime which violates status, fraud.

How are Immigration violations adjudicated, is this different than an order of removal based on criminal convictions? Both criminal and non-criminal aliens are essentially processed for removal in the same manner. Either can be ordered removed by an Immigration Judge, the Board of Immigration Appeals, or in certain cases an immigration officer.

An individual can be order removed for whatever reason-Immigration, criminal, whatever. Can you please confirm this? Yes as long as they have violated the immigration law they can be ordered removed.

Per below, there is a separate hearing process for asylum-only cases. What happens during these hearings if asylum is denied? Then

the removal order take effect. Is there a removal order issued as well? Yes Do the subjects have the opportunity to appeal, or self-deport? Yes they can appeal, once they are ordered removed even if they self deport their file will be closed as a removal not a voluntary removal thus barring them from re-entering for most likely 10 years. Any specific info on this would be useful.

The information on EOIR is correct and for the Iraqis probably the most likely avenue to have received a final order.

Let me know if you think it would be helpful for someone from my office to fly to Baghdad and meet with the Iraqi officials as well.

We haven't been contacted by the Embassy regarding the interviews and will follow up with them on Monday.

john

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12th Street SW  
Washington, DC 20536

From: Riedmann, Scott R (Baghdad) [mailto: ]  
Sent: Thursday, July 13, 2017 9:10 AM  
To: Schultz, John A  
Cc: Shea, Peter T; Koontz, Bryan K; Pennington, Joseph S  
Subject: Ordered Removal Proceedings

Hi John,

Our Charge met with the MFA today to talk deportations. The issue of deportations based on criminal convictions as opposed to immigration violations arose. We clearly see no difference between the two; but the Iraqis do. Questions arose in the meeting about what constitutes an immigration violation, as well as how immigration violations are adjudicated and if this is different than an ordered removal based on a criminal conviction. We are under the impression there is no difference. An individual can be ordered removed for whatever reason - immigration, criminal, whatever. Can you please confirm this? As well, any information on what constitutes and immigration violation would be useful.

As well, we would like to lay out the removal process for the GOI, so that they see it is a completely legal and transparent process from start to finish, with sufficient due process. I pulled the following about the EOIR from the DOJ website. Please let me know if this is accurate and up-to-date and usable for this purpose. If not, please provide us with something to use.

The issue of asylees also came up. The GOI is very concerned that individuals who sought asylum are among the deportees and that they are at risk if returned to the Iraq. We believe that there may be some among the deportees who fall into this category; however, they too received a full hearing and had ample opportunity to present their case. Any information you have on this (including how many among the deportees fall into this category) would be very useful. Per below, there is a separate hearing process for asylum-only cases. What happens during these hearings if asylum is denied? Is there a removal order issued as well? Do the subjects have the opportunity to appeal, or self-deport? Any specific info on this would be useful.

In the meeting, the MFA agreed to instruct the Iraqi Embassy to dispatch a consular officer to Mesa to begin documenting the deportees. However, they balked again at the number of deportees, even though previously they suggested 60 as an acceptable number. This is clearly a political issue for them vis-à-vis the optics of so many coming off the plane. Our Charge reinforced our high lever interest and PM's pledge to POTUS.

Best,

Scott

Department of Justice  
Executive Office for Immigration Review

Thursday, September 9, 2010

## EOIR at a Glance

This fact sheet provides an agency overview for general informational purposes only and is not a substitute for legal advice; nor does it constitute any legal opinion by the Department of Justice, or create any rights or benefits. This fact sheet is not fully inclusive, does not address all applicable laws or case interpretation, and may be subject to change as new laws and regulations are enacted.

The Department of Justice's Executive Office for Immigration Review (EOIR) administers the nation's immigration court system. EOIR primarily decides whether foreign-born individuals, who are charged by the Department of Homeland Security (DHS) with violating immigration law, should be ordered removed from the United States or should be granted relief or protection from removal and be permitted to remain in this country. To make these critical determinations, EOIR's Office of the Chief Immigration Judge (OCIJ) has more than 235 immigration judges who conduct administrative court proceedings, called removal proceedings, in 57 immigration courts nationwide.

EOIR's appellate component, the Board of Immigration Appeals (BIA), primarily decides appeals of immigration judge decisions. Certain BIA decisions that the BIA designates as precedent decisions apply to immigration cases nationwide. The BIA is the highest administrative tribunal for interpreting and applying U.S. immigration law.

EOIR's third component, the Office of the Chief Administrative Hearing Officer (OCAHO), hears cases that do not relate to removal proceedings; they relate to employer sanctions for illegal hiring of unauthorized workers, document fraud, and unfair immigration-related employment practices (fact sheet at <http://www.justice.gov/eoir/press/2012/OCAHOFactSheet05292012.pdf> <<https://www.justice.gov/eoir/press/2012/OCAHOFactSheet05292012.pdf>>).

## Removal Proceedings

DHS initiates removal proceedings when it serves the individual with a charging document, called a Notice to Appear, and files that Notice to Appear with one of EOIR's immigration courts. The Notice to Appear orders the individual to appear before an immigration judge and provides notice of the removal proceedings, the alleged immigration law violations, the ability to seek legal representation at no expense to the government, and the consequences of failing to appear at scheduled hearings.

When the immigration court receives the Notice to Appear from DHS, the court schedules a removal hearing before an immigration judge. There may be one or multiple hearings, depending on what happens in the case. The two parties in the hearing are the individual named in the Notice to Appear and DHS.

The DHS attorney represents the government and seeks to prove that the individual should be removed from the United States. The individual in removal proceedings may, at his/her own expense, seek an attorney or other authorized legal representative (fact sheet at <http://www.justice.gov/eoir/press/09/WhoCanRepresentAliensFactSheet10022009.pdf> <<https://www.justice.gov/eoir/press/09/WhoCanRepresentAliensFactSheet10022009.pdf>>).

Removal proceedings begin with a "master calendar" hearing, where the immigration judge ensures the individual understands the alleged immigration law violations. The judge also provides information on available free legal representation resources in the area. Then, generally, the immigration judge will schedule an "individual" hearing, where both parties present the merits of the case to the immigration judge.

The outcome of many removal proceedings depends on whether the individual is eligible for relief from removal. Immigration law provides relief from removal to individuals who meet specific criteria. In most removal proceedings, individuals admit that they are removable, but then apply for one or more forms of relief. In such cases, individuals must prove that they are eligible for relief, such as cancellation of removal, adjustment of status, asylum, or other remedies provided by immigration law (fact sheet at <http://www.justice.gov/eoir/press/04/ReliefFromRemoval.pdf> <<https://www.justice.gov/eoir/press/04/ReliefFromRemoval.pdf>>).

## Other Hearings and Reviews

While immigration judges usually conduct removal proceedings, they may also conduct the following hearings and reviews:

- \* Bond Redetermination Hearings -- to determine whether to lower or eliminate the amount of a bond set by DHS for an individual detained by DHS. The detained individual makes a request for a bond redetermination hearing to the immigration judge. These hearings are generally informal and are not part of the removal proceedings.
- \* Rescission Hearing -- to determine whether a lawful permanent resident should have his/her residency status rescinded because he/she was not entitled to it when it was granted.
- \* Withholding-Only Hearing -- to determine whether an individual who has been ordered removed is eligible for withholding of removal under Section 241(b)(3) of the Immigration and Nationality Act or under the Convention Against Torture.
- \* Asylum-Only Hearing -- to determine whether certain individuals who are not entitled to a removal hearing (crewmen, stowaways, Visa Waiver Pilot Program beneficiaries, and those ordered removed from the United States on security grounds) but claim a well-founded fear of persecution in their home country are eligible for asylum. (See above Caveat Regarding Asylum Claims

in the CNMI.)

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<http://www.justice.gov/eoir/press/09/AsylumWithholdingCATProtections.pdf><<https://www.justice.gov/eoir/press/09/AsylumWithholdingCATProtections.pdf>>). Expedited removal allows DHS to remove certain individuals from the United States without placing them in removal proceedings.

\* Reasonable Fear Review -- to determine whether an individual in expedited removal, who has been previously removed from the United States, has a reasonable fear of persecution or torture (fact sheet at

<http://www.justice.gov/eoir/press/09/AsylumWithholdingCATProtections.pdf><<https://www.justice.gov/eoir/press/09/AsylumWithholdingCATProtections.pdf>>).

\* Claimed Status Review -- to determine whether an individual in expedited removal has a valid claim to U.S. citizenship, lawful permanent residency, refugee or asylum status, when the individual claims under oath to have such status.

\* In Absentia Hearing -- to determine whether an individual who does not appear for a scheduled hearing may be ordered removed in his/her absence, which is called in absentia. The immigration judge will order an individual removed in absentia if DHS establishes by clear, unequivocal and convincing evidence that the individual is removable, and that DHS served the individual with a written notice to appear for the hearing that included information on the consequences of being absent for a hearing.

#### Immigration Judge Decisions

At the conclusion of the case, the immigration judge usually issues an oral decision, but on occasion will issue a written decision sometime after the hearing. Immigration judge decisions are made on a case-by-case basis according to U.S. immigration law, regulations and precedent decisions.

When the immigration judge grants the individual relief from removal, the individual may remain in the United States, sometimes temporarily and sometimes permanently. When the immigration judge orders the individual removed, DHS may remove the individual from the United States. However, an immigration judge's decision may not be the final decision in the case because both parties have the opportunity to appeal an immigration judge's decision in removal proceedings and in the other hearings and reviews specified above.

Appeals of Immigration Judge Decisions -- BIA Review Within 30 days of the immigration judge's decision, either party or both parties may appeal the immigration judge's decision to the BIA. The BIA decides the appeal by conducting a "paper" or record review; the BIA, generally, does not conduct courtroom hearings, though it may hold oral argument in selected cases.

Appeals of BIA Decisions -- Federal Court Review If the individual in proceedings disagrees with the BIA's ruling, he/she may file an appeal ("petition for review") with the appropriate federal circuit court of appeals. DHS, however, may not do so.

#### - EOIR -

The Executive Office for Immigration Review (EOIR) is an agency within the Department of Justice. Under delegated authority from the Attorney General, immigration judges and the Board of Immigration Appeals interpret and adjudicate immigration cases according to United States immigration laws. EOIR's immigration judges conduct administrative court proceedings in immigration courts located throughout the nation. They determine whether foreign-born individuals-whom the Department of Homeland Security charges with violating immigration law-should be ordered removed from the United States or should be granted relief from removal and be permitted to remain in this country. The Board of Immigration Appeals primarily reviews appeals of decisions by immigration judges. EOIR's Office of the Chief Administrative Hearing Officer adjudicates immigration-related employment cases. EOIR is committed to ensuring fairness in all of the cases it adjudicates.

Executive Office for Immigration Review

Updated January 8, 2016

Scott Riedmann

Consul General

U.S. Embassy, Baghdad

RiedmannSR@state.gov<<mailto:RiedmannSR@state.gov>>

SBU

This email is UNCLASSIFIED.

SBU

This email is UNCLASSIFIED.

## General Information

<b>Court</b>	United States District Court for the Eastern District of Michigan; United States District Court for the Eastern District of Michigan
<b>Federal Nature of Suit</b>	Deportation[460]
<b>Docket Number</b>	2:17-cv-11910

# EXHIBIT 1-32

*Redacted Pursuant to ECF 470*

## Message

**From:** Riedmann, Scott R (Baghdad) [REDACTED]  
**Sent:** 7/17/2017 9:52:29 AM  
**To:** Schultz, John A [/O=IRMMAIL/OU=Mbx servers - nyc/cn=recipients/cn=jaschult]  
**CC:** Shea, Peter T [REDACTED]; Koontz, Bryan K [REDACTED]; Pennington, Joseph S [REDACTED]  
**Subject:** RE: Ordered Removal Proceedings

Hi John,

Stephanie and I had a good meeting with the Dep Foreign Minister today. He agreed again to instruct the Embassy to start issuing travel docs and to resume flights with 60 deportees.

He explained that he is under pressure from Parliament about some deportees returning who claimed asylum and have other immigration violations. We explained there is not difference and he agreed that legal system is fair and that all have had multiple chances to make their case. It's all about optics.

We told him that roughly 800 of the 1444 have criminal convictions and this is the reason for their ordered departure. For him politically, it would be very helpful if the initial flights contained only deportees with criminal convictions. Since there is no dispute about those with criminal convictions, this would allow the flight process to become routine and then, hopefully, the political issue surrounding the flights simply dies because the process is now normalized.

Is that something you all could accommodate? It would give the GOI necessary political cover and give us what we want with respect to implementing a regular return schedule. It seems win-win and a good way to get this moving forward.

Let me know your thoughts.

Best,

Scott

SBU

This email is UNCLASSIFIED.

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**From:** Schultz, John A [mailto:[REDACTED]]  
**Sent:** Sunday, July 16, 2017 6:12 PM  
**To:** Riedmann, Scott R (Baghdad)  
**Cc:** Shea, Peter T; Koontz, Bryan K; Pennington, Joseph S  
**Subject:** RE: Ordered Removal Proceedings

About 800 had criminal convictions

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

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**From:** Riedmann, Scott R (Baghdad) <[REDACTED]>  
**Date:** Sunday, Jul 16, 2017, 11:06 AM  
**To:** Schultz, John A <[REDACTED]>  
**Cc:** Shea, Peter T <[REDACTED]>, Koontz, Bryan K <[REDACTED]>, Pennington, Joseph S <[REDACTED]>

---

**Subject:** RE: Ordered Removal Proceedings

Good to know. That is a bit of a sticking point with the GOI. They believe someone ordered removed solely based on an failed asylum claim is somehow different. We are explaining that legally, judicially an ordered removal is an ordered removal – the reason for said removal is irrelevant.

Is it fair to say that most of the 1444 also have other criminal convictions?

SBU  
This email is UNCLASSIFIED.

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**From:** Schultz, John A [mailto: ]  
**Sent:** Sunday, July 16, 2017 5:59 PM  
**To:** Riedmann, Scott R (Baghdad)  
**Cc:** Shea, Peter T; Koontz, Bryan K; Pennington, Joseph S  
**Subject:** RE: Ordered Removal Proceedings

Scott

Technology is blocking my ability to open the extract of the 1400 cases and give you a number of how many but I can assure you that there are failed asylum seekers within the group of final orders.

John A Schultz Jr.  
 Deputy Assistant Director  
 Removal Management Division- East  
 Enforcement and Removal Operations  
 Immigration and Customs Enforcement  
 500 12<sup>th</sup> Street SW  
 Washington, DC 20536

---

**From:** Riedmann, Scott R (Baghdad) [mailto: ]  
**Sent:** Sunday, July 16, 2017 10:54 AM  
**To:** Schultz, John A  
**Cc:** Shea, Peter T; Koontz, Bryan K; Pennington, Joseph S  
**Subject:** RE: Ordered Removal Proceedings

Hi John,

This is very helpful. Do we know how many, if any, of the 1444 deportees had asylum claims? This would be very useful in our discussions.

Thx,

Scott

SBU  
This email is UNCLASSIFIED.

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**From:** Schultz, John A [mailto: [REDACTED]]  
**Sent:** Sunday, July 16, 2017 5:49 PM  
**To:** Riedmann, Scott R (Baghdad)  
**Cc:** Shea, Peter T; Koontz, Bryan K; Pennington, Joseph S  
**Subject:** RE: Ordered Removal Proceedings

Hi Scott

What constitutes and Immigration violation?

Any violation of the Immigration and Nationality Act (INA) and United States Code (USC) Title 8. There are too many violations to list them all but most common are- overstay, illegal entry, conviction of crime which violates status, fraud.

How are Immigration violations adjudicated, is this different than an order of removal based on criminal convictions? Both criminal and non-criminal aliens are essentially processed for removal in the same manner. Either can be ordered removed by an Immigration Judge, the Board of Immigration Appeals, or in certain cases an immigration officer.

An individual can be order removed for whatever reason-Immigration, criminal, whatever. Can you please confirm this? Yes as long as they have violated the immigration law they can be ordered removed.

Per below, there is a separate hearing process for asylum-only cases. What happens during these hearings if asylum is denied? Then the removal order take effect. Is there a removal order issued as well? Yes Do the subjects have the opportunity to appeal, or self-deport? Yes they can appeal, once they are ordered removed even if they self deport their file will be closed as a removal not a voluntary removal thus barring them from re-entering for most likely 10 years. Any specific info on this would be useful.

The information on EOIR is correct and for the Iraqis probably the most likely avenue to have received a final order.

Let me know if you think it would be helpful for someone from my office to fly to Baghdad and meet with the Iraqi officials as well.

We haven't been contacted by the Embassy regarding the interviews and will follow up with them on Monday.

john

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

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**From:** Riedmann, Scott R (Baghdad) [mailto: [REDACTED]]  
**Sent:** Thursday, July 13, 2017 9:10 AM  
**To:** Schultz, John A  
**Cc:** Shea, Peter T; Koontz, Bryan K; Pennington, Joseph S  
**Subject:** Ordered Removal Proceedings

Hi John,

Our Charge met with the MFA today to talk deportations. The issue of deportations based on criminal convictions as opposed to immigration violations arose. We clearly see no difference between the two; but the Iraqis do. Questions arose in the meeting about what constitutes an immigration violation, as well as how immigration violations are adjudicated and if this is different than an ordered removal based on a criminal conviction. We are under the impression there is no difference. An individual can be ordered removed for whatever reason – immigration, criminal, whatever. Can you please confirm this? As well, any information on what constitutes and immigration violation would be useful.

As well, we would like to lay out the removal process for the GOI, so that they see it is a completely legal and transparent process from start to finish, with sufficient due process. I pulled the following about the EOIR from the DOJ website. Please let me know if this is accurate and up-to-date and usable for this purpose. If not, please provide us with something to use.

The issue of asylees also came up. The GOI is very concerned that individuals who sought asylum are among the deportees and that they are at risk if returned to the Iraq. We believe that there may be some among the deportees who fall into this category; however, they too received a full hearing and had ample opportunity to present their case. Any information you have on this (including how many among the deportees fall into this category) would be very useful. Per below, there is a separate hearing process for asylum-only cases. What happens during these hearings if asylum is denied? Is there a removal order issued as well? Do the subjects have the opportunity to appeal, or self-deport? Any specific info on this would be useful.

In the meeting, the MFA agreed to instruct the Iraqi Embassy to dispatch a consular officer to Mesa to begin documenting the deportees. However, they balked again at the number of deportees, even though previously they suggested 60 as an acceptable number. This is clearly a political issue for them vis-à-vis the optics of so many coming off the plane. Our Charge reinforced our high lever interest and PM's pledge to POTUS.

Best,

Scott

## Department of Justice

Executive Office for Immigration Review

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Thursday, September 9, 2010

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- **Credible Fear Review** -- to determine whether an individual in expedited removal has a credible fear of persecution or torture (fact sheet at <http://www.justice.gov/eoir/press/09/AsylumWithholdingCATProtections.pdf>). Expedited removal allows DHS to remove certain individuals from the United States without placing them in removal proceedings.
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Executive Office for Immigration Review  
Updated January 8, 2016

Scott Riedmann  
Consul General  
U.S. Embassy, Baghdad

[REDACTED]  
[REDACTED]

SBU

This email is UNCLASSIFIED.

# EXHIBIT 1-33

*Redacted Pursuant to ECF 470*

Message

**From:** Schultz, John A [/O=IRMMAIL/OU=MBX SERVERS - NYC/CN=RECIPIENTS/CN=JASCHULT]  
**Sent:** 7/17/2017 3:56:21 PM  
**To:** Shea, Peter T [REDACTED]  
**CC:** Pineiro, Marlen [/O=IRMMAIL/OU=MBX Servers - MIA/cn=Recipients/cn=mpineiro]; Clinton, Julius A [/O=IRMMAIL/OU=MBX Servers - NYC/cn=Recipients/cn=JAClinto]; Farmer, Floyd S [/O=IRMMAIL/OU=MBX Servers - DAL/cn=Recipients/cn=FSFarmer]; Koontz, Bryan K [REDACTED]  
**Subject:** RE: Detainee interviews

Great thanks

Sent with BlackBerry Work  
(www.blackberry.com)

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**From:** Shea, Peter T <[REDACTED]>  
**Date:** Monday, Jul 17, 2017, 11:55 AM  
**To:** Schultz, John A <[REDACTED]>  
**Cc:** Pineiro, Marlen <[REDACTED]>, Clinton, Julius A <[REDACTED]>, Farmer, Floyd S <[REDACTED]>, Koontz, Bryan K <[REDACTED]>  
**Subject:** RE: Detainee interviews

(minus Amb Yaseen & Iraqi team)

FYI - I just met with Amb Yaseen on other business, but briefly raised removals. While he has not received updated instructions, Yaseen told me he is inclined to send his team to Mesa anyway before July 24. He plans to reach out to ICE to arrange.

Peter

SBU  
This email is UNCLASSIFIED.

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**From:** Schultz, John A [mailto:[REDACTED]]  
**Sent:** Monday, July 17, 2017 10:58 AM  
**To:** fy [REDACTED]  
**Cc:** Ahmed Utaifa; Mohamad Jawad; Pineiro, Marlen; Clinton, Julius A; Farmer, Floyd S; Koontz, Bryan K; Shea, Peter T  
**Subject:** Detainee interviews

Good morning Ambassador-

I understand that representatives from U.S. Embassy Baghdad met with the Deputy Foreign Minister today and he agreed to contact you regarding beginning the process to interview and issue documents for the Iraqi nationals who are detained and pending removal. Please let me know if you have received this direction from Baghdad and when you would like to begin interviewing.

Thank you,

John

John A Schultz Jr.

Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536

[Redacted]  
[Redacted]  
[Redacted]

# EXHIBIT 1-34

*Redacted Pursuant to ECF 470*

## Message

**From:** Koontz, Bryan K [REDACTED]  
**Sent:** 7/19/2017 5:37:10 PM  
**To:** Schultz, John A [/O=IRMMAIL/OU=Mbx servers - nyc/cn=recipients/cn=jaschult]  
**Subject:** RE: Iraq interviews

Thanks, John — it would be very interesting to know what their breakdown of those who said they didn't want to travel v. those who were willing, etc.

**Official**

UNCLASSIFIED

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**From:** Schultz, John A [mailto:[REDACTED]]  
**Sent:** Wednesday, July 19, 2017 12:54 PM  
**To:** Koontz, Bryan K  
**Subject:** FW: Iraq interviews

FYI

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** George, Christopher  
**Sent:** Wednesday, July 19, 2017 10:48 AM  
**To:** Schultz, John A; Farmer, Floyd S  
**Cc:** Clinton, Julius A; Carey, John J  
**Subject:** RE: Iraq interviews

They never came with the intention of issuing any TDs on the spot, he made that clear to me when we first started talking. The Consulate stated that they would take the information back with them and work on the TDs once they were back in DC.

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

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**From:** Schultz, John A <[REDACTED]>  
**Date:** Wednesday, Jul 19, 2017, 7:43 AM  
**To:** George, Christopher <[REDACTED]>, Farmer, Floyd S <[REDACTED]>  
**Cc:** Clinton, Julius A <[REDACTED]>, Carey, John J <[REDACTED]>  
**Subject:** RE: Iraq interviews

How many TDs did you get?

John A Schultz Jr.  
Deputy Assistant Director

Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536

**From:** George, Christopher  
**Sent:** Wednesday, July 19, 2017 10:36 AM  
**To:** Schultz, John A; Farmer, Floyd S  
**Cc:** Clinton, Julius A; Carey, John J  
**Subject:** Iraq interviews

Good morning,

Just a quick update, we finished all the Iraqi interviews late last night, well early this morning, 2am EST. The Consulate kept stating the agreement was to interview 62, Im not sure where that number came from, but I pressed back and got them to interview everyone on our list, 60 primary cases and the 20 alternates. Several aliens refused to speak to the Consulate or acknowledge their legitimacy, but were given access to their Consulate and choose to be that way.

They did somehow manage to interview each alien one on one, took notes, and seemed very much pleased with how the process went. We are all flying back today, I changed my flight to mirror the Consulates, so I will be back in the office tomorrow.

Regards,  
Chris

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

## Message

**From:** Koontz, Bryan K [REDACTED]  
**Sent:** 7/20/2017 5:44:34 PM  
**To:** Schultz, John A [/O=IRMMAIL/OU=Mbx servers - nyc/cn=recipients/cn=jaschult]  
**Subject:** RE: Iraq interviews

Very well. We're standing by

**Official**  
**UNCLASSIFIED**

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**From:** Schultz, John A [mailto:[REDACTED]]  
**Sent:** Thursday, July 20, 2017 1:38 PM  
**To:** Koontz, Bryan K  
**Subject:** RE: Iraq interviews

Lets see if I get any push back

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Koontz, Bryan K [mailto:[REDACTED]]  
**Sent:** Thursday, July 20, 2017 1:34 PM  
**To:** Schultz, John A  
**Subject:** RE: Iraq interviews

Is there anything we can do to help?

**Official**  
**UNCLASSIFIED**

**From:** Schultz, John A [mailto:[REDACTED]]  
**Sent:** Thursday, July 20, 2017 1:30 PM  
**To:** Koontz, Bryan K  
**Subject:** RE: Iraq interviews

They are drafting an after action report and I have requested a copy

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

---

**From:** Koontz, Bryan K [mailto:[REDACTED]]  
**Sent:** Thursday, July 20, 2017 12:54 PM  
**To:** Schultz, John A  
**Subject:** RE: Iraq interviews

Ok, that's how we understood it as well.

**Official**  
UNCLASSIFIED

**From:** Schultz, John A [mailto:[REDACTED]]  
**Sent:** Thursday, July 20, 2017 12:40 PM  
**To:** Koontz, Bryan K  
**Subject:** RE: Iraq interviews

The ambo said they will go again before the flight

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Koontz, Bryan K [mailto:[REDACTED]]  
**Sent:** Thursday, July 20, 2017 12:32 PM  
**To:** Schultz, John A  
**Subject:** RE: Iraq interviews

John,

Is it your understanding that the embassy will send consular officers to interview? Or is it your belief that the visit by those two was sufficient for the consultation with the deportees?

Bryan

**Official**  
UNCLASSIFIED

---

**From:** Schultz, John A [mailto:[REDACTED]]  
**Sent:** Thursday, July 20, 2017 12:28 PM  
**To:** Koontz, Bryan K  
**Subject:** RE: Iraq interviews

I wasn't intending to ask the Iraqis because to us whether they want to go back or not they have final orders and we intend to fulfill our responsibility

John A Schultz Jr.

Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Koontz, Bryan K [mailto:[REDACTED]]  
**Sent:** Wednesday, July 19, 2017 6:28 PM  
**To:** Schultz, John A  
**Subject:** RE: Iraq interviews

This was very useful, thanks John! We'd appreciate any more info you can share on this so we know what the Iraqis heard.

Bryan

**Official**  
**UNCLASSIFIED**

---

**From:** Schultz, John A [mailto:[REDACTED]]  
**Sent:** Wednesday, July 19, 2017 2:33 PM  
**To:** Koontz, Bryan K  
**Subject:** RE: Iraq interviews

From my guy on the ground:

I was present for every interview, and this was a question they were asking of all the detainees; however a large majority of the interviews were in Arabic, so I have no idea what exactly everyone said. Some of the interviews were in English and there were several who did ask to go back. I will see if I can get a breakdown or an idea from the Consulate on how many said they wanted to go back. I can tell you that about 1/3 of detainees interviewed were telling us that they just wanted to go back, they didn't want to fight their case anymore, and were tired of being detained and said they wanted to go, but when speaking to the Consulate in Arabic I cant be sure if they said something different.

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Koontz, Bryan K [mailto:[REDACTED]]  
**Sent:** Wednesday, July 19, 2017 1:37 PM  
**To:** Schultz, John A  
**Subject:** RE: Iraq interviews

Thanks, John – it would be very interesting to know what their breakdown of those who said they didn't want to travel v. those who were willing, etc.

**Official**  
**UNCLASSIFIED**

---

**From:** Schultz, John A [mailto:[REDACTED]]  
**Sent:** Wednesday, July 19, 2017 12:54 PM  
**To:** Koontz, Bryan K  
**Subject:** FW: Iraq interviews

FYI

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** George, Christopher  
**Sent:** Wednesday, July 19, 2017 10:48 AM  
**To:** Schultz, John A; Farmer, Floyd S  
**Cc:** Clinton, Julius A; Carey, John J  
**Subject:** RE: Iraq interviews

They never came with the intention of issuing any TDs on the spot, he made that clear to me when we first started talking. The Consulate stated that they would take the information back with them and work on the TDs once they were back in DC.

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

---

**From:** Schultz, John A [mailto:[REDACTED]]>  
**Date:** Wednesday, Jul 19, 2017, 7:43 AM  
**To:** George, Christopher <[REDACTED]>, Farmer, Floyd S <[REDACTED]>  
**Cc:** Clinton, Julius A <[REDACTED]>, Carey, John J [mailto:[REDACTED]]>  
**Subject:** RE: Iraq interviews

How many TDs did you get?

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]

[REDACTED]

---

**From:** George, Christopher  
**Sent:** Wednesday, July 19, 2017 10:36 AM  
**To:** Schultz, John A; Farmer, Floyd S  
**Cc:** Clinton, Julius A; Carey, John J  
**Subject:** Iraq interviews

Good morning,

Just a quick update, we finished all the Iraqi interviews late last night, well early this morning, 2am EST. The Consulate kept stating the agreement was to interview 62, Im not sure where that number came from, but I pressed back and got them to interview everyone on our list, 60 primary cases and the 20 alternates. Several aliens refused to speak to the Consulate or acknowledge their legitimacy, but were given access to their Consulate and choose to be that way.

They did somehow manage to interview each alien one on one, took notes, and seemed very much pleased with how the process went. We are all flying back today, I changed my flight to mirror the Consulates, so I will be back in the office tomorrow.

Regards,  
Chris

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

# EXHIBIT 1-35

*Redacted Pursuant to ECF 470*

Message

**From:** Farmer, Floyd S [/O=IRMMAIL/OU=MBX SERVERS - DAL/CN=RECIPIENTS/CN=FSFARMER]  
**Sent:** 7/20/2017 2:41:25 PM  
**To:** Schultz, John A [/O=IRMMAIL/OU=Mbx servers - nyc/cn=recipients/cn=jaschult]  
**Subject:** FW: Sanctions Iraq  
**Attachments:** Formal Letter S1 to S1 Invoke Visa Sanctions Iraq.docx; Memo EAD to D1 Invoke Visa Sanctions Iraq.doc; Memo D1 to S1 Invoke Visa Sanctions (7.19.17) Iraq.doc; White Paper Invoke Visa Sanctions Iraq.docx

Attached Iraq 243d packet for your review.

Floyd S. Farmer  
Unit Chief  
HQ Immigration and Customs Enforcement,  
ERO/Removal and International Operations  
Middle East / East Africa  
500 12th St. S.W., RM 8019  
Washington, D.C. 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Clinton, Julius A  
**Sent:** Thursday, July 20, 2017 9:47 AM  
**To:** Farmer, Floyd S  
**Subject:** Sanctions Iraq

Sir,

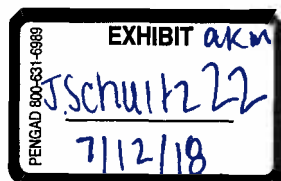
Sorry you should have received this yesterday afternoon with my log off email. Please review and advise if you need me to make additional edits.

Respectfully,

**Julius A. Clinton**  
Desk Officer  
Removal and International Operations (RIO)  
Removal Management Division  
U.S. Department of Homeland Security  
U.S. Immigration & Customs Enforcement  
Enforcement and Removal Operations Headquarters  
Potomac Center North  
500 12th Street SW  
Washington, DC 20536  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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ICE - 0271028



# EXHIBIT 1-36

*Enforcement and Removal Operations*

U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, DC 20536



U.S. Immigration  
and Customs  
Enforcement

MEMORANDUM FOR: Thomas D. Homan  
Acting Director

THROUGH: Peter T. Edge  
Acting Deputy Director

FROM: Matthew T. Albence  
Executive Associate Director  
Enforcement and Removal Operations

SUBJECT: Recommendation to Initiate the Process to Invoke Visa Sanctions  
under Section 243(d) of the Immigration and Nationality Act  
against Iraq

Purpose:

DP

DP

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

Modify \_\_\_\_\_

Needs Discussion \_\_\_\_\_

Attachments

PRE-DECISIONAL/DELIBERATIVE

*Office of the Director*

U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, DC 20536



U.S. Immigration  
and Customs  
Enforcement

ACTION

MEMORANDUM FOR THE SECRETARY

FROM: Thomas D. Homan  
Acting Director

SUBJECT: **Recommendation to initiate the process to invoke visa sanctions under section 243(d) of the Immigration and Nationality Act against Iraq**

DP

DP

Approve/date \_\_\_\_\_ Disapprove/date \_\_\_\_\_

Modify/date \_\_\_\_\_ Needs Discussion/date \_\_\_\_\_

Attachment

**NR**

Iraq: Numerous verbal démarches have been delivered to the Government of Iraq. In response, in February 2017, Iraq approved the removal of Iraqi nationals via charter flight; the flight was completed on April 19, 2017. ICE was subsequently informed that the Government of Iraq has identified a process to facilitate the removal of Iraqi nationals. Due to a July 24, 2017 decision by the United States District Court, Eastern District of Michigan, Southern Division ICE is prevented from removing any Iraqi nationals who had a final order of removal on June 24, 2017 until October 24, 2017.

**NR**

NR

# EXHIBIT 1-37



## Families in America still fear return to Iraq, despite a halt in deportation

29/7/2017

DETROIT, United States – Iraqis living in America still fear deportation orders, even though an injunction was passed this week to halt deportations for at least 90 days.

One American woman voiced her disappointment in the US' legal system regarding the deportation order from Washington.

The Iraqi fiancé of Shanna Stevens, Najah Koja, who has been in the US for more than 40 years, was arrested on June 11 for a crime he committed over two decades ago.

"I didn't know the government worked this way," Stevens told Rudaw's Namo Abdullah. "I didn't know they were so cruel."

Koja spent 23 years in prison after he was convicted for intent to sell cocaine.

"We are all immigrants. We all come here, some good, some bad, but it's up to what we do to be here to make a difference and pay our dues if we do any wrong, and we learn from them," Stevens stated. "That is what he did."

Video: Shanna Stevens

Shaki Koja, Najah's brother said he got involved with the wrong people as a youth, which led to his crime.

"Unfortunately, he got involved with the wrong crowd of people at a young age of his life and he was convicted of conspiracy to sell drugs," his brother said.

A majority of the Iraqi nationals detained in Michigan, who are Chaldean Christians, have historically faced discrimination

in Iraq and do not even speak Arabic, their defenders argue.

"A lot of these people, once they go back to Iraq might be a target of criminals, a target of gangsters that know these people come from America or have relatives in America and they will be targeted," believes Rudy Zoma, a pastor at Saint Joseph Chaldean Catholic Church in Troy, Michigan, a suburb of the Detroit area.

Another man who has been detained pending deportation is named Anas. He was convicted of raping a 12-year-old boy in Sterling Heights, Michigan after having just fled Iraq at the age of 19 and has already served his prison term.

His mother said that now, at the age of 42, he is a responsible and hardworking man who would never pose a threat to anyone.

"Iraq has ended, where should he go?" she said. "If my son goes to Iraq, he would be killed."

There are now a total of 230 Iraqi nationals across America who have been arrested by Immigration and Customs Enforcement (ICE). Almost half of those live in the Detroit area.

In exchange for Iraq to be removed from US President Donald Trump's travel ban, Iraq had agreed to accept any deportees from the US. The arrests were a direct result of this agreement.

While two stays as well as the injunction issued on Monday are victories in delaying deportations, for the 1,400 men and women and their loved ones, the ordeal is not over yet.

Now that the injunction has been issued, each detainee will have a 90-day stay, beginning from the time the government provides two important immigration records needed to reopen each petitioner's case, which could take five months or more to obtain.

Judge Goldsmith's order will provide the additional time needed for detainees to secure lawyers, for lawyers to request the necessary documentation to protect their clients, and for each case to be heard before immigration judges and boards before they are possibly deported to dangerous situations.

"Although most were ordered removed to Iraq years ago (some for overstaying visas, others based on criminal convictions for which they long ago completed any sentences), the government released them, often under orders of supervision," read the original class action lawsuit filed by the American Civil Liberties Union (ACLU).

Almanhal Alsafi, Iraq's Consul General in Detroit, Michigan rejects the notion that his government is behind America's renewed interest in deporting Iraqi nationals, including those in the Kurdish community.

"The detainees had committed some sort of crime and are not only Christians, they are Muslims, Kurds, Arabs, you name it," Alsafi said. "Those people are citizens of Iraq. If they are willing to go back, we will accept them."

"We will not accept any detainee going back involuntarily," he added.

If this is true, it will come as good news to the many Iraqis who would not voluntarily return to a country they fled at an early age due to persecution or war.

"The US has a long history of protecting vulnerable populations seeking refuge in this country," read a statement on ACLU's website.

"We must live up to that tradition now."

Print

# EXHIBIT 1-38

*Redacted Pursuant to ECF 453 & 470*

## Message

**From:** Schultz, John A [/o=irmmail/ou=mbx servers - nyc/cn=recipients/cn=jaschult]  
**on behalf of** Schultz, John A  
**Sent:** 8/4/2017 1:11:09 PM  
**To:** Joseph, Annette [/o=IRMMAIL/ou=MBX Servers - ATL/cn=Recipients/cn=ajoseph]; Wright, Nicole D [/o=IRMMAIL/ou=MBX Servers - MIA/cn=Recipients/cn=ndwright]  
**CC:** Farmer, Floyd S [/o=IRMMAIL/ou=MBX Servers - DAL/cn=Recipients/cn=FSFarmer]; Lozano-Sparks, E Yvonne [/o=IRMMAIL/ou=MBX Servers - DAL/cn=Recipients/cn=yelozano]  
**Subject:** sanctions  
**Attachments:** Mali White Paper to Invoke Visa Sanctions mp Aug 17.docx; Formal Letter S1 to S1 Invoke Visa Sanctions for Mali.docx; Memo D1 to S1 Invoke Visa Sanctions for Mali.doc; Memo EAD to D1 Invoke Visa Sanctions for Mali.doc

Nicole/Annette/Sam-

In addition to the sanction packages I tasked out yesterday please draft for the following countries and return by the date listed. Also please use the attached templates rather than the ones I sent yesterday.

1. [REDACTED] - due Thursday Aug 10 at noon
2. [REDACTED] - due Friday August 11 at noon
3. [REDACTED] - due Monday August 14 at noon
4. [REDACTED] - due Tuesday August 15 at noon
5. Iraq- due Wed August 16 at noon
6. [REDACTED] - due Thursday August 17 at noon
7. [REDACTED] - due Friday August 18 at noon
8. [REDACTED] - due Monday August 21 at noon
9. [REDACTED] - due Tuesday August 22 at noon
10. [REDACTED] - due Wed August 23 at noon
11. [REDACTED] - due Thursday August 24 at noon

Also please work with DOS to have demarches sent to [REDACTED] and [REDACTED] next week. Please let me know if you have any questions.

John A Schultz Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536

[REDACTED]  
[REDACTED]  
[REDACTED]



	[REDACTED]
IRAQ	<ul style="list-style-type: none"><li>• Hamama v. Adducci litigation has stymied removals en masse to Iraq.</li><li>• HQERO continues to work with the field to remove aliens on an individualized basis using commercial removal mechanisms for aliens falling outside of the injunction or those who have volunteered to be removed from the litigation.</li><li>• HQERO will be meeting with the Iraqi embassy on January 9, 2018 regarding travel document issuance.</li></ul>
[REDACTED]	<ul style="list-style-type: none"><li>• [REDACTED] [REDACTED]</li><li>■ [REDACTED] [REDACTED]</li></ul>
[REDACTED]	<ul style="list-style-type: none"><li>• [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</li></ul>
[REDACTED]	<ul style="list-style-type: none"><li>■ [REDACTED] [REDACTED]</li></ul>
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

	<ul style="list-style-type: none"> <li>• [REDACTED]</li> </ul>
[REDACTED]	<ul style="list-style-type: none"> <li>• [REDACTED]</li> </ul>
[REDACTED]	<ul style="list-style-type: none"> <li>• [REDACTED]</li> </ul>
[REDACTED]	<ul style="list-style-type: none"> <li>• [REDACTED]</li> </ul>
[REDACTED]	<ul style="list-style-type: none"> <li>• [REDACTED]</li> </ul>
[REDACTED]	<ul style="list-style-type: none"> <li>• [REDACTED]</li> </ul>
[REDACTED]	<ul style="list-style-type: none"> <li>• [REDACTED]</li> </ul>
[REDACTED]	<ul style="list-style-type: none"> <li>• [REDACTED]</li> </ul>
[REDACTED]	<ul style="list-style-type: none"> <li>• [REDACTED]</li> </ul>
[REDACTED]	<ul style="list-style-type: none"> <li>• [REDACTED]</li> </ul>

**ADR Project Updates**  
July 17, 2017

**ICE AIR OPERATIONS**

Air Charter Operations

- **Status of Routine Daily Charter Contracts:** On June 13, 2017, DHS approved the IAO Charter Flight Services Formal Acquisition Plan. On the same date, IAO, OPLA and OAQ conducted the OAQ Contract Review Board. On June 14, 2017, OAQ released the Request for Quotes (RFQ) on GSA eBuy. The RFQ deadline for receipt of quotes is July 12, 2017.
- **Safety Training:** On June 9, 2017, OTTP stated they identified a product similar to the Humane Restraint Blanket, but it does not require medical approval for deployment. OTTP is in the process of obtaining these products and then completing the training/certification. OTTP expects to have the training/certification completed by July/August.

Commercial Air Operations

- **Field Training on Escorted/Unescorted Removals via Commercial Air:** June 7, 2017: CAO successfully completed both training sessions for the Field Office Travel Coordinator Training.

Policy Review

- Requirements for ICE Detainee Movements using JPATS
  - New Policy: The IAO Handbook contains the same information.
  - Recommendation: Rescind
- Office of Detention and Removal Operations (DRO) Policy and Procedure Manual Addition: Chapter 16.11, Removals by Special Charter Aircraft
  - New Policy: On September 26, 2016, AD Pineiro sent a broadcast message to all ERO Removal Employees on the standard operating procedures to utilize a Special High Risk Charter.
  - Recommendation: Rescind
- Enforcement Standard Pertaining to the Escorting of Aliens, Deportation Officer Field Manual Update DD 02-01 (dated 8/29/2002)
  - The policy is broken down into three (3) sections:
    - Ground Transportation (the ground transportation sections relating to restraints will defer to Field Operations).
    - Charter Transportation
    - Commercial Transportation
  - New Policy: The IAO Handbook, pages 16, 17 & 22, contains the procedures for Air Charter Operations as they relate to restraining detainees on charter flights. The IAO Handbook, pages 24-29, also contains procedures for Commercial Air Operations as they relate to Travel Requests and classification of detainees. In addition, the policy "Use of Restraints" issued on 11/19/2012 establishes guidelines for officers who arrest and detains persons pursuant to the authorities of the U.S. Immigration and Customs Enforcement (ICE) Office of Enforcement and Removal Operations (ERO). The procedure for "use of restraints on Commercial Aircraft" is stated in the "Use of Restraints" policy.
  - Recommendation: Rescind. Refer to the policies and procedures in the IAO handbook as they relate to the escorting of aliens for both Air Charter Operations and Commercial Air Operations. Defer to Field Operations on the Ground Transportation sections.





- **Policy Review:**

- [REDACTED]
- Electronic Travel Document (eTD) System version 2.0 release for Non-Participating Governments Policy Guidance for Requests for Travel Documents and the Compliance in the Usage of the eTD System – June 18, 2009: RMD will have a draft ready by June 29, 2017.

RIO Africa:

- **Diplomacy Training:** This project started in April 2015. On June 13, 2017, the FSI contact advised that they have been full with classes and unable to provide a schedule. However, beginning in July, the number of incoming students will significantly decrease due to the DOS hiring freeze and their calendar will open up. A response is expected during the first week in July.

RIO -West

- [REDACTED]

Accomplishments:

- [REDACTED]

REMOVAL MANAGEMENT DIVISION (RMD) East

- **Field Office Training Site Visits by RMD:** Training Commenced on June 5, 2017. Three training sessions have been completed- Los Angeles, Atlanta and Miami.
- **POCR Regulation:** Each unit is reviewing the POCR regulations which had gone to OGC a few years ago. Comments are due back to the DADs June 30.
- **Deferred Action:** Suggestion to have it moved to Domestic Ops or Enforcement is under review with appropriate Ads. Additionally, discussion with HSI may be held in the future. On June 16, DAD Schultz met with reps from HSI domestic and international about possibly transferring the DA program to HSI those at the meeting seemed agreeable to the shift. Further discussions will need to be had with upper management on the issue.
- **Pending Special High Risk Charters:** On June 27, 2017, a charter flight to Iraq will depart with 75 Nationals.

RIO Asia and Europe:

- [REDACTED]

# EXHIBIT 1-39

*Redactions Made by Respondents*  
*Redacted Pursuant to ECF 470*

Message

**From:** Schultz, John A [/O=IRMMAIL/OU=MBX SERVERS - NYC/CN=RECIPIENTS/CN=JASCHULT]  
**Sent:** 10/2/2017 7:17:42 PM  
**To:** Katz, Evan C [/O=IRMMAIL/OU=MBX Servers - ATL/cn=Recipients/cn=eckatz]; Lynn, Stephanie D [/O=IRMMAIL/OU=First Administrative Group/cn=Recipients/cn=sdromero]  
**Subject:** FW: Iraq and removals issue

Stephanie

Please add a line regarding

DP

DP

Thanks

Sent with BlackBerry Work  
(www.blackberry.com)

---

**From:** Katz, Evan C <[REDACTED]>  
**Date:** Monday, Oct 02, 2017, 2:30 PM  
**To:** Pineiro, Marlen <[REDACTED]>  
**Cc:** Schultz, John A <[REDACTED]>  
**Subject:** FW: Iraq and removals issue

MP,

Please find the draft below:

DP

Best regards,

---

**From:** Lynn, Stephanie D  
**Sent:** Monday, October 2, 2017 1:41 PM  
**To:** Katz, Evan C  
**Cc:** Schultz, John A  
**Subject:** RE: Iraq and removals issue

\*\*Draft Reply for review\*\*

Good Afternoon,

ICE ERO has submitted approximately 300 travel document requests to the Government of Iraq in Baghdad via the U.S. embassy, to include a specific manifest of 75 to 100 cases. Once the stay is lifted we will resubmit the last manifest for official approval; these subjects were interviewed by the Iraqi consulate prior to the national stay, however travel documents were not issued. The consulate is awaiting authorization from the prime minister's office to issue the requested travel documents.

Stephanie D. Lynn  
Acting Unit Chief  
Removal & International Operations (RIO) – Middle East/Eastern Africa

---

**From:** Katz, Evan C  
**Sent:** Monday, October 2, 2017 11:31 AM  
**To:** Lynn, Stephanie D  
**Subject:** FW: Iraq and removals issue

Stephanie,

Please draft a response email to the DAS and send back to me asap.

Thanks,

Corey

---

**From:** Pineiro, Marlen  
**Sent:** Monday, October 2, 2017 11:22 AM  
**To:** Katz, Evan C  
**Cc:** Schultz, John A  
**Subject:** FW: Iraq and removals issue

Corey,

In john's absence pls have some draft a response asap.

thanks

---

**From:** Pennington, Joseph S [mailto: ]  
**Sent:** Monday, October 2, 2017 11:17 AM  
**To:** Pineiro, Marlen  
**Cc:** Shea, Peter T; Nobles, David T; Hoffmann, Derek W; Schedlbauer, Amy W  
**Subject:** Iraq and removals issue

Dear Marlen –

Greetings from State. Amy passed me your contact information so that I could follow up on the removals issue as it relates to Iraq.

When I met with Iraqi Ambassador Yasseen late last week, he mentioned to me that his government remains focused on facilitating the process of removals for Iraqis with final orders of removal as we approach the end of the court injunction for Iraqis on October 12. The Ambassador expressed concern that the Iraqis could be caught flat-footed if DHS attempts

to organize a removals flight soon after the injunction expires (assuming it is not extended) and the Iraqi embassy has not processed the documentation for those who would be returned. He said he wanted to “get ahead of the issue” by having his embassy team get started on this before October 12.

Of course, I welcomed the Ambassador's pro-active approach and suggested he follow up with DHS for advice on the best way to proceed. I am writing to you in the hopes that you would be willing to be in contact with the Iraqis to encourage them in this direction and talk about what, specifically, they could do at this point to increase their readiness in the event the injunction is lifted. If you are willing, I would be happy to suggest that the Ambassador reach out to you or your team.

Thanks and best regards,  
Joe

**Joseph Pennington**  
**Deputy Assistant Secretary for Iraq**  
**Bureau of Near Eastern Affairs**  
**U.S. Department of State**

Official - SBU  
UNCLASSIFIED

# EXHIBIT 1-40

HIGHLY CONFIDENTIAL – FOR ATTORNEYS’ EYES ONLY

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**USAMA JAMIL HAMAMA, et al.,**

Petitioners and Plaintiffs,

v.

**REBECCA ADDUCCI, et al.,**

Respondents and Respondents.

Case No. 2:17-cv-11910

Hon. Mark A.

Goldsmith

Mag. David R. Grand

Class Action

**RESPONDENT/DEFENDANT U.S. DEPARTMENT OF HOMELAND  
SECURITY’S SUPPLEMENTAL RESPONSE TO  
PETITIONER/PLAINTIFF USAMA JAMIL HAMAMA’S FIRST SET OF  
INTERROGATORIES**

**I. PRELIMINARY STATEMENT**

Respondent U.S. Department of Homeland Security (“DHS”) has not, at this time, fully completed its discovery and investigation in this action. All information contained herein is based solely upon such information and evidence as is available and known to Respondent DHS upon information and belief at this time. Further discovery, investigation, research and analysis may supply additional facts, and meaning to currently known information. Consistent with Fed. R. Civ. P. 26(e), Respondent DHS will amend any and all responses herein as additional facts are ascertained, legal research is completed, and analysis is undertaken. The responses herein are made in a good faith effort to supply as much information as is known to Respondent DHS at this time, consistent with the positions set forth in the Joint Statement of Issues, ECF No. 235.

**II. SUPPLEMENTAL INTERROGATORY RESPONSE**

12. The name, title and department of the government (for both Iraq and the United States) of each individual negotiating the Iraqi Agreement, including the “ongoing diplomatic negotiations” referenced in the declaration of Michael V.

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Bernacke at paragraph 4 (ECF 184-2, Pg.ID# 5070-71), identification of the individuals authorized to enter into any agreement reached by the governments regarding the repatriation of Iraqi Nationals, and the date each individual engaged in the “ongoing diplomatic negotiations.”

**RESPONSE:**

Respondent DHS objects to this interrogatory to the extent it calls for information relied upon by Michael Bernacke in his declaration, ECF 184-2, because DHS did not participate in the drafting or review of that declaration. DHS objects to this interrogatory, as the “name, title and department of the government (for both Iraq and the United States) of each individual negotiating the Iraqi Agreement” do not affect the terms of any agreement, to the extent one exists. Subject to the foregoing privileges, Respondent DHS did not participate in “negotiations” but did participate in discussions with participants from the Government of the United States and Iraq on June 23, 2017, December 5, 2017 and January 9, 2018.

On June 23, 2017, DHS Deputy Assistant Secretary for International Engagement Matthew King and ICE Deputy Director and Senior Official Performing the Duties of the Director Thomas Homan spoke by telephone with Ambassador Fareed Mustafa Kamil Yasseen, Embassy of the Republic of Iraq in Washington, DC.

On December 5, 2017, the U.S. Government primarily was represented by Ambassador (ret.) James Nealon, Assistant Secretary for International Affairs, at a meeting in which a variety of issues, including the repatriation of Iraqi Nationals, was discussed. Ambassador Nealon was accompanied by additional DHS personnel, including Deputy Assistant Secretary for International Engagement Matthew H. King; (Former) Deputy Counterterrorism Coordinator for Policy Thomas Warrick; Principal Director and Senior Advisor, Information Sharing Policy Michael Scardaville; (Former) Director for Middle East, Africa, South Asia Kenneth Holt; Deputy Director for Middle East, Africa, South Asia Alexander Kisselburg; John Olson, Middle East Team, Travel and Immigration Branch. Representatives from the U.S. Department of State, Office of Iraq Affairs, including Kris Clark, Political Officer and David Nobles, Deputy Director also were present for the meeting. The Government of Iraq participants included Deputy Foreign Minister Nazar Issa Abdulahadi Al-Khirullah; Advisor to the Deputy Foreign Minister Imad Mohammed Mirza; Ambassador Ahmed Kamal Hasan Al-Kamaly; Advisor to the Deputy Foreign Minister Salwan Rasheek Anjo;

Ambassador Fareed Mustafa Kamil Yasseen; and First Secretary, Embassy of the Republic of Iraq in Washington, DC Wathiq Ibrahim Mohammed AlHamman.

On January 9, 2018, the U.S. Government primarily was represented by John Schultz, Deputy Assistant Director, Enforcement and Removal Operations and Michael Bernacke, Unit Chief, Enforcement and Removal Operations, for Respondent ICE. Representatives from Respondent DHS attended, including (Former) Director for Middle East, Africa, South Asia Kenneth Holt; and Deputy Director for Middle East, Africa, South Asia Alexander Kisselburg. Representatives from the U.S. Department of State, Office of Iraq Affairs, including Political Chief, Office of Iraq Affairs Derek Hoffman; Political Officer, Office of Iraq Affairs Kris Clark; Deputy Director, Office of Iraq Affairs David Nobles also were present for the meeting. The Government of Iraq participants included Deputy Chief of Mission, Minister Plenipotentiary Mohamad Jawad Mahdi Alquraishi; First Secretary Yarub Abduljabbar Hatem Al-Anpaqi; First Secretary Wathiq Ibrahim Mohammed Alhamman; Second Secretary Ahmed Hashim Salih Utaifa; Deputy Foreign Minister Deputy Foreign Minister Nizar Issa Abdul-Hadi Al-Khairalla.

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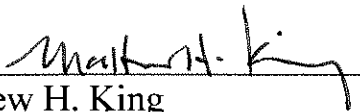
VERIFICATION

I, Matthew H. King declare under penalty of perjury:

I am employed by the U.S. Department of Homeland Security, Office of International Affairs, as the Deputy Assistant Secretary, Office of International Engagement.

I have read and know the contents of these responses. These responses were prepared after obtaining information available to DHS through its officers and employees and through its documents and records. These responses, subject to inadvertent and undiscovered errors, are based upon, and necessarily limited by, the records and information still in existence, able to be located, presently recollected, and thus far discovered in the course of preparing these responses. The responses regarding DHS are true and correct to the best of my knowledge, information, and belief.

Executed on 7 June 2018

  
Matthew H. King  
Deputy Assistant Secretary  
Office of International Engagement  
U.S. Department of Homeland Security

# EXHIBIT 1-41

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SBU/FOUO

Briefing Notes  
Meeting with Iraqi Deputy Foreign Minister  
NIZAR ISSA ABDUL-HADI AL-KHAIRALLA

Bottom Line Up Front: Your objectives for the meeting are to 1) [REDACTED]  
[REDACTED] 2) stress the need for Iraq to issue travel documents for Iraqi  
nationals with final orders of removal from the United States in a timely manner; and 3) [REDACTED]  
[REDACTED]

Themes for the Meeting: You expect the meeting to adopt three themes:

- [REDACTED]
2. The DFM will likely ask how Iraq can be removed from the "ARON" list regarding repatriations.
- Note that Iraq will need to issue travel documents for Iraqi nationals with final orders of removal from United States within 30 days of ICE/ERO making the request. Emphasize the need for cooperation on charter flights that will be used to transport Iraqi nationals with such orders back to Iraq.
  - According to ICE, Iraqis ordered removed for the first time after the June 24, 2017, injunction are not subject to the injunction and therefore can still be removed.
- [REDACTED]
- [REDACTED]

Background on Injunction against Removals:

- On July 24, 2017, the United States District Court for the Eastern District of Michigan issued a nation-wide order stopping removals to Iraq for all Iraqi nationals in the United States who had a final order of removal on June 24, 2017, and who have been, or will be, detained by U.S. Immigration and Customs Enforcement (ICE). This order was issued in a class action case called *Hamama v. Adducci*, No. 17-cv-11910 (E.D. Mich.). (Note: ICE is the defendant. The ACLU is spearheading the suit on behalf of the Iraqis.)
- The court documents site concerns for the safety of the Iraqis if removed back to Iraq.

① - 800 immigrants could remain  
- would be provided them  
- would have to send state to not them re  
- ensure they're Iraqis

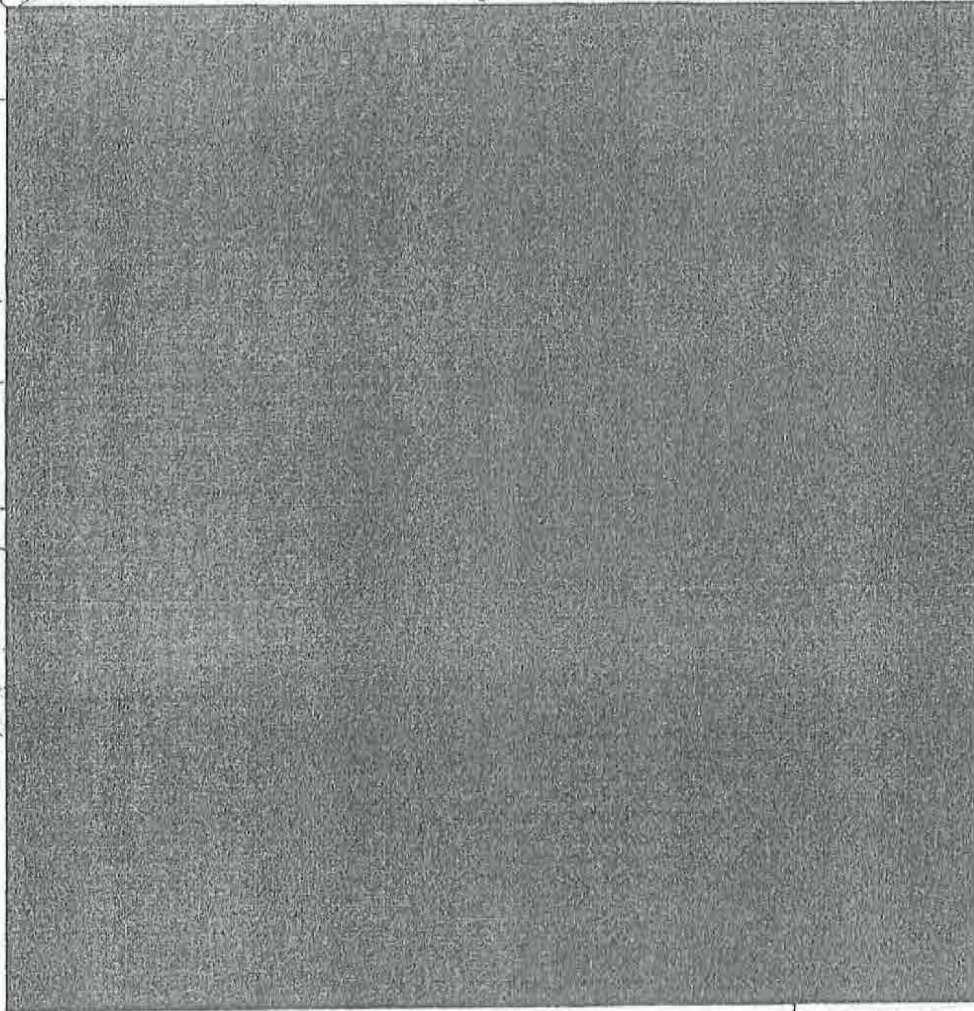
SBU/FOUO

- 5,400 Iraqis  
- small group (issue - 1000 for) - Emphasis  
- most of the DHSAMAMA00005050 - note to make  
- need to be sent order that included the Iraqis  
- back to their families

- Identity except those of the following: ATTORNEYS' EYES ONLY

- David S. L. L. L. L.
- Please see footnote 1 - public

is being a letter to Embassy for a Super discussion.  
(2) - will come from H. L. G.



RNEY'S EYES ONLY

- John will send list of all Iraqis to be removed, mostly at criminal info for those who were added removed based on their criminality.  
- via the, does removal for actual info.  
- also things for removal.

- interviews:

- can do "re-interview" or maybe more than to central location - in person followed by transcript.

- 15 volunteers to do it - mostly a Detroit

- will get list of it (5) - will focus on 15 - will schedule interviews - will get list of all names to be removed

- Dem - needs identifying for removal (Bridges) - needs the 1300 (to issue final removal) - Bridges / can only remove some 100 for voluntary departure

- Willing to go to a new place for interview

DHS/AMMA/000052

HIGHLY CONFIDENTIAL

Jan 9, 2017

Meeting w/ Iraqi Dem

- Dem - clear instructions from Ministry to cooperate w/ DHS in removals  
- want to expedite removals - wants to interview all (voluntary, not lead through telephone)  
- need history (criminal history) for removals, need their personal

Abbas (Iraqi)

- on paper if finished sentence willing to go back, have proof of citizenship  
- must sign self-declaration

- John

- issue is that population is people who were issued removal

- Dem

- John is not at liberty - will issue travel documents to anyone

# EXHIBIT 1-42

*Redacted Pursuant to ECF 470*

Message

**From:** Kisselburg, Alexander [/O=IRMMAIL/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN= ]  
**Sent:** 12/6/2017 3:32:16 PM  
**To:** Schultz, John A [/O=IRMMAIL/OU=Mbx servers - nyc/cn=recipients/cn=jaschult]  
**CC:** Chalkley, Marie [/O=IRMMAIL/OU=Routing Groups/cn=Recipients/cn= ]; Clinton, Julius A [/O=IRMMAIL/OU=MBX Servers - NYC/cn=Recipients/cn=JAClinto]; Holt, Kenneth [/O=IRMMAIL/OU=First Administrative Group/cn=Recipients/cn= ]; Gearino, Evan [/O=IRMMAIL/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN= ]; Bernacke, Michael V [/O=IRMMAIL/OU=MBX Servers - PHO/cn=Recipients/cn=mvbernac]  
**Subject:** RE: Iraq DFM meeting

John,

Ambassador Nealon didn't really push back. The DFM made it sound like Iraq was making progress.

We'll stand down on a meeting with the Iraqi Embassy. If at some point you need DAS King or Ambassador Nealon to engage with Iraq, just let us know.

Alex

Alexander Kisselburg  
 Deputy Director - Middle East, Africa, South Asia  
 Office of International Engagement  
 U.S. Department of Homeland Security

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**From:** Schultz, John A [mailto: ]  
**Sent:** Wednesday, December 6, 2017 10:04 AM  
**To:** Kisselburg, Alexander < >  
**Cc:** Chalkley, Marie < >; Clinton, Julius A < >; Holt, Kenneth < >; Gearino, Evan < >; Bernacke, Michael V < >  
**Subject:** RE: Iraq DFM meeting

Hi Alex-

Those bullet points are troubling. Did Ambassador Nealon push back on any of the items?

I just met with the Ambassador 3 weeks ago and I am not sure meeting with him again will change anything as he gets his direction from Baghdad.

John A Schultz Jr.  
 Deputy Assistant Director  
 Removal Management Division- East  
 Enforcement and Removal Operations  
 Immigration and Customs Enforcement  
 500 12<sup>th</sup> Street SW  
 Washington, DC 20536

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**From:** Kisselburg, Alexander  
**Sent:** Wednesday, December 6, 2017 10:01 AM  
**To:** Schultz, John A  
**Cc:** Chalkley, Marie; Clinton, Julius A; Holt, Kenneth; Gearino, Evan  
**Subject:** Iraq DFM meeting

John,

Ambassador Nealon met with the Iraqi Deputy Foreign Minister (DFM) yesterday. The topic of repatriations came up. Here's a read-out:

- The DFM said that 1,400 Iraqis are subject to removal in the United States.
- He said that the Iraqi Embassy is prepared to issue visas, but needs to issue in small groups.
- Said that the Embassy needs to verify that they're actually Iraqi.
- For criminals that have finished their sentences, needs to see some sort of proof.
- He said that the Iraqi Government wants to prioritize repatriations of non-immigration related criminals.
- He said that it would be difficult for the Iraqi Government to accept individuals whose asylum claims have failed, again wants to prioritize criminals.
- The Iraqi Ambassador suggested a meeting at the Embassy for additional discussions.

Would it be helpful to ERO to meet with the Iraqi Embassy on this topic?

Alex

Alexander Kisselburg  
Deputy Director - Middle East, Africa, South Asia  
Office of International Engagement  
U.S. Department of Homeland Security

[REDACTED]

[REDACTED]

[REDACTED]

# EXHIBIT 1-43

*Redacted Pursuant to ECF 470*

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

**Kisselburg, Alexander**

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**From:** Hoffmann, Derek W <[REDACTED]>  
**Sent:** Tuesday, January 2, 2018 1:51 PM  
**To:** King, Matthew  
**Cc:** Clark, Kris L; Nobles, David T; Holt, Kenneth; Kisselburg, Alexander  
**Subject:** RE: DHS-Iraqi DCM Meeting on Deportees Wishing to Return

Thnks very much Matt – I'd note from their side, **Iraqis are ready to move on the voluntary deportees now**. At an event a couple weeks ago, DCM pulled me aside to raise this, and he has also called me about it.

Best,

Derek Hoffmann  
Political Unit Chief  
U.S. Department of State Iraq Desk  
Office phone: [REDACTED]  
Email: [REDACTED]

**Official**  
**UNCLASSIFIED**

**From:** King, Matthew [mailto:[REDACTED]]  
**Sent:** Tuesday, January 02, 2018 1:09 PM  
**To:** Hoffmann, Derek W [REDACTED]  
**Cc:** Clark, Kris L <[REDACTED]>; Nobles, David T [REDACTED]; Holt, Kenneth [REDACTED]; Kisselburg, Alexander <[REDACTED]>  
**Subject:** RE: DHS-Iraqi DCM Meeting on Deportees Wishing to Return

Thanks Derek – good chatting with you. I am also looping in my Director and DD of MEASA, Ken and Alex. Let us run with this and try to engage our boss, Ambassador Nealon. Cheers for now -- Matt

Matthew H. King  
Deputy Assistant Secretary  
Office of International Engagement  
U.S. Department of Homeland Security  
[REDACTED]  
[REDACTED]

**From:** Hoffmann, Derek W [mailto:[REDACTED]]  
**Sent:** Tuesday, January 02, 2018 1:05 PM  
**To:** King, Matthew  
**Cc:** Clark, Kris L; Nobles, David T  
**Subject:** DHS-Iraqi DCM Meeting on Deportees Wishing to Return

Mr. King,

Good speaking with you this morning. Per our telephone conversation, I'm seeking to set up a DHS-Iraqi Embassy meeting here in Washington to close the loop on the several deportees in U.S. custody who've indicated they wish to return to Iraq. Please let me know what dates and times would work well for you to meet with the Iraqi DCM here in Washington in the near term.

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Best,

Derek Hoffmann  
Political Unit Chief  
U.S. Department of State Iraq Desk  
Office phone: [REDACTED]  
Email: [REDACTED]

Official  
UNCLASSIFIED

# EXHIBIT 1-44

HIGHLY CONFIDENTIAL – FOR ATTORNEYS’ EYES ONLY

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**USAMA JAMIL HAMAMA, et al.,**

Petitioners and Plaintiffs,

v.

**REBECCA ADDUCCI, et al.,**

Respondents and Respondents.

Case No. 2:17-cv-11910

Hon. Mark A. Goldsmith

Mag. David R. Grand

Class Action

**RESPONDENT/DEFENDANT U.S. DEPARTMENT OF HOMELAND  
SECURITY’S SECOND SUPPLEMENTAL RESPONSES TO  
PETITIONER/PLAINTIFF USAMA JAMIL HAMAMA’S  
FIRST SET OF INTERROGATORIES**

**I. PRELIMINARY STATEMENT**

Respondent U.S. Department of Homeland Security (“DHS”) has not, at this time, fully completed its discovery and investigation in this action. All information contained herein is based solely upon such information and evidence as is available and known to Respondent DHS upon information and belief at this time. Further discovery, investigation, research and analysis may supply additional facts, and meaning to currently known information. Consistent with Fed. R. Civ. P. 26(e), Respondent DHS will amend any and all responses herein as additional facts are ascertained, legal research is completed, and analysis is undertaken. The responses herein are made in a good faith effort to supply as much information as is known to Respondent DHS at this time, consistent with the positions set forth in the Joint Statement of Issues, ECF Nos. 235 and 286.

**II. GENERAL OBJECTIONS**

1. DHS objects to the requests that impose or seek to impose any requirement or discovery obligation greater than or different from those under the Federal Rules of Civil Procedure and the applicable Local Rules and Orders of the Court.

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2. DHS objects to the requests to the extent they seek disclosure of information protected under the attorney-client privilege, deliberative process privilege, law enforcement privilege, attorney work-product doctrine, or any other applicable privilege or immunity. Should any such disclosure by DHS occur, it is inadvertent and shall not constitute a waiver of any privilege or immunity.

3. DHS reserves all objections as to the competence, relevance, materiality, admissibility, or privileged status of any information provided in response to these requests, unless DHS specifically states otherwise.

Subject to and without waiving the foregoing objections and consistent with the Joint Statement of Issues, ECF Nos. 235 and 286, DHS provides the following responses:

1. **Describe each term of the Iraqi Agreement pertaining to the repatriation of and process for repatriating Iraqi Nationals under the Iraqi Agreement.**

**RESPONSE:**

DHS is unaware of any written agreement or arrangement between the governments of Iraq and the United States regarding repatriation of Iraqi Nationals. DHS lacks information sufficient to respond to the details of the repatriation process for Iraqi Nationals and defers to ICE regarding such details. Upon information and belief, DHS understands that Iraq has agreed in principle to repatriate Class Members and that requests for repatriation of Class Members could be coordinated by ICE Enforcement and Removal Operations (“ERO”) through the Government of Iraq.

As of June 26, 2017, DHS understood that the Government of Iraq: (1) would accept for repatriation those Iraqi Nationals whose citizenship has been confirmed; (2) criminals with completed sentences; (3) Iraqi Nationals with removal orders; and (4) for criminals, Iraqi Nationals whose criminal convictions is other than for illegal entry into the United States.

As of December 6, 2017, DHS understood that the Government of Iraq: (1) would issue visas in small groups after verifying Iraqi citizenship; (2) wanted to prioritize removal of criminal Iraqi Nationals; (3) would require proof of completion of criminal sentences for Iraqi criminal aliens with completed sentences; (4) wished to prioritize non-immigration-related criminal Iraqi Nationals; and (5) may have difficulty in accepting individuals with failed asylum claims.

As of January 9, 2018, DHS understood that the Government of Iraq: (1) would

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cooperate with DHS regarding removals and wanted to expedite removals; (2) needed criminal history for removal of criminal aliens; (3) needed proof of Iraqi citizenship; (4) would not require Iraqi Nationals to sign a form; and (5) that the Embassy can issue travel documents for voluntary removals, but Baghdad will approve travel documents required for other Iraqi Nationals.

Since January 2018, DHS has not directly engaged in discussions with the Government of Iraq regarding repatriation of Iraqi Nationals and defers to ICE for current information.

**2. Describe each criterion an Iraqi National must meet before Iraq will accept an Iraqi National for repatriation, under the Iraqi Agreement or otherwise.**

**RESPONSE:**

DHS is unaware of any written agreement or arrangement between the governments of Iraq and the United States regarding repatriation of Class Members. DHS lacks information sufficient to respond regarding “each criterion an Iraqi National must meet” prior to being accepted by the Government of Iraq for repatriation. ICE is the component agency of DHS with responsibility for repatriation of Iraqi Nationals. DHS incorporates by reference its response to Interrogatory No. 1.

**3. Describe each criterion for denying repatriation to an Iraqi National under the Iraqi Agreement, or otherwise.**

**RESPONSE:**

DHS is not aware of any written agreement or arrangement between the governments of Iraq and the United States regarding repatriation of Class Members. DHS lacks information sufficient to respond regarding “each criterion an Iraqi National must meet” prior to being accepted by the Government of Iraq for repatriation. ICE is the component agency of DHS with responsibility for repatriation of Iraqi Nationals. DHS incorporates by reference its response to Interrogatory No. 1.

**4. Identify any travel documents that Iraq requires or will accept before accepting an Iraqi National for repatriation under the Iraqi Agreement or otherwise, and the procedures for obtaining the travel documents.**

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**RESPONSE:**

DHS is not aware of any written agreement or arrangement between the governments of Iraq and the United States regarding repatriation of Class Members. DHS lacks information sufficient to respond regarding “travel documents that Iraq requires or will accept for an Iraqi National” prior to being accepted by the Government of Iraq for repatriation or the “procedures for obtaining the travel documents.” ICE is the component agency of DHS with responsibility for repatriation of Iraqi Nationals. DHS incorporates by reference its response to Interrogatory No. 1.

**5. For the time period since March 1, 2017, identify the documentation or evidence other than travel documents that Iraq requires or will accept before approving an Iraqi National for repatriation under the Iraqi Agreement or otherwise.**

**RESPONSE:**

DHS is not aware of any written agreement or arrangement between the governments of Iraq and the United States regarding repatriation of Class Members. DHS lacks information sufficient to respond regarding “the documentation or evidence other than travel documents” prior to being accepted by the Government of Iraq for repatriation. ICE is the component agency of DHS with responsibility for repatriation of Iraqi Nationals. DHS incorporates by reference its response to Interrogatory No. 1.

**6. For each Class Member (identified by name and A-number) for whom ICE or another relevant department of the U.S. government has since March 1, 2017 requested travel documents from the Iraqi Ministry of Foreign Affairs (or another relevant department of the Iraqi government) for repatriation to Iraq, provide the following:**

- a. The date the request for the travel documents was made to the Iraqi government;**
- b. The type of travel documents obtained, the department of the Iraqi government issuing the travel documents, and the date the documents were issued;**
- c. If the request for the travel documents was denied, the department of the Iraqi government issuing the denial, the date of the denial and the reason given for the denial; and**
- d. Whether Iraq denied or approved repatriation of the Class Member, and, if denied, the basis for such denial.**
- e. If repatriation occurred, when, by what travel method (commercial air, charter air, etc.), and to what location.**

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**RESPONSE:**

Petitioners clarified that this interrogatory should be construed as directed only to U.S. Immigration and Customs Enforcement (“ICE”). Therefore, DHS defers to ICE for response and does not provide a separate response or objections; however, DHS has not made a travel document request for an individual Class Member.

**7. For each Class Member (identified by name and A-number) for whom ICE or another relevant department of the U.S. government has since March 1, 2017 requested from the Iraqi Ministry of Foreign Affairs (or another relevant department of the Iraqi government) to be repatriated to Iraq, provide the following:**

- a. The date of the request;
- b. The response from the Iraqi government, the date of the response, the department of the Iraqi government issuing the response, and, if repatriation was denied, the basis for the denial; and
- c. If the request for repatriation was granted, any conditions placed on the repatriation of the Class Member.
- d. If repatriation occurred, when, by what travel method (commercial air, charter air, etc.), and to what location.

**RESPONSE:**

Petitioners clarified that this interrogatory should be construed as directed only to U.S. Immigration and Customs Enforcement (“ICE”). Therefore, DHS defers to ICE for response and does not provide a separate response or objections; however, DHS has not made a repatriation request for an individual Class Member.

**8. For each Class Member (identified by name and A-number), state whether Iraq has agreed to the repatriation of that individual as of the following time:**

- a. On the date of the Class Member’s arrest by ICE; and
- b. On the date you answer this Interrogatory.

**RESPONSE:**

Petitioners clarified that this interrogatory should be construed as directed only to U.S. Immigration and Customs Enforcement (“ICE”). Therefore, DHS defers to ICE for response and does not provide a separate response or objections; however, DHS has no responsive information.

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**9. The declaration of John Schultz, ECF 81-4, Pg.ID# 2007, states that Iraq previously would accept only its nationals with unexpired passports, but that Iraq will now “authorize repatriation with other indicia of nationality.” State what “other indicia of nationality” Iraq will accept for repatriation; the basis for the U.S. government’s belief that the other indicia of nationality will be accepted, including the identification of the specific agreement(s) or document(s) stating this policy; and the criteria an individual must or can meet before Iraq will accept an Iraqi National for repatriation.**

**RESPONSE:**

Respondent DHS objects to this interrogatory to the extent it calls for information relied upon by John Schultz in his declaration, ECF 81-4, because DHS did not participate in the drafting or review of that declaration. Therefore, DHS has no responsive information.

**10. Explain each step (in sequence) that has since March 1, 2017 or will be taken by you or the government of Iraq to process an Iraqi National for removal if that Iraqi National does not have travel documents.**

**RESPONSE:**

DHS objects to this interrogatory to the extent it seeks information regarding repatriation of Iraqi Nationals who are not members of the class or subclasses certified in this action. DHS lacks knowledge or information sufficient to form a belief as to what steps are taken by ICE or the government of Iraq to process an Iraqi National without travel documents for removal. ICE is the component agency of DHS with responsibility for repatriation of Iraqi Nationals. DHS incorporates by reference its response to Interrogatory No. 1.

**11. For each Class Member (identified by name and A-number) who, prior to March 1, 2017, was living in the community, state whether ICE released that individual to the community because ICE determined that Iraq would not accept that individual for repatriation and the reason ICE determined that Iraq would not accept the individual for repatriation.**

**RESPONSE:**

Petitioners clarified that this interrogatory should be construed as directed only to U.S. Immigration and Customs Enforcement (“ICE”). Therefore, DHS does not provide a separate response or objections; however, DHS, has no responsive information.

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**12. The name, title and department of the government (for both Iraq and the United States) of each individual negotiating the Iraqi Agreement, including the “ongoing diplomatic negotiations” referenced in the declaration of Michael V. Bernacke at paragraph 4 (ECF 184-2, Pg.ID# 5070-71), identification of the individuals authorized to enter into any agreement reached by the governments regarding the repatriation of Iraqi Nationals, and the date each individual engaged in the “ongoing diplomatic negotiations.”**

**RESPONSE:**

Respondent DHS objects to this interrogatory to the extent it calls for information relied upon by Michael Bernacke in his declaration, ECF 184-2, because DHS did not participate in the drafting or review of that declaration. DHS objects to this interrogatory, as the “name, title and department of the government (for both Iraq and the United States) of each individual negotiating the Iraqi Agreement” do not affect the terms of any agreement, to the extent one exists. Subject to the foregoing privileges, Respondent DHS did not participate in “negotiations” but did participate in discussions with participants from the Government of the United States and Iraq on June 23, 2017, December 5, 2017 and January 9, 2018.

On June 23, 2017, DHS Deputy Assistant Secretary for International Engagement Matthew King and ICE Deputy Director and Senior Official Performing the Duties of the Director Thomas Homan spoke by telephone with Ambassador Fareed Mustafa Kamil Yasseen, Embassy of the Republic of Iraq in Washington, DC.

On December 5, 2017, the U.S. Government primarily was represented by (Former) Ambassador (ret.) James Nealon, Assistant Secretary for International Affairs, at a meeting in which a variety of issues, including the repatriation of Iraqi Nationals, was discussed. Ambassador Nealon was accompanied by additional DHS personnel, including Deputy Assistant Secretary for International Engagement Matthew H. King; Deputy Counterterrorism Coordinator for Policy Thomas Warrick; Principal Director and Senior Advisor, Information Sharing Policy Michael Scardaville; (Former) Director for Middle East, Africa, South Asia Kenneth Holt; Deputy Director for Middle East, Africa, South Asia Alexander Kisselburg; John Olson, Middle East Team, Travel and Immigration Branch. Representatives from the U.S. Department of State, Office of Iraq Affairs, including Kris Clark, Political Officer and David Nobles, Deputy Director also were present for the meeting. The Government of Iraq participants included Deputy Foreign Minister Nazar Issa Abdulahadi Al-Khirullah; Advisor to the Deputy Foreign Minister Imad Mohammed Mirza; Ambassador Ahmed Kamal Hasan Al-Kamaly; Advisor to the Deputy Foreign Minister Salwan Rasheek Anjo; Ambassador Fareed

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Mustafa Kamil Yasseen; and First Secretary, Embassy of the Republic of Iraq in Washington, DC Wathiq Ibrahim Mohammed AlHammam.

On January 9, 2018, the U.S. Government primarily was represented by John Schultz, Deputy Assistant Director, Enforcement and Removal Operations and Michael Bernacke, Unit Chief, Enforcement and Removal Operations, for Respondent ICE. Representatives from Respondent DHS attended, including (Former) Director for Middle East, Africa, South Asia Kenneth Holt; and Deputy Director for Middle East, Africa, South Asia Alexander Kisselburg. Representatives from the U.S. Department of State, Office of Iraq Affairs, including Political Chief, Office of Iraq Affairs Derek Hoffman; Political Officer, Office of Iraq Affairs Kris Clark; Deputy Director, Office of Iraq Affairs David Nobles also were present for the meeting. The Government of Iraq participants included Deputy Chief of Mission, Minister Plenipotentiary Mohamad Jawad Mahdi Alquraishi; First Secretary Yarub Abduljabbar Hatem Al-Anpaqi; First Secretary Wathiq Ibrahim Mohammed Alhammam; Second Secretary Ahmed Hashim Salih Utaifa; Deputy Foreign Minister Deputy Foreign Minister Nizar Issa Abdul-Hadi Al-Khairalla.

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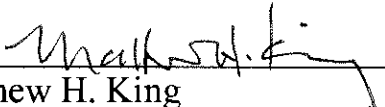
VERIFICATION

I, Matthew H. King declare under penalty of perjury:

I am employed by the U.S. Department of Homeland Security, Office of International Affairs, as the Deputy Assistant Secretary, Office of International Engagement.

I have read and know the contents of these responses. These responses were prepared after obtaining information available to DHS through its officers and employees and through its documents and records. These responses, subject to inadvertent and undiscovered errors, are based upon, and necessarily limited by, the records and information still in existence, able to be located, presently recollected, and thus far discovered in the course of preparing these responses. The responses regarding DHS are true and correct to the best of my knowledge, information, and belief.

Executed on 19 June 2018

  
Matthew H. King  
Deputy Assistant Secretary  
Office of International Engagement  
U.S. Department of Homeland Security

# EXHIBIT 1-45

*PII Redacted Pursuant to Fed. R. Civ. P. 5.2*

*Redacted Pursuant to ECF 470*

## Message

**From:** Bernacke, Michael V [/O=IRMMAIL/OU=MBX SERVERS - PHO/CN=RECIPIENTS/CN=MVBERNAC]  
**Sent:** 2/15/2018 10:37:05 PM  
**To:** Clark, Kris L [REDACTED]; Nobles, David T [REDACTED]; Hoffmann, Derek W [REDACTED]  
**CC:** Clinton, Julius A [/O=IRMMAIL/OU=MBX Servers - NYC/cn=Recipients/cn=JAClinto]; Schultz, John A [/O=IRMMAIL/OU=Mbx servers - nyc/cn=recipients/cn=jaschult]  
**Subject:** RE: Volunteer detention locations

Kris –

We received informal word that the embassy will have four TDs for us next week, we will keep in contact with their office to obtain them if issued. Also, we're looking to interview about 10 cases tomorrow. (Working to finalize this as several cases were added today.)

Below are the cases we are tracking; we've had a number of volunteers crop up in the past few weeks and a couple of aliens opt back into the litigation, the 15 cases we initially met about are included below, however that number – in and of itself – has changed. We are tracking 30 cases that are pending issuance, pending interview, or opted back into the litigation after previously volunteering to be removed (one having even been interviewed). Again, this number is subject to change.

**Subjects interviewed as of January 25, 2018:**

&#61623 A [REDACTED], A [REDACTED] 237 TD pending  
 &#61623 A [REDACTED], J [REDACTED] 482 TD pending  
 &#61623 A [REDACTED], M [REDACTED] 307 Subject notified the consulate that he does not want to return. (Habeas case and still part of injunction)\*  
 &#61623 A [REDACTED], D [REDACTED] 585 TD pending  
 &#61623 G [REDACTED], R [REDACTED] 156 TD pending  
 • A [REDACTED], H [REDACTED] 530 TD pending  
 • A [REDACTED], S [REDACTED] 637 Subject notified the consulate that he does not want to return.

**Cases interviewed on January 24, 2018:**

&#61623 A [REDACTED], B [REDACTED] 245 TD pending  
 &#61623 A [REDACTED], O [REDACTED] 847 TD pending  
 &#61623 A [REDACTED], G [REDACTED] 821 Subject notified the consulate that he does not want to return. (Habeas case and still part of injunction)\*  
 &#61623 K [REDACTED], A [REDACTED] 016 Subject notified the consulate that he does not want to return.

**Pending TD interview:**

&#61623 A [REDACTED], M [REDACTED] 898  
 &#61623 A [REDACTED], H [REDACTED] 804  
 &#61623 A [REDACTED], I [REDACTED] 488  
 &#61623 N [REDACTED], I [REDACTED] 844  
 &#61623 K [REDACTED], J [REDACTED] 142  
 &#61623 M [REDACTED], H [REDACTED] 022  
 &#61623 H [REDACTED], S [REDACTED] 7 975  
 &#61623 S [REDACTED], S [REDACTED] 723  
 &#61623 J [REDACTED], R [REDACTED] 935  
 &#61623 S [REDACTED], L [REDACTED] 107

\*Please note the highlighted cases are those who have not been removed from the class action lawsuit yet and we can't remove. However, our legal team is working to get them removed from the class.

Cases re-introduced to the class action lawsuit:

- I [REDACTED], W [REDACTED] 198
- J [REDACTED], A [REDACTED] 820
- Y [REDACTED], K [REDACTED] 782
- A [REDACTED], R [REDACTED], M [REDACTED] 314
- A [REDACTED], J [REDACTED] 820
- S [REDACTED], A [REDACTED] 351
- A [REDACTED], B [REDACTED], H [REDACTED] 016
- A [REDACTED], F [REDACTED] 723

&#61623 M [REDACTED], H [REDACTED] 320 – was previously pending interview.

&#61623 K [REDACTED], A [REDACTED] 016 – previously interviewed 01/24.

Aliens removed from the U.S.

- M [REDACTED], J [REDACTED] 443 Removed
- A [REDACTED], S [REDACTED], N [REDACTED] 155 Removed
- Y [REDACTED], W [REDACTED] 267 Removed
- P [REDACTED], I [REDACTED] 510 Removed

&#61623 A [REDACTED], H [REDACTED] 876 Removed

**From:** Clark, Kris L [mailto:[REDACTED]]  
**Sent:** Wednesday, January 31, 2018 11:14 AM  
**To:** Bernacke, Michael V; Nobles, David T; Hoffmann, Derek W  
**Cc:** Clinton, Julius A; Schultz, John A  
**Subject:** RE: Volunteer detention locations

Michael – thanks, great to know. In addition to your contact with him, we'll follow up with Yarub as well to press on timeliness on the TDs. Thanks again.

**Official**  
 UNCLASSIFIED

**From:** Bernacke, Michael V [mailto:[REDACTED]]  
**Sent:** Wednesday, January 31, 2018 10:29 AM  
**To:** Clark, Kris L <[REDACTED]>; Nobles, David T <[REDACTED]>; Hoffmann, Derek W [REDACTED] v>  
**Cc:** Clinton, Julius A [REDACTED] >; Schultz, John A <[REDACTED]>  
**Subject:** RE: Volunteer detention locations

Kris –

S [REDACTED] is another alien who is now back in the injunction and we are no longer seeking a TD for.

---

**From:** Clark, Kris L [mailto:[REDACTED]]  
**Sent:** Wednesday, January 31, 2018 9:00 AM  
**To:** Bernacke, Michael V; Nobles, David T; Hoffmann, Derek W  
**Cc:** Clinton, Julius A; Schultz, John A  
**Subject:** RE: Volunteer detention locations

Michael,

Excellent updates, thank you. Things seem to be proceeding apace – we appreciate the great efforts. David mentioned

a name from the earlier list that we haven't seen subsequently – please see below. Welcome your thoughts. Thanks again.

- A S [REDACTED], N [REDACTED] – Detroit Field Office
- I [REDACTED], W [REDACTED] - Detroit Field Office
- M [REDACTED] J [REDACTED] - Miami Field Office
- A [REDACTED], B [REDACTED] – Detroit Field Office
- D [REDACTED] r A S [REDACTED] – San Francisco Field Office
- O [REDACTED] A T [REDACTED] – Chicago Field Office
- R [REDACTED] G [REDACTED] – San Francisco Field Office
- G [REDACTED] P [REDACTED] A [REDACTED] – Miami Field Office
- A B [REDACTED] - San Francisco Field Office
- A K [REDACTED] San Francisco Field Office
- J [REDACTED] A K [REDACTED] - Detroit Field Office
- J [REDACTED] A D [REDACTED] - Detroit Field Office
- S [REDACTED] A [REDACTED] Detroit Field Office
- Y [REDACTED], K [REDACTED] – New Orleans Field Office
- A J [REDACTED] S [REDACTED] - Philadelphia Field Office

Best,

Kris

Kristofer L. Clark  
Political Officer  
NEA/I

Official - SBU  
UNCLASSIFIED

**From:** Bernacke, Michael V [mailto:[REDACTED]]  
**Sent:** Wednesday, January 31, 2018 5:11 AM  
**To:** Clark, Kris L <[REDACTED]>; Nobles, David T <[REDACTED]>; Hoffmann, Derek W <[REDACTED]>  
**Cc:** Clinton, Julius A <[REDACTED]>; Schultz, John A <[REDACTED]>  
**Subject:** RE: Volunteer detention locations

FYI -

A S [REDACTED] was removed last night.

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

**From:** Bernacke, Michael V <[REDACTED]>  
**Date:** Tuesday, Jan 30, 2018, 2:27 PM  
**To:** Clark, Kris L <[REDACTED]>; Nobles, David T <[REDACTED]>; Hoffmann, Derek W <[REDACTED]>  
**Cc:** Clinton, Julius A <[REDACTED]>; Schultz, John A <[REDACTED]>  
**Subject:** RE: Volunteer detention locations

Good afternoon. Yes, we are mindful of that, but thanks for the reminder. All of the aliens amenable to an interview have been interviewed and the latest info below was verified by our legal counsel, in terms of who we can remove, and who is still in the litigation class.

**Subjects interviewed as of January 25, 2018:**

&#61623 A [REDACTED], A [REDACTED] 237 TD pending  
 &#61623 A [REDACTED], J [REDACTED] 482 TD pending  
 &#61623 A [REDACTED], M [REDACTED] 307 Subject notified the consulate that he does not want to return. (Habeas case and still part of injunction)  
 &#61623 A [REDACTED], D [REDACTED] 585 TD pending  
 &#61623 G [REDACTED], R [REDACTED] 156 TD pending  
 • A [REDACTED], H [REDACTED] 530 TD pending

**Cases interviewed on January 24, 2018:**

&#61623 A [REDACTED], B [REDACTED] 245 TD pending  
 &#61623 A [REDACTED], O [REDACTED] 847 TD pending  
 &#61623 A [REDACTED], G [REDACTED] 821 Subject notified the consulate that he does not want to return. (Habeas case and still part of injunction)  
 &#61623 K [REDACTED], A [REDACTED] 016 Subject notified the consulate that he does not want to return.

Please note the highlighted cases are those who have not been removed from the class action lawsuit yet and we can't remove. However, our legal team is working to get them removed from the class. Secondly, those noted as having a TD pending need to re-submit an updated TD application to us. We're getting that to the field today so they can have the detainees sign the application, however we experienced a delay as the embassy forwarded us a copy of the declaration we had issue with during our meeting. They provided us an untranslated copy of the voluntary removal declaration to serve on the aliens as part of the updated application packet. We had it translated and verified the document was the declaration that we will not be serving to the detainees. Julius advised the embassy accordingly.

Lastly, below is a list of several aliens we discussed at our meeting who are no longer amenable for removal due to being re-introduced to the class:

Cases re-introduced to the class action lawsuit:

- A [REDACTED], N [REDACTED] 155
- I [REDACTED], W [REDACTED] 198
- J [REDACTED], A [REDACTED] 820
- Y [REDACTED], K [REDACTED] 782
- A [REDACTED], M [REDACTED] 314
- A [REDACTED], J [REDACTED] 820

Aliens removed from the U.S.

- M [REDACTED], J [REDACTED] 443 Removed
- A [REDACTED], N [REDACTED] 155 Removal scheduled for today

**From:** Clark, Kris L [mailto:[REDACTED]]

**Sent:** Tuesday, January 30, 2018 1:44 PM

**To:** Bernacke, Michael V; Nobles, David T; Schultz, John A; Hoffmann, Derek W

**Cc:** Clinton, Julius A  
**Subject:** RE: Volunteer detention locations

Hi Michael,

Hope that this finds you well. We wanted to follow up to see if any additional progress has been made with respect to the interviews and whether the Iraqi Embassy has been collaborative in this process. We are quickly approaching the 30 day mark (Feb 8), at which point we collectively agreed to have all of these folks interviewed, with travel documents, and on planes out of here. Would welcome any updates. Many thanks.

Best,

Kris

Kristofer L. Clark  
 Political Officer  
 NEA/I

[REDACTED]  
 [REDACTED]

**Official**  
**UNCLASSIFIED**

**From:** Bernacke, Michael V [mailto:[REDACTED]]  
**Sent:** Friday, January 19, 2018 10:34 AM  
**To:** Clark, Kris L <[REDACTED]>; Nobles, David T <[REDACTED]>; Schultz, John A  
 [REDACTED]>; Hoffmann, Derek W <[REDACTED]>  
**Cc:** Clinton, Julius A <[REDACTED]>  
**Subject:** RE: Volunteer detention locations

Yes, here's is the read-out I socialized internally...we are aiming to get the remainder of interviews completed next week. George Phillip Arthur may be a challenge as he's been non-compliant with all removal efforts.

**Interviewed**

- [REDACTED] 237
- [REDACTED] 482
- [REDACTED] 307
- [REDACTED] 585
- [REDACTED] 156
- [REDACTED] 530

**To be interviewed:**

- [REDACTED] 3 637
- [REDACTED] 443 Received valid TD, escort scheduled, will be removed from interview roster
- [REDACTED] 245
- [REDACTED] 47
- [REDACTED] 821 Refused to be interviewed, will attempt to interview next date

**From:** Clark, Kris L [mailto: [REDACTED]]  
**Sent:** Friday, January 19, 2018 10:05 AM  
**To:** Bernacke, Michael V; Nobles, David T; Schultz, John A; Hoffmann, Derek W  
**Cc:** Clinton, Julius A  
**Subject:** RE: Volunteer detention locations

Michael, thanks. Do we have an update on the TD interviews? Thanks.

**Official**  
 UNCLASSIFIED

**From:** Bernacke, Michael V [mailto: [REDACTED]]  
**Sent:** Friday, January 12, 2018 11:05 AM  
**To:** Nobles, David T < [REDACTED] >; Schultz, John A < [REDACTED] >; Hoffmann, Derek W < [REDACTED] >; Clark, Kris L < [REDACTED] v>  
**Cc:** Clinton, Julius A < [REDACTED] >  
**Subject:** FW: Volunteer detention locations

Just for the group's vis, Julius locked in Wednesday, 01/17, to conduct all of these TD interviews.

**From:** Yarub Al Anpaqi [mailto: [REDACTED] s]  
**Sent:** Tuesday, January 9, 2018 6:29 PM  
**To:** Bernacke, Michael V  
**Cc:** Nobles, David T; mohamad.jawad@ [REDACTED] s; wathiq.ib [REDACTED]; Schultz, John A; Hoffmann, Derek W; Clark, Kris L; Clinton, Julius A  
**Subject:** Re: Volunteer detention locations

Dear Mr. Micheal

Thanks for your quick respond.

It is a great opportunity to meet you and your colleagues today at DHS, looking foreword to meet with Mr. Clinton to expedite the process and farther steps or any concerned issues, wishing to receive the database or the list of Iraqi detainees that we requested ASAP.

Withe Regards

Yarub Alanpaqi  
 First Secretary  
 Director of Political Section  
 Embassy of the Republic of Iraq ????i  
 Washington DC ????  
 [REDACTED]  
 [REDACTED]

3421 Massachusetts Ave., NW  
 Washington, DC 20007

On Jan 9, 2018, at 3:03 PM, Bernacke, Michael V < [REDACTED] > wrote:

That's what we are planning on.

**From:** Nobles, David T [mailto: [REDACTED]]  
**Sent:** Tuesday, January 9, 2018 2:56 PM

**To:** Bernacke, Michael V; mohamad.jawad@[REDACTED]; wathiq.ib[REDACTED];  
 yarub.alanpaqi@[REDACTED]  
**Cc:** Schultz, John A; Hoffmann, Derek W; Clark, Kris L; Clinton, Julius A  
**Subject:** RE: Volunteer detention locations

Michael:

Thanks for this information, and also to everyone who participated in the meeting today. Let's be in contact next week to check on progress. Also, can you tell me since these returnees are voluntary, will they travel back to Iraq on commercial air? Thanks again.

Best regards,

David T. Nobles  
 Deputy Director, Office of Iraq Affairs (NEA/I)  
 Bureau of Near Eastern Affairs  
 U.S. Department of State  
 [REDACTED]  
 [REDACTED]

**From:** Bernacke, Michael V [mailto:[REDACTED]]  
**Sent:** Tuesday, January 09, 2018 2:05 PM  
**To:** mohamad.jawad@[REDACTED]; wathiq.ib[REDACTED]; yarub.alanpaqi@[REDACTED]  
**Cc:** Schultz, John A <[REDACTED]>; Nobles, David T <[REDACTED]>; Hoffmann, Derek W <[REDACTED]>; Clark, Kris L <[REDACTED]>; Clinton, Julius A <[REDACTED]>  
**Subject:** Volunteer detention locations

Good afternoon –

Thanks for the opportunity to meet with you all. Below are the ICE detention locations/offices with jurisdiction we discussed for the fifteen who have volunteered to be removed. Please do not hesitate to contact me to ensure timely action in terms of next steps with these cases. Thus far, Julius has been dealing with Mr. Tarq about scheduling interviews for the below case. Please let me know what we can do to expedite this.

Thank you

- [REDACTED] – Detroit Field Office
- [REDACTED] - Detroit Field Office
- [REDACTED] - Miami Field Office
- [REDACTED] – Detroit Field Office
- [REDACTED] – San Francisco Field Office
- [REDACTED] – Chicago Field Office
- [REDACTED] – San Francisco Field Office
- [REDACTED] – Miami Field Office
- [REDACTED] San Francisco Field Office
- [REDACTED] - San Francisco Field Office
- [REDACTED] - Detroit Field Office
- [REDACTED] - Detroit Field Office
- [REDACTED] - Detroit Field Office

- [REDACTED] – New Orleans Field Office
- [REDACTED] Philadelphia Field Office

**Michael Bernacke**

*Unit Chief, Middle East/Eastern Africa*

U.S. Immigration and Customs Enforcement

Enforcement and Removal Operations

Removal Division

[REDACTED]  
[REDACTED]

# EXHIBIT 1-46

MINISTRY OF FOREIGN AFFAIRS

CONSULAR DEPARTMENT



وزارة الخارجية

الدائرة القنصلية

13551

العدد: 4/6/ع

2018/03/

التاريخ:

25

## بعثاتنا السياسية والقنصلية في الخارج كافة

## م/ اعمام

نرافق لكم كتاب وزارة الهجرة والمهجرين / دائرة شؤون الهجرة / قسم الهجرة الخارجية المرقم (د/ش/ه/773) في 2018/3/8، المتضمن رفض الوزارة لمبدأ العودة القسرية للعراقيين في الخارج او اي جنسية اخرى لأنها تتعارض من القوانين والقرارات الدولية الخاصة بحقوق الانسان ومبادئ المجتمع الدولي وسياسة الحكومة العراقية، في المقابل يسعى العراق جاهداً لتسخير جميع امكانياته لتشجيع وحث الدول المستضيفة للاجئين او طالبي اللجوء او المرفوضة طلبات لجوئهم بالعودة الطوعية للراغبين منهم بالعودة الى العراق كحل بديل لتلك الدول بعد التنسيق والتعاون مع وزارة الهجرة والمهجرين وبعثاتنا في الخارج والمنظمات الدولية.

للتفضل بالاطلاع واتخاذ مايلزم بشأن التنسيق مع تلك الدول للحد من تلك الظاهرة الخطيرة التي تمس العراقيين في الخارج... مع التقدير.

المرافقات:

- كتاب.

السفير

د. احمد نايف رشيد الدليمي

رئيس الدائرة القنصلية

2018/03/25



نسخة منه الى:

- مكتب السيد الوزير، اشارة الى هامش ميادته بتاريخ 2018/3/19، للتفضل بالإطلاع... مع التقدير.
- مكتب السيدة وكيل الوزارة لشؤون التخطيط السياسي، للتفضل بالإطلاع ... مع التقدير.
- مكتب المفتش العام، للتفضل بالإطلاع ... مع التقدير.
- الدائرة الادارية، للتفضل بالإطلاع... مع التقدير.
- وزارة الهجرة والمهجرين / دائرة شؤون الهجرة / قسم الهجرة الخارجية، كتابكم انفاً، للتفضل بالإطلاع... مع التقدير.
- الدوار.





العدد: ٢٠ / ١ / ٢٠١٨  
التاريخ: ٢٠ / ١ / ٢٠١٨

( عاجل جداً )

٧٧٢  
١٢ / ٨



الى / وزارة الخارجية / مكتب الوزير

الموضوع / العودة القسرية لطالبي اللجوء العراقيين

365  
1513  
تحية طيبة ...

انطلاقاً من مبدأ حماية ورعاية العراقيين في الخارج وحسب القوانين والقرارات الدولية الخاصة بحقوق الانسان ومبادئ المجتمع الدولي وسياسة ومحتاج عمل وزارتنا منذ تأسيسها ولغاية الآن بأنها ترفض مبدأ العودة القسرية للعراقيين في الخارج او اي جنسية اخرى لأنها تتعارض مع تلك القوانين والمبادئ الانسانية، وفي المقابل تعمل وزارتنا جاهدة وتسخر جميع امكانياتها لتشجيع وحث الدول المستضيفة للاجئين او طالبي اللجوء او المرفوضة طلبات لجوئهم بالعودة الطوعية للراغبين منهم بالعودة الى العراق كحل بديل لتلك الدول بعد التنسيق والتعاون مع وزارتنا والبعثات الدبلوماسية العراقية في الخارج والمنظمات الدولية .  
**راجين اشعار جميع بعثاتنا للتنسيق مع تلك الدول للحد من تلك الظاهرة الخطيرة التي تمثل العراقيين في الخارج.**

تفضلكم بالاطلاع ... واتخاذ مايلزم بصدد هذا الموضوع واعلامنا  
مع فائق الشكر والتقدير

الدكتور

جاسم محمد محمد علي

وزير الهجرة والمهجرين

٢٠١٨ / /

نسخة منه الى

- مكتب السيد الوزير المحترم / للتفضل بالاطلاع...مع التقدير
  - مكتب السيد المدير العام المحترم / الاضحية السخنة
  - قسم الهجرة الخارجية / للمتابعة
- سجدة ٣/٥

# EXHIBIT 1-47

*PII Redacted Pursuant to Fed. R. Civ. P. 5.2*

*Redacted Pursuant to ECF 470*

*Office of Enforcement and Removal Operations*

U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, D.C. 20536



U.S. Immigration  
and Customs  
Enforcement

June 15, 2018

Ambassador Fareed Yasseen

Embassy of the Republic of Iraq  
3421 Massachusetts Avenue  
Washington, DC 20007

Dear Ambassador Yasseen,

I greatly appreciate your staff meeting with United States Immigration and Customs Enforcement (ICE) on June 15, 2018 to address the agency's outstanding concerns related to travel document issuance.

Please consider this an urgent request from ICE for the immediate issuance of the outstanding travel documents that have been requested for the six Iraqi Nationals named below. These six men are currently detained by ICE and have been issued final orders of removal by a U.S. Immigration Judge. On May 23, 2018, they were interviewed in person by the Consulate Section of the Iraq Embassy at the Stewart Detention Center in Lumpkin, Georgia. During the interviews, it was determined by the Consulate Section of the Iraq Embassy that they are all citizens of Iraq but these individuals declined to sign a declaration form wherein they state their desire to return to Iraq. As a result, it is our understanding that additional approval from Baghdad is necessary to complete the issuance of these travel documents.

It is the responsibility of ICE to execute the warrant of removal of these Iraqi Nationals in a safe and timely manner regardless of their desire to return to Iraq. As you know, your country is a party to the Convention on International Civil Aviation. Annex 9 of the Convention states in Chapter 5.26 through 5.29:

5.26 A Contracting State shall, when requested to provide travel documents to facilitate the return of one of its nationals, respond within a reasonable period of time and not more than 30 days after such a request was made either by issuing a travel document or by satisfying the requesting State that the person concerned is not one of its nationals.

5.27 A Contracting State shall not make the signing by the person concerned of an application for a travel document a prerequisite for the issuance of that document.

5.28 When a Contracting State has determined that a person for whom a travel document has been requested is one of its nationals but cannot issue a passport within 30 days of the request, the State shall issue an emergency travel document that attests to the nationality of the person concerned and that is valid for readmission to that State.

Page 2 of 2

5.29 A Contracting State shall not refuse to issue a travel document to or otherwise thwart the return of one of its nationals by rendering that person stateless.

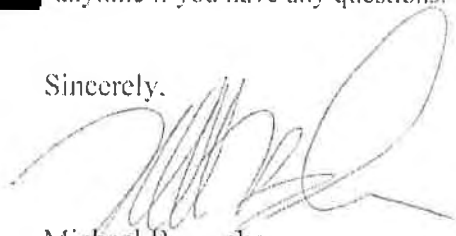
The men named below have all completed their Iraqi passport applications, have been interviewed in person by the Consulate Section of the Embassy of Iraq and it has been determined that they are all Iraqi Nationals.

Regarding:	A ■ S ■ ■ ■, S ■ ■ ■ A ■ ■ ■	■ ■ ■ 798	11/21/1963
	C ■ ■ ■, A ■ ■ ■	■ ■ ■ 985	07/03/1985
	O ■ ■ ■, D ■ ■ ■	■ ■ ■ 561	04/27/1983
	K ■ ■ ■, A ■ ■ ■	■ ■ ■ 689	04/15/1968
	A ■ ■, A ■ ■ ■, R ■ ■ ■	■ ■ ■ 978	11/01/1977
	P ■ ■ ■, K ■ ■ ■	■ ■ ■ 207	01/01/1979

Additionally, ICE is again requesting that the Consulate Section of the Embassy of Iraq no longer require Iraqi Nationals to sign the declaration form wherein they state their desire to return to Iraq. This form conflicts with the Convention on International Civil Aviation, as the signing of an application for a travel document cannot be a prerequisite for the issuance of that document.

I look forward to the expeditious issuance of these travel documents. Please feel free to contact Officer James Maddox at ■ ■ ■ ■ ■ ■ anytime if you have any questions.

Sincerely,



Michael Bernacke  
Unit Chief  
U.S. Immigration and Customs Enforcement  
Enforcement and Removal Operation

# EXHIBIT 1-48

*Redacted Pursuant to ECF 470*

## Message

**To:** Bernacke, Michael V [/O=IRMMAIL/OU=MBX SERVERS - PHO/CN=RECIPIENTS/CN=MVBERNAC]  
**Subject:** RE: طلبات جواز مرور

Documents uploaded to the site. I will include you on the email I send to check the status.

P288571: Iraqi document

Project Details:

Source Language

English (United States)

Total Price

Purchased Date

Due Date

Completion Date

Notes

Source Assets:

DHS ICE: Language Services

[iraqDeclaration.docxiraqApplication.pdfICE Lionbridge Tr... Analysis Failed](#)

Respectfully,

Julius A. Clinton

Desk Officer

Removal and International Operations (RIO)

Removal Management Division

U.S. Department of Homeland Security

U.S. Immigration & Customs Enforcement

Enforcement and Removal Operations Headquarters

---

**From:** Bernacke, Michael V

**Sent:** Thursday, January 25, 2018 9:33 AM

**To:** Clinton, Julius A

**Subject:** RE: رورم زواج تابلط

Here you go, sir.

**From:** Clinton, Julius A

**Sent:** Wednesday, January 24, 2018 5:43 PM

**To:** Bernacke, Michael V

**Subject:** RE: مرور جواز ط 1 بات

Sir I need a supervisory signature on the form. Please see attached

Respectfully,

Julius A. Clinton

Desk Officer

Removal and International Operations (RIO)

Removal Management Division

U.S. Department of Homeland Security  
U.S. Immigration & Customs Enforcement  
Enforcement and Removal Operations Headquarters

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Bernacke, Michael V  
**Sent:** Wednesday, January 24, 2018 5:15 PM  
**To:** Clinton, Julius A  
**Subject:** RE: مرور جواز ط 1 بات

Yes, please. Let language services know its time sensitive and emergent on our end. Cc me on the email so I can let the supervisor know as well.

**From:** Clinton, Julius A  
**Sent:** Wednesday, January 24, 2018 5:13 PM  
**To:** Bernacke, Michael V  
**Subject:** RE: مرور جواز ط 1 بات

The individuals who volunteered will have to have these forms filled out before issuance. Should I wait to get them cleared before sending them to the case officers?

Respectfully,

Julius A. Clinton  
Desk Officer  
Removal and International Operations (RIO)  
Removal Management Division  
U.S. Department of Homeland Security  
U.S. Immigration & Customs Enforcement  
Enforcement and Removal Operations Headquarters

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Bernacke, Michael V  
**Sent:** Wednesday, January 24, 2018 5:04 PM  
**To:** Clinton, Julius A  
**Subject:** RE: مرور جواز ط 1 بات

Understood, however I want to be sure of what something says that we are posting for use by the field to the intranet before we actually post it.

Here are the services and POCs:

[REDACTED]

**From:** Clinton, Julius A  
**Sent:** Wednesday, January 24, 2018 5:01 PM  
**To:** Bernacke, Michael V  
**Subject:** RE: مرور جواز ط 1 بات

We already have documents posted with that language on our site. You want me to send these to the language service? Do you have a point of contact there?

Respectfully,

Julius A. Clinton  
Desk Officer  
Removal and International Operations (RIO)  
Removal Management Division  
U.S. Department of Homeland Security  
U.S. Immigration & Customs Enforcement  
Enforcement and Removal Operations Headquarters  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Bernacke, Michael V  
**Sent:** Wednesday, January 24, 2018 4:52 PM  
**To:** Clinton, Julius A  
**Subject:** RE: مرور جواز ط 1 بات

Can you please get these translated so we can review then post? Also, the voluntary declaration stating the aliens voluntarily remit themselves to be removed needs to be pulled from the intranet. Joan says it is contrary to ICAO.

**From:** Clinton, Julius A  
**Sent:** Wednesday, January 24, 2018 4:50 PM  
**To:** Bernacke, Michael V  
**Subject:** FW: مرور جواز ط 1 بات

Sir,

Please have our TD page updated with these forms and the old ones removed.

Respectfully,

Julius A. Clinton  
Desk Officer  
Removal and International Operations (RIO)  
Removal Management Division  
U.S. Department of Homeland Security  
U.S. Immigration & Customs Enforcement  
Enforcement and Removal Operations Headquarters  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Yarub Al Anpaqi [mailto:[REDACTED]]  
**Sent:** Wednesday, January 24, 2018 1:30 PM  
**To:** Clinton, Julius A  
**Subject:** Fwd: مرور جواز ط 1 بات

Dear Sir

As we wish to keep in touch I would like to update your data for a new Travel document form and application that we need all the concerning cases fill and sign them

With regards,

Yarub Alanpaqi

First Secretary

Director of Political Section

Embassy of the Republic of Iraq IQ

Washington DC us

[REDACTED]  
[REDACTED]

3421 Massachusetts Ave., NW

Washington, DC 20007

Begin forwarded message:

**From:** Hudhaifa Hassoon <[REDACTED]>

**Date:** January 24, 2018 at 1:02:45 PM EST

**To:** Yarub Al Anpaqi <[REDACTED]>

**Subject:** مرور جواز طلبة بات

مساء الخير استاذ ارجو ان تكون بخير  
في المرفق طلب جواز مرور  
مع التقدير

# EXHIBIT 1-49

KIRJAUDU



HAE



VALIKKO



News 10.7.2018 16:28 | updated 10.7.2018 16:30

## Forced deportations of Iraqi asylum seekers on hold

"We will accept those returning of their own free will and those guilty of crimes," says Iraqi ambassador Matheel al-Sabti.



Matheel al-Sabti, Iraqi ambassador to Finland. Image: Antti Haanpää.

Iraq will no longer accept rejected asylum seekers who do not willingly want to return to Iraq, says Iraqi ambassador Matheel al-Sabti.

"The Iraqi government has opposed forced repatriations for a long time and is now preventing them in practice too."

Last month, Yle reported that deportees returned from Finland to Iraq have been turned around and sent back to Helsinki, with local officials saying that the returnees did not have the required travel documents.

This is not a new position, al-Sabti says, adding that Iraq is finally enforcing the policy it announced eons ago, instead of allowing EU countries to act against the will of the government.

"We will accept those returning of their own free will and those guilty of crimes, but we oppose forced repatriations."

## Forced deportations on hold

Marko Heikkilä from Finland's National Police Board says deportations of Iraqis without passports are temporarily on hold.

"Whether it's Iraq or Nigeria, a sovereign state can decide who to let in and on what conditions. If the conditions are not met, repatriations cannot be carried out."

Last year, Finnish police began to issue [temporary travel documents](#) to ensure that rejected asylum seekers without passports could be returned.

However, al-Sabti believes that regardless of the documents they may carry, Iraq will not allow entry to anyone who opposes their deportation.

"If they do not want to get off the airplane, or the police will not receive them, they cannot be returned."

A majority of Iraqis go back to their home country through the so called voluntary return programme run by the Finnish interior ministry.

According to the Police Board's Heikkilä, it is not unusual for forced deportations to fail. "We are quite used to the circumstances changing. We haven't pressed the panic button."

## "Mistake was made in 2015"

According to al-Sabti, political pressure in Finland and Iraq is one reason for the government to refuse involuntary deportees.

"Asylum seekers, their families, friends and the media, they all accuse the Iraqi government of accepting forced deportations."

But decision-makers in Iraq who are about to form a government, do not want any additional problems, al-Sabti says.

"They won't take the risk with the deportations and gamble away their political positions."

The ambassador suggests that the Finnish government wait until the situation in Iraq stabilises.

"Then these people who belong in Iraq could return," he says, adding that it is understandably a difficult issue for Finland's interior ministry which wants to bring the deportations to a conclusion.

"But the mistake was already made in 2015 when Europe left its borders open."

Between June 2017 and May 2018, the Finnish Immigration Service issued 119 deportation orders to Iraq.

**Sources** Yle

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**Latest in:** [News](#)

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- 23.8. **Thursday's papers: Disturbing find in convicted singer case, party support, road user charges**
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- 22.8. **Putin welcomes Niinistö's Arctic Summit initiative**

# EXHIBIT 1-50

http://www.mofa.gov.iq/en/news/28136/iraq-s-ambassador-to-sweden-discusses-voluntary-repatriation



## Iraq's ambassador to Sweden discusses voluntary repatriation of refugees with immigration coordinator

12.08.2018

The Ambassador of the Republic of Iraq in Stockholm, Dr. Ahmed Al-Kamali, met the Coordinator of Migration and Refugees Affairs at the Swedish Ministry of Foreign Affairs, Ambassador Nicolas Kleese at the Swedish Ministry of Foreign Affairs to discuss the return of refugees.

He explained that the Iraqi government refuses to return forcibly to Iraqi refugees, explaining that the conditions experienced by the country after the victories achieved against terrorist gangs, can affect positively facilitate the voluntary gradual return of citizens abroad.

He pointed out that the Iraqi government is working to address the crisis of displacement and gain the support of all countries of the world, including Sweden, to reconstruct the affected areas and think about future investment projects.

🕒 21:13 Baghdad

- Home
- Official Spokesman
- Foreign Service Institute
- Inspector General
- Media Communication

<http://www.mofa.gov.iq/en/news/28136/iraq-s-ambassador-to-sweden-discusses-voluntary-repatriation>

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# EXHIBIT 1-51

*PII Redacted Pursuant to Fed. R. Civ. P. 5.2*

**Scott, Kimberly L.**

---

**From:** Alsterberg, Cara E. (CIV) <Cara.E.Alsterberg@usdoj.gov>  
**Sent:** Monday, July 30, 2018 6:12 PM  
**To:** Giroux, Erika L.; Scott, Kimberly L.; Margo Schlanger; Miriam Aukerman; Monica C. Andrade  
**Cc:** Silvis, William (CIV); Murley, Nicole (CIV)  
**Subject:** RE: Supplemental Information - Hamama - ECF 316 - Farmville and York TD Information

Hi Erika,

The form refers to the voluntary return to Iraq form that the government of Iraq was asking detainees to sign.

Cara

**Cara E. Alsterberg**  
Tel. 202.532.4667  
Fax. 202.305.7000  
[Cara.E.Alsterberg@usdoj.gov](mailto:Cara.E.Alsterberg@usdoj.gov)

---

**From:** Giroux, Erika L. [<mailto:Giroux@millercanfield.com>]  
**Sent:** Monday, July 30, 2018 9:05 AM  
**To:** Alsterberg, Cara E. (CIV) <[caalster@CIV.USDOJ.GOV](mailto:caalster@CIV.USDOJ.GOV)>; Scott, Kimberly L. <[Scott@millercanfield.com](mailto:Scott@millercanfield.com)>; Margo Schlanger <[margo.schlanger@gmail.com](mailto:margo.schlanger@gmail.com)>; Miriam Aukerman <[maukerman@aclumich.org](mailto:maukerman@aclumich.org)>; Monica C. Andrade <[mandrade@aclumich.org](mailto:mandrade@aclumich.org)>  
**Cc:** Silvis, William (CIV) <[WSilvis@civ.usdoj.gov](mailto:WSilvis@civ.usdoj.gov)>; Murley, Nicole (CIV) <[NMurley@civ.usdoj.gov](mailto:NMurley@civ.usdoj.gov)>  
**Subject:** RE: Supplemental Information - Hamama - ECF 316 - Farmville and York TD Information

Good morning, Cara –

Thanks for this information. When it says they “signed” or “did not sign,” could you please clarify what document that is referring to?

Erika

---

**Erika L. Giroux** | Attorney and Counselor at Law  
**Miller Canfield**  
150 West Jefferson, Suite 2500  
Detroit, Michigan 48226 (USA)  
T +1.313.496.7514 | F +1.313.496.8453 | **Mobile** +1.313.819.7199  
[giroux@millercanfield.com](mailto:giroux@millercanfield.com) | [View Profile](#) + [VCard](#)

---

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---

**From:** Alsterberg, Cara E. (CIV) [<mailto:Cara.E.Alsterberg@usdoj.gov>]  
**Sent:** Monday, July 23, 2018 12:55 PM

**To:** Scott, Kimberly L.; Margo Schlanger; Miriam Aukerman; Giroux, Erika L.; Monica C. Andrade

**Cc:** Silvis, William (CIV); Murley, Nicole (CIV)

**Subject:** Supplemental Information - Hamama - ECF 316 - Farmville and York TD Information

Good Afternoon,

Please see below the supplemental information as ordered by ECF 316, part H. **Iraq has not yet issued travel documents for individuals interviewed in June or July.** Respondents do not yet have estimated dates of removal for these individuals. **ERO received this information orally from Iraqi Consular officials.**

July 19, 2018, York, PA

A [REDACTED] 964 A [REDACTED], W [REDACTED] signed  
 A [REDACTED] 031, A [REDACTED], H [REDACTED] signed  
 A [REDACTED] 784 J [REDACTED], D [REDACTED] did not sign  
 A [REDACTED] 533 A [REDACTED], H [REDACTED] **did not sign**  
 A [REDACTED] 024 S [REDACTED], A [REDACTED] did not sign  
 A [REDACTED] 388 A [REDACTED], D [REDACTED] **did not sign**

June 28, 2018, Farmville, VA

A [REDACTED] 687 A [REDACTED], A [REDACTED] signed  
 A [REDACTED] 741 A [REDACTED], B [REDACTED], H [REDACTED] signed  
 A [REDACTED] 782 Y [REDACTED], K [REDACTED] signed  
 A [REDACTED] 927 A [REDACTED], S [REDACTED], A [REDACTED] signed  
 A [REDACTED] 847 A [REDACTED], S [REDACTED] signed  
 A [REDACTED] 285 T [REDACTED], G [REDACTED] did not sign  
 A [REDACTED] 942 A [REDACTED], A [REDACTED] did not sign  
 A [REDACTED] 024 J [REDACTED], J [REDACTED] did not sign  
 A [REDACTED] 711 A [REDACTED], K [REDACTED], F [REDACTED] **did not sign**  
 A [REDACTED] 865 A [REDACTED], S [REDACTED], B [REDACTED] **did not sign**

Thank you,

Cara

**Cara E. Alsterberg**

Trial Attorney

U.S. Department of Justice, Civil Division

Office of Immigration Litigation-District Court Section

P.O. Box 868, Ben Franklin Station

Washington, DC 20044

Tel. 202.532.4667 | Fax. 202.305.7000

[Cara.E.Alsterberg@usdoj.gov](mailto:Cara.E.Alsterberg@usdoj.gov)



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# EXHIBIT 1-52

**Scott, Kimberly L.**

---

**From:** Daniel Smith <dwsmithemail@yahoo.com>  
**Sent:** Sunday, August 5, 2018 9:55 AM  
**To:** Miriam Aukerman; Margo Schlanger  
**Subject:** Fw: Forced deportation policy document  
**Attachments:** IMG-20180801-WA0007.jpg

----- Forwarded Message -----

**From:** MoMD MINISTER <[momdminister@outlook.com](mailto:momdminister@outlook.com)>  
**To:** Daniel Smith <[dwsmithemail@yahoo.com](mailto:dwsmithemail@yahoo.com)>  
**Sent:** Wednesday, August 1, 2018, 11:59:50 AM GMT+3  
**Subject:** Re: Forced deportation policy document

Sent from [Outlook](#)

كوتاري عيراق  
ود زارد تني كوج وكوجيه ران  
نوسينگه ي و زير  
Republic of Iraq  
Ministry of Migration and Displaced  
Minister's Office



جمهورية العراق  
وزارة الهجرة والمهجرين  
مكتب الوزير

رقم :  
تاريخ :

العدد : ٥٨٢ / ١ / ١ م  
التاريخ : ٢٠١٨ / ٩ / ١٨

الى / وزارة الخارجية - مكتب السيد الوزير

### م/ العودة القسرية

نهدىكم اطيب التحيات :

وردت الينا معلومات تبين ان بعض الدول التي يتواجد فيها العراقيين تنوي  
إعادتهم بشكل قسري وبالاخص الولايات المتحدة الامريكية ودول الاتحاد الاوروبي .  
ولكون هذا الأمر ضد سياسة الدولة والقوانين والاعراف الدولية  
يرجى التأكيد على كافة سفاراتنا والقنصليات في دول العالم التي يتواجد  
فيها العراقيين على ضمان عدم ترحيلهم واجبارهم على العودة القسرية .

مع التقدير ...

الدكتور  
جاسم محمد محمد علي  
وزير الهجرة والمهجرين  
٢٠١٨/٧/٢٦

نسخة منه الى :-  
- وزارة الداخلية - مكتب الوزير / لاتخاذ مايلزم لضمان عدم استقبال الماندن قسراً ... مع التقدير .  
- وزارة النقل - مكتب الوزير / لاتخاذ مايلزم لضمان عدم استقبال الماندن قسراً ... مع التقدير .

Tel: (5370049)

E-mail: momdminister@outlook.com

هاتف الوزارة (٥٣٧٠٠٤٩)

بغداد - كراة مريم

# EXHIBIT 1-53

2/ 154

(Logo)

**Republic of Iraq  
Ministry of Migration and the  
Displaced  
Minister's Office**

Template: 1/ 1/ 582

Date: 07/29/2018

**To: The Ministry of Foreign Affairs - Minister's Office**

**Subject: Forced Return**

Dear Minister,

We have received information indicating that some countries which host Iraqi nationals intend to forcibly return them, particularly, the EU countries and the USA.

Since this issue contravenes the policy of the State and international law and norms, please ensure that all our embassies and consulates in the countries that host Iraqi nationals are ensuring they are not subject to deportation or forced return.

My best regards,

(Personal Signature)

Dr. Jassim Mohamed Mohamed Ali

Minister of Migration and Displaced

07/26/2018

**Copies sent to:**

- The Ministry of Interior (MOI) – Minister's Office/ To take the necessary actions to ensure forcibly returned nationals are not taken in... With best regards
- The Ministry of Transport (MOT) – Minister's Office/ To take the necessary actions to ensure forcibly returned nationals are not taken in... With best regards

Tel: (5370049), Baghdad, Kradat Mariam

Email: [momdminister@outlook.com](mailto:momdminister@outlook.com)



# **CERTIFICATE**

## **OF ACCURACY**

STATE OF NEW YORK

SS:

COUNTY OF NEW YORK

I, Fei Deng, Project Manager at Geneva Worldwide, Inc., being duly sworn, depose and say that Geneva Worldwide is a multilingual translation company. Geneva Worldwide provided the translation of the document below from the Arabic language into the English language. My signature confirms that the document has been examined, and has been deemed accurate and complete.

Regarding: Letter from the Minister of Migration and Displaced to the Ministry of Foreign Affairs, dated July 29, 2018

This certificate issued by Geneva Worldwide, Inc.  
256 West 38<sup>th</sup> Street – 10<sup>th</sup> Floor, New York N.Y. 10018.

Certified By Fei Deng

**Sworn to and subscribed before me**

This 9<sup>th</sup> day of August 2018

Christina S. Santiago  
Notary Public

Christina S. Santiago  
NOTARY PUBLIC, STATE OF NEW YORK  
Qualified in Suffolk County  
O1SA6361307  
Commission Expires 07/03/2021

كۆماری عێراق  
وه زاره تی كوچ و كوچه ران  
نوسینگه ی وه زیر

Republic of Iraq  
Ministry of Migration and Displaced  
Minister's Office



جُمْهُورِيَّةُ الْعِرَاقِ  
وَلَايَةُ الْهَجْرَةِ وَالْمُهْجَرِينَ  
مَكْتَبُ الْوَزِيرِ

ر.م.م.ه  
ب.ه.ه.ه.

العدد: ٥٨٢ / ١ / ١  
التاريخ: ٢٠١٨ / ٧ / ٢٩

الى / وزارة الخارجية - مكتب السيد الوزير

### م/العودة القسرية

نهدىكم اطيب التحيات :

وردت الينا معلومات تبين ان بعض الدول التي يتواجد فيها العراقيين تنوي  
إعادتهم بشكل قسري وبالاخص الولايات المتحدة الامريكية ودول الاتحاد الاروبي .  
ولكون هذا الأمر ضد سياسة الدولة والقوانين والاعراف الدولية  
يرجى التأكيد على كافة سفاراتنا والقنصليات في دول العالم التي يتواجد  
فيها العراقيين على ضمان عدم ترحيلهم واجبارهم على العودة القسرية .

مع التقدير ...

الدكتور

جاسم محمد محمد علي  
وزير الهجرة والمهجرين

٢٠١٨/٧/٢٩

نسخة منه الى :

- وزارة الداخلية - مكتب الوزير / لاتخاذ مايلزم لضمان عدم استقبال المعتدين قسراً ... مع التقدير .  
- وزارة النقل - مكتب الوزير / لاتخاذ مايلزم لضمان عدم استقبال المعتدين قسراً ... مع التقدير .

Tel: (5370049)

E-mail: momdminister@outlook.com

هاتف الوزارة (٥٣٧٠٠٤٩)

بغداد - كراة مرسم

# EXHIBIT 1-54

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF  
MICHIGAN SOUTHERN DIVISION

USAMA JAMIL HAMAMA, et al.,

Petitioners and Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents and Defendants.

Case No. 2:17-cv-11910  
Hon. Mark A. Goldsmith  
Mag. David R. Grand  
Class Action

**RESPONDENT/DEFENDANT ICE'S RESPONSE TO PLAINTIFF  
USAMA JAMIL HAMAMA'S FIRST SET OF  
INTERROGATORIES TO RESPONDENT KIRSTJEN NIELSEN**

Pursuant to Federal Rule of Civil Procedure 33, Defendant ICE hereby  
objects and responds to Petitioners'/Plaintiffs' First Set of Interrogatories to All  
Respondents as follows:

**INTERROGATORIES**

1. **Describe each term of the Iraqi Agreement pertaining to the repatriation of and process for repatriating Iraqi Nationals under the Iraqi Agreement.**

**RESPONSE:**

Subject to and without waiver of the foregoing objections, Defendant ICE responds

as follows:

There has been no international agreement in force, nor any written arrangement in effect, between the governments of Iraq and the United States regarding the repatriation of Iraqi nationals. However, through discussions during this time, the governments of Iraq and the United States have reached an understanding of the process for repatriating Iraqi nationals.

As an initial matter, Iraq informed the United States that they had created an Inter-ministerial Committee of Deportation to commence the return of over 1,400 Iraqi nationals in the United States with final orders of removal. Defendant ICE understands that this committee is made up of representatives from the Prime Minister's Office, the Ministries of Justice, Foreign Affairs and Interior.

Defendant ICE understands that the Committee is intended to ensure that the appropriate Iraq ministries were reviewing deportation notices thoroughly and quickly and would be responsible for the following:

1. Consular access
2. Iraqi citizenship verification
3. Deportation court order review
4. Travel document issuance

As part of the removal process, the Government of Iraq (GOI) has indicated that it requires, after an alien's identity has been verified, that Iraqi embassy officials meet

with the individual. The interviews have been conducted either in person (including at designated points of embarkation) or via video with Iraqi nationals.

To establish citizenship, the GOI has decided to accept a wide range of photocopied evidence from U.S. government information systems, including various citizenship documentation or secondary information (including relatives' identification documents) confirming citizenship located in the Alien files. Previously, the Iraqi government had limited the type of identity documents that would be acceptable for issuance of a travel document, such as an original Iraq identification card or an original Iraq citizenship card.

2. Describe each criterion an Iraqi National must meet before Iraq will accept an Iraqi National for repatriation, under the Iraqi Agreement or otherwise.

**RESPONSE:**

It is ICE's understanding that there has been no international agreement in force, nor any written arrangement in effect, between the GOI and the United States regarding the criteria an Iraqi National must meet before the GOI will accept him or her for repatriation. However, through discussions in 2017, with the GOI, ICE's current understanding is that three criteria must be present before the GOI agrees to

repatriate an Iraqi national:

1. Indicia of Citizenship: The GOI requires some evidence that the person being repatriated is an Iraqi national. There is no litmus test or set of specific documents to establish Iraqi citizenship. The GOI may, depending on the facts of a specific case, consider a variety of evidence, including but not limited to: passports, national identification cards, documents from the Alien file, and family documents. If the GOI is not satisfied with the documentary evidence present in a specific case, the GOI will also consider statements made during the consular interview. It is Defendant's understanding that based on the evidence before it, the GOI assesses whether the individual is an Iraqi national.
2. Final Order: The United States will provide the GOI a copy of the Iraqi national's final order of removal.
3. Consular Interview: The GOI conducts a consular interview.

**3. Describe each criterion for denying repatriation to an Iraqi**

**National under the Iraqi Agreement, or otherwise.**

**RESPONSE:**

It is ICE's understanding that there has been no international agreement in force, nor any written arrangement in effect, between the GOI and the United States regarding the criteria for the GOI denying repatriation of an Iraqi national.

Defendant ICE is aware that direct requests sent by individual to the Iraqi Embassies have been denied if an individual does not provide, as part of the request, a representation that the individual wants to return to Iraq. Through discussions during 2017 and 2018, the governments of Iraq and the United States focused on what is required for the GOI to accept an Iraqi national, not on what is required to deny repatriation. ICE incorporates by reference the response to Interrogatory No. 2.

**4. Identify any travel documents that Iraq requires or will accept before accepting an Iraqi National for repatriation under the Iraqi Agreement or otherwise, and the procedures for obtaining the travel documents.**

**RESPONSE:**

**Objections:**

Defendant ICE objects to Petitioners defining the phrase “travel document” in a manner that is inconsistent with how the phrase is commonly used in the context of immigration proceedings. In the immigration context, travel documents are issued by the receiving state (in this case Iraq) and allow an individual to travel to that state. However, Defendant ICE understands that for the purposes of responding to Petitioners’ discovery requests the parties are in agreement that “[t]he term ‘travel documents’ used in Petitioners’ discovery requests should be read as follows: ‘travel and identity documents.’” ECF No. 254. Defendant ICE further understands that the exceptions are Interrogatory Numbers 4 and 5; Number 4 seeks only travel documents and excludes identity documents, whereas Number 5 seeks only identity documents (and any other document) other than travel documents.”

Subject to and without waiver of the foregoing objections, Defendant ICE responds as follows:

In the immigration context, travel documents are issued by the receiving state (in this case Iraq) to allow an individual to travel to that state. In this context, it is Defendant ICE’s understanding that the GOI issues: a GOI-issued valid passport; a GOI-issued one-time use laissez-passer; or a GOI-approved manifest of a charter

flight that is returning Iraqi nationals to Iraq. See Interrogatory No. 1 and No. 2 for the description of the travel document process.

**5. For the time period since March 1, 2017, identify the documentation or evidence other than travel documents that Iraq requires or will accept before approving an Iraqi National for repatriation under the Iraqi Agreement or otherwise.**

**RESPONSE:**

**Objections:**

Defendant objects to Petitioners defining the phrase “travel document” in a manner that is inconsistent with how the phrase is commonly used in the context of immigration proceedings. In the immigration context, travel documents are issued by the receiving state (in this case Iraq) and allow an individual to travel to that state. However, Defendant ICE understands that for the purposes of responding to Petitioners’ discovery requests “the parties are in agreement that the term “travel documents” in Petitioners’ discovery requests should be read as follows: “travel and identity documents.” ECF No. 254. Defendant ICE further understands that the exceptions are Interrogatory Numbers 4 and 5; Number 4 seeks only travel documents and excludes identity documents, whereas Number 5 seeks only identity

documents (and any other document) other than travel documents.”

It is Defendant ICE’s understanding that there are no specific documents that GOI requires to issue a travel document. GOI has indicated that it considers available indicia of citizenship, which varies from case to case and may include originals or photocopies of various identity documents, such as those noted in Interrogatory No. 2. ICE incorporates by reference the answers to Interrogatories No. 1 and No. 2 for a description of the process to obtain travel documents and a non-exhaustive list of the examples of documents Iraq will now accept.

**6. For each Class Member (identified by name and A-number) for whom ICE or another relevant department of the U.S. government has since March 1, 2017 requested travel documents from the Iraqi Ministry of Foreign Affairs (or another relevant department of the Iraqi government) for repatriation to Iraq, provide the following:**

- a. The date the request for the travel documents was made to the Iraqi government;
- b. The type of travel documents obtained, the department of the Iraqi government issuing the travel documents, and the date the documents were issued;

- c. If the request for the travel documents was denied, the department of the Iraqi government issuing the denial, the date of the denial and the reason given for the denial; and
- d. Whether Iraq denied or approved repatriation of the Class Member, and, if denied, the basis for such denial.
- e. If repatriation occurred, when, by what travel method (commercial air, charter air, etc.), and to what location.
- f.

**RESPONSE:**

Defendant objects to Petitioners defining the phrase “travel document” in a manner that is inconsistent with how the phrase is commonly used in the context of immigration proceedings. In the immigration context, travel documents are issued by the receiving state (in this case Iraq) and allow an individual to travel to that state. However, Defendant ICE understands that for the purposes of responding to Petitioners’ discovery requests “the parties are in agreement that the term “travel documents” in Petitioners’ discovery requests should be read as follows: “travel and identity documents.” ECF No. 254. Consistent with this understanding, Defendant ICE responds as follows:

*See attached spreadsheet.*

**7. For each Class Member (identified by name and A-number) for whom ICE or another relevant department of the U.S. government has since March 1, 2017 requested from the Iraqi Ministry of Foreign Affairs (or another relevant department of the Iraqi government) to be repatriated to Iraq, provide the following:**

- a. The date of the request;
- b. The response from the Iraqi government, the date of the response, the department of the Iraqi government issuing the response, and, if repatriation was denied, the basis for the denial; and
- c. If the request for repatriation was granted, any conditions placed on the repatriation of the Class Member.
- d. If repatriation occurred, when, by what travel method (commercial air, charter air, etc.), and to what location.

**RESPONSE:**

*See attached spreadsheet.*

**8. For each Class Member (identified by name and A-number), state whether Iraq has agreed to the repatriation of that individual as of the following time:**

- a. On the date of the Class Member's arrest by ICE; and
- b. On the date you answer this Interrogatory.

**RESPONSE:**

- a. The GOI had committed to accept Iraqi nationals for repatriation, but at the time of any class member's arrest, a final approval would not have been issued because the GOI requires an interview, which cannot be scheduled until the individual is in ICE custody.
- b. *See* Interrogatories No. 6 and No. 7 for the individual status of any travel document requests.

**9. The declaration of John Schultz, ECF 81-4, Pg.ID# 2007, states that Iraq previously would accept only its nationals with unexpired passports, but that Iraq will now "authorize repatriation with other indicia of nationality." State what "other indicia of nationality" Iraq will accept for repatriation; the basis for the U.S. government's belief that the other indicia of nationality will be accepted, including the identification of the specific agreement(s) or document(s) stating this policy; and the criteria an**

**individual must or can meet before Iraq will accept an Iraqi National for repatriation.**

**RESPONSE:**

Defendant ICE incorporates by reference the responses to Interrogatories No. 1 No. 2 and No. 12 for the descriptions of the process, examples of documents accepted, and ongoing discussions regarding repatriations. There has been no international agreement in force, nor any written arrangement in effect, between the governments of Iraq and the United States regarding repatriations, but Defendant ICE's basis for belief is the ongoing discussions with the GOI and the GOI's issuance of travel documents since March 2017 in responses to requests submitted using other indicia of nationality, such as photocopies of identity documents.

**10. Explain each step (in sequence) that has since March 1, 2017 or will be taken by you or the government of Iraq to process an Iraqi National for removal if that Iraqi National does not have travel documents.**

**RESPONSE:**

**Objections:**

Defendant ICE objects to Petitioners defining the phrase "travel document" in a manner that is inconsistent with how the phrase is commonly used in the context of immigration proceedings. In the immigration context, travel documents are

issued by the receiving state (in this case Iraq) and allow an individual to travel to that state. However, Defendant ICE understands that for the purposes of responding to Petitioners' discovery requests "the parties are in agreement that the term "travel documents" in Petitioners' discovery requests should be read as follows: "travel and identity documents." ECF No. 254. Consistent with this understanding, Defendant ICE responds as follows:

Defendant ICE objects to the phrase "will be taken" to the extent it requests information regarding "the government of Iraq." Specifically, ICE cannot answer regarding the future actions of a foreign government.

Subject to and without waiver of the foregoing objections, Defendant ICE responds as follows:

As a general rule, since March 1, 2017, the sequence for ICE requesting the repatriation of an Iraqi national who does not have a travel document is as follows:

1. ICE sends the GOI a request for a travel document. This includes providing a copy of any documents showing indicia of Iraqi nationality and the final order of removal.
2. If additional information is needed, the GOI will make a request for additional information to ICE and ICE responds.

3. Iraq makes a determination regarding whether the information is sufficient to establish that the individual is Iraqi. If the GOI has requested additional information, no final decision is made until the GOI receives a response to that request.
4. The GOI schedules an interview with the Iraqi national.
5. The GOI issues a travel document.
6. ICE makes arrangements to return the individual to Iraq.

**11. For each Class Member (identified by name and A-number) who, prior to March 1, 2017, was living in the community, state whether ICE released that individual to the community because ICE determined that Iraq would not accept that individual for repatriation the reason ICE determined that Iraq would not accept the individual for repatriation, and whether the individual was subject to an order of supervision or other release conditions.**

**RESPONSE:**

To address Respondents' objections to this Interrogatory, Petitioners revised it as follows:

**Interrogatory 11: For each Class Member (identified by name and A-**

**number) who, prior to March 1, 2017, was living in the community, state whether ICE released that individual to the community because ICE determined that Iraq would not accept that individual for repatriation and the reason ICE determined that Iraq would not accept the individual for repatriation.**

Objections:

a. Despite Petitioners' rewording of this Interrogatory, ICE continues to object to this interrogatory on the ground that it is overbroad and burdensome to the extent it seeks to obtain information that is not tracked in a statistically reportable manner and/or would require a burdensome manual search to gather the data and pertains to a subject matter outside the scope of this litigation and that potentially predates the commencement of this action.

b. Despite Petitioners' rewording of this Interrogatory, ICE continues to object to the interrogatory as it has no relevance on significant likelihood of removal in the reasonably foreseeable future, which is the *Zadvydas* issue. ICE has already stated that Iraq's practices were different prior to March 1, 2017, thus this point is not dispute and discovery is unnecessary.

Defendant ICE does not determine whether a foreign government will accept an individual for repatriation – the foreign government makes such a determination. Once an alien is subject to a final order of removal, ICE requests travel documents

from that foreign government in order to effectuate removal. The denial of a travel document request does not equate to a country denying repatriation— many travel document requests may be denied due to insufficient information, or a foreign government's own policies, at the time that the request was made. Travel document requirements may change over time, as is the case with Iraq, which revised its practices in 2017. ICE will, in some cases, determine to release an alien from custody under the applicable legal standard, which is a determination that there is no significant likelihood of removal in the reasonably foreseeable future. This determination which is dependent upon the facts and circumstances in an individual case. A determination that there is no significant likelihood of removal in the reasonably foreseeable future is not an ICE determination that a country will never accept an individual for repatriation. In fact, in cases such as Iraq, ICE's determination that there is a significantly likelihood of removal in the reasonably foreseeable future may change upon receipt of new information.

Defendant ICE understands that the court has ordered a review of the 30 A-files, as identified by petitioners, and ICE is conducting that review in compliance with that order. However, as ICE does not make a final determination regarding repatriation, ICE is instead reviewing for whether ICE released based on a determination that there was no significant likelihood of removal in the reasonably foreseeable future at the time of release. ICE's review is ongoing.

In addition, in response to the Court's order, ECF. No. 254 ¶ 38, ICE has reviewed its records as ordered and has determined that there is no single working file or system containing the information requested in interrogatory number 11, nor is the information centrally or easily available or in the custody of a single individual or office. Obtaining the information requires a manual review of each case, which includes case-by-case review of paper and electronic records. The electronic records for a case, if they exist, are not necessarily fully complete, and not electronically searchable – manual review of an individual case entry is required and such a search still requires review of paper records to verify accuracy of any information in the electronic system. In some cases, there are no electronic records due to age. Paper records may be in the custody of any ICE field office, including Offices of Chief Counsel or an ERO office, nation-wide, depending on the alien's location. The records may also be in the custody of another DHS component, such as USCIS, or in offsite storage. There are no centrally located or easily available records to respond to a broad request for historical information; case-by-case manual review is required. ICE is currently manually reviewing the 30 cases on the list provided by opposing counsel.

**12. The name, title and department of the government (for both Iraq and the United States) of each individual negotiating the Iraqi Agreement, including the “ongoing diplomatic negotiations” referenced in the declaration of Michael V. Bernacke at paragraph 4 (ECF 184-2, Pg.ID# 5070-71), identification of the individuals authorized to enter into any agreement reached by the governments regarding the repatriation of Iraqi Nationals, and the date each individual engaged in the “ongoing diplomatic negotiations.”**

**RESPONSE:**

Objections:

Defendant ICE has not been involved in any diplomatic negotiations identifying a new process for the GOI to process removal cases. Any diplomatic negotiations and discussions would have been led by the U.S. Department of State. ICE has attended meetings with GOI and Department of State personnel as operational experts on the repatriation process. ICE’s direct engagement as operational experts with Iraq, and the Department of State, is regarding the logistical and operational implementation of the travel document request and repatriation process, which are the subjects of the responses in interrogatories 1 and 2. ICE has provided dates on which these operational meetings occurred in the attached list. ICE is not aware of any participants at these meetings who were “individuals

authorized to enter into any agreement reached by the governments regarding the repatriation of Iraqi Nationals.”

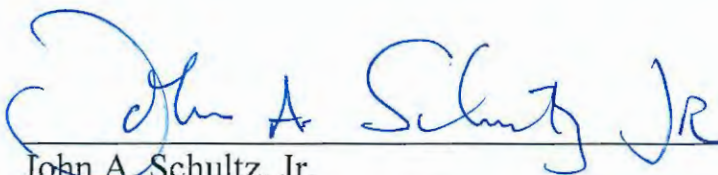
VERIFICATION

I, John A. Schultz, Jr. declare under penalty of perjury:

I am employed by U.S. Immigration and Customs Enforcement as the Deputy Assistant Director for the Removal Management Division (East).

I have read and know the contents of these responses. These responses on behalf of ICE were prepared after obtaining information available to ICE through its officers and employees and through its documents and records. These responses, subject to inadvertent and undiscovered errors, are based upon, and necessarily limited by, the records and information still in existence, able to be located, presently recollected, and thus far discovered in the course of preparing these responses. The responses regarding ICE are true and correct to the best of my knowledge, information, and belief.

Executed on March 23, 2018



John A. Schultz, Jr.  
Deputy Assistant Director  
Removal Management Division- East  
Enforcement and Removal Operations  
Immigration and Customs Enforcement  
U.S. Department of Homeland Security

# EXHIBIT 1-55

## ICE SUPPLEMENTAL INTERROGATORY RESPONSES

**Interrogatory 1: Describe each term of the Iraqi Agreement pertaining to the repatriation of and process for repatriating Iraqi Nationals under the Iraqi Agreement.**

### Petitioners' Position

1. The interrogatory seeks a description of “each term of the Iraqi Agreement pertaining to the repatriation.” Respondents ignored this portion of the interrogatory. The terms of the Iraqi Agreement – whether it is formal agreement or simply an “understanding” – are at the heart of this case. As this Court has noted, Respondents have produced nothing in the record to support their argument that Iraq will accept Iraqi nationals for repatriation:

Based on this record, the Court cannot make a determination regarding whether Iraq will accept repatriation of the class. Schultz’s declaration does not contain information regarding the framework of the Government’s diplomatic agreement with Iraq. When presented at the hearing by the Court regarding details of the agreement, counsel for the Government was unsure whether there was any formal agreement that had been memorialized in writing. Although the post-hearing Bernacke declaration fills in some of the blanks – it acknowledges that there is no written agreement – **there is still not enough information regarding the scope of the agreement with Iraq.** While a handful of Iraqi nationals have been removed to Iraq since April, **it is unclear whether Iraq has agreed to repatriate all 1,400 putative class members at issue here, and if so, what conditions may have been attached that could impact on whether removal is likely.** Until the Court has a more complete picture from the Government regarding its communications with the Iraqi government, it cannot make a ruling on Iraq’s willingness to accept repatriation of the class. ECF 191, Pg.ID # 533 (emphasis added).

Respondents' answer—silence on the terms of the agreement—lead to the conclusion that no agreement (unwritten or otherwise) exists. If that is the case, Respondents should be required to say so, since that would be responsive to this interrogatory.

Petitioners ask the Court to order Respondents to respond to this portion of the interrogatory within 1 week. Respondents should confirm in a declaration that they have “give[n] the information available to [them], if any, through [their] attorney, investigators employed by [them] or on [their] behalf, or other agents or representatives, whether personally known to the answering party or not; if the answering party lacks necessary information to make a full, fair, and specific answer to the interrogatory, it should so state under oath and should set forth in detail efforts made to obtain the information.” *Noble v. Gonzalez*, 2011 WL 2118746, at \*6 (E.D. Cal. May 27, 2011) (Exhibit 27).

Petitioners also respectfully ask the Court to instruct Respondents that a failure to conduct a reasonable inquiry, to respond with information within their control or otherwise obtainable by them, and to fully and completely respond to the interrogatory may result in sanctions, including the exclusion of that information in motions, in hearings, and at trial. Fed. R. Civ. P. 37(d); *Woods*, 692 F.3d at 1279.

2. ICE asserts that “through discussions during this time, the governments of Iraq and the United States have reached an understanding of the process for

repatriating Iraqi nationals.” ICE does not identify the nature of those discussions, the individuals involved with the discussions, or the substance of those discussions, which makes its answer less than full and complete. The Court should order supplementation of the response with this information.

3. In describing the repatriation process, ICE answered that the Iraqi government “accept[s] a wide range of photocopied evidence from U.S. government information systems, including various documentation or secondary information (including relatives’ identification documents) confirming citizenship located in Alien files.” Respondents’ answer is not full or complete—it lacks specificity as to the document types and the information systems referenced in the answer. Petitioners ask the Court to order Respondents to supplement their response.

4. When explaining the repatriation process, Respondents answered that the Iraqi government conducts interviews “either in person (including at designated points of embarkation) or via video.” Petitioners seek a full and complete response regarding the process—what happens if, after an interview at a point of embarkation or at any point in the process, the Iraqi government determines the individual is not an Iraqi national, or will not be accepted for repatriation

5. When explaining the repatriation process, Respondents answered with “after an alien’s identify has been verified,” without explaining how an alien’s

identity has been verified, by whom, or based upon what criteria. Petitioners ask that the Court order Respondents to provide this information.

**ICE's Response:**

Please refer back to Respondent ICE's initial Interrogatory response.

**ICE's Supplemental Response:**

1. As previously stated in Respondent ICE's initial response to Interrogatory 1, there is no international agreement or written arrangement between the government of Iraq and the United States regarding the repatriation of Iraqi nationals. There is, however, an understanding of how to implement the process of repatriation of Iraqi nationals with administratively final order of removal. Respondent ICE learned about the agreed-upon process through a transmitted cable which is attached to Petitioners' ECF 293 filing as Exhibit 3. This process, described in Respondent ICE's initial response to Interrogatory 10, represents a change from Iraq's previous practice of accepting only original Iraqi passports and identification cards. As explained in Respondent ICE's initial response to Interrogatory 5, Iraq also did not accept photocopies of identity documents. The government of Iraq also was not cooperating with the government of the United States in expeditiously repatriating Iraqi nationals. The government of Iraq's current cooperation represents a significant change in posture in this regard.

2. Respondent ICE did disclose the names of individuals involved in discussing regarding repatriation in Respondent ICE's initial response to Interrogatory 12. Furthermore, Respondent ICE objects to Petitioners' request to supplement this response because the "nature of the discussions" is not part of what was asked in Interrogatory 1. Seeking information on the nature of the discussions is not a request to supplement but rather a request for new information based on Respondent ICE's initial response.
3. Respondent ICE provided a non-exhaustive list of examples of accepted evidence by the Government of Iraq to establish Iraqi citizenship in its initial response to Interrogatory 2, and provides that non-exhaustive list again here. There are no specific documents that can be used to establish Iraqi citizenship. Based on Respondent ICE's experience with the government of Iraq, they may consider a variety of evidence, including but not limited to: passports, national identification cards, documents from the Alien file, and family documents. Photocopies of these documents are also accepted. Because available documents may vary from case to case, it is impossible to provide a fully exhaustive list of what the government of Iraq may accept.
4. As noted in Respondent ICE's initial response to Interrogatory 10, the government of Iraq schedules an interview with an Iraqi national after it has made a determination regarding whether the information provided by

Respondent ICE is sufficient to establish that the individual is Iraqi. The governments of the United States and Iraq work together to achieve removal of Iraqi nationals with administratively final orders of removal. If, after a consular interview, the government of Iraq requires additional information, Respondent ICE will endeavor to provide such information. The government of Iraq can then either issue or refuse to issue a travel document.

5. The government of Iraq verifies an individual's identity. Respondent ICE presents available indicia of citizenship to the government of Iraq, and Iraq verifies an individual's identity using a process and criteria unknown to Respondent ICE.

**Interrogatory 2: Describe each criterion an Iraqi National must meet before Iraq will accept an Iraqi National for repatriation, under the Iraqi Agreement or otherwise.**

**Petitioners' Position**

1. ICE's response included the following statements: (1) "through discussions in 2017, with the GOI [Government of Iraq], ICE's current understanding is that three criteria must be present before the GOI agrees to repatriate an Iraqi national"; and (2) "[i]t is Defendant's understanding that based on the relevance before it, the GOI assesses whether the individual is an Iraqi national." Petitioners seek a supplementation of the interrogatory with the substance of ICE's "discussions" and the bases of its "understanding."

2. Petitioners seek supplementation of Respondents' knowledge of the criterion used during the consular interview to determine if repatriation will occur.

3. Respondents' answer regarding the type of records that show an indicia of citizenship is prefaced with "including but not limited to." *Jones-McNamara v. Holzer Health Sys.*, 2014 WL 3563406, at \*1 (S.D. Ohio July 18, 2014) (Exhibit 28) ("[I]nterrogatory answers must be responsive, full, complete and unevasive . . . . [and] when an interrogatory asks for 'all' of anything, the responding party may not respond with examples. The responding party must object to the interrogatory as overly burdensome or answer it in full."); *Boldstar Tech., LLC v. Home Depot USA, Inc.*, 2008 WL 11320011, at \*2 (S.D. Fla. Mar. 10, 2008) (Exhibit 29). Respondents' answer suggests there are other documents which were not identified in their answer. Petitioners seek supplementation of the interrogatory with all records that have been or would be accepted by Iraq as showing an indicia of citizenship, including specificity as to the types of "documents from the Alien file" and "family documents."

4. Petitioners seek supplementation of the type of "statements made during the consular interview" that would show indicia of citizenship.

**ICE's Response:**

Please refer back to Respondent ICE's initial Interrogatory response.

**ICE's Supplemental Response:**

1. Respondent ICE objects to Petitioners' request to supplement this response because the "substance of the discussions" is not part of what was asked in Interrogatory 2. Seeking information on the substance of the discussions is not a request to supplement but rather a request for new information based on Respondent ICE's initial response.
2. Respondent ICE's understanding of the criterion is based on the government of Iraq's representations that the previously identified criteria are what Iraq requires to consider repatriation. Specifically, as discussed in Respondent ICE's initial response to Interrogatory 1, the Iraq Inter-Ministerial Committee on Deportations identified the following requirements for repatriation of Iraqi nationals: consular access, Iraqi citizenship verification, deportation court order review, and travel document issuance. Respondent ICE does not possess additional knowledge of what criteria the government of Iraq uses in its consular interview.
3. Respondent ICE provided a non-exhaustive list of examples of accepted evidence by the Government of Iraq to establish Iraqi citizenship in its initial response to Interrogatory 2, and provides that non-exhaustive list again here. There are no specific documents that can be used to establish Iraqi citizenship. Each Alien file is unique and each may present different documents that may

be accepted by the Government of Iraq. Based on Respondent ICE's experience with the government of Iraq, they may consider a variety of evidence, including but not limited to: passports, national identification cards, documents from the Alien file, and family documents. Photocopies of these documents are also accepted. This list is not exhaustive, but these are examples of documents that Respondent ICE knows the government of Iraq will accept.

4. Respondent ICE has however, been made aware by the government of Iraq that statements made during the consular interview can be considered in determining Iraqi citizenship.

**Interrogatory 3: Describe each criterion for denying repatriation to an Iraqi National under the Iraqi Agreement, or otherwise.**

**Petitioners' Position**

ICE responded with the following: "Defendant ICE is aware that direct requests sent by an individual to Iraqi Embassies have been denied if an individual does not provide, as part of the request, a representation that the individual wants to return to Iraq." Petitioners seek a statement from Respondents if the same will occur or has occurred in situations other than when an individual has made a direct request to the Iraqi Embassies (for instance, if a class member represents during a consular interview that he or she does not want to return to Iraq).

**ICE's Response:**

Please refer back to Respondent ICE's initial Interrogatory response.

**ICE's Supplemental Response:**

During the May 23, 2018 consular interviews, ICE is aware that there were 5 current or former class members who indicated that they did not want to return to Iraq. The GOI has represented to ICE that additional approval from Baghdad will be needed for the issuance of travel documents for individuals who do not sign the GOI form stating that he or she wants to return to Iraq. ICE has made a request to the GOI to have those travel documents issued without requiring that form and that request is pending.

**Interrogatory 4: Identify any travel documents that Iraq requires or will accept before accepting an Iraqi National for repatriation under the Iraqi Agreement or otherwise, and the procedures for obtaining the travel documents.**

**Petitioners' Position**

ICE responded with: "it is Defendant ICE's understanding that the [Iraqi government] issues" certain documents. Petitioners seek a full and complete response with specificity about to how ICE came to its "understanding" (who obtained this understanding, when, what information from Iraq led to the understanding, what other information lead to the understanding, and so forth).

**ICE's Response:**

Please refer back to Respondent ICE's initial Interrogatory response.

### **ICE's Supplemental Response:**

Respondent ICE's understanding of which documents the government of Iraq issues is based on Respondent ICE's interactions with the government of Iraq and which documents it has seen the government of Iraq issue.

**Interrogatory 5: For the time period since March 1, 2017, identify the documentation or evidence other than travel documents that Iraq requires or will accept before approving an Iraqi National for repatriation under the Iraqi Agreement or otherwise.**

### **Petitioners' Position**

1. Like Interrogatory No. 4, ICE should supplement with specificity as to its "understanding that there are no specific documents" that the Iraqi government "requires to issue a travel document."

2. ICE answered that the GOI considers "available indicia of citizenship, which varies from case to case and may include originals or photocopies of various identity documents, such as those noted in Interrogatory No. 2." The answer suggests there are additional documents, beyond those identified in Interrogatory No. 2. If so, Respondents should identify the documents.

### **ICE's Response:**

Please refer back to Respondent ICE's initial Interrogatory response.

**ICE's Supplemental Response:**

1. The government of Iraq has intimated that it will accept evidence of Iraqi citizenship derived from U.S. information systems, but has not provided Respondent ICE with a list of documents that it will accept or not accept to verify an individual's Iraqi citizenship. There is no minimum requirement of documents required by the government of Iraq to demonstrate Iraqi citizenship. For example, A 209-151-821 George Arthur had no evidence of Iraqi identification or citizenship, yet the government of Iraq still agreed to conduct a consular interview with this individual.
2. Respondent ICE is not aware of additional documents beyond those identified in Interrogatory 2.

**Interrogatory 6: For each Class Member (identified by name and A-number) for whom ICE or another relevant department of the U.S. government has since March 1, 2017 requested travel documents from the Iraqi Ministry of Foreign Affairs (or another relevant department of the Iraqi government) for repatriation to Iraq, provide the following:**

- a. The date the request for the travel documents was made to the Iraqi government
- b. The type of travel documents obtained, the department of the Iraqi government issuing the travel documents, and the date the documents were issued;
- c. If the request for the travel documents was denied, the department of the Iraqi government issuing the denial, the date of the denial and the reason given for the denial; and
- d. Whether Iraq denied or approved repatriation of the Class Member, and, if denied, the basis for such denial.

- e. **If repatriation occurred, when, by what travel method (commercial air, charter air, etc.), and to what location.**

**Petitioners' Position**

ICE's response shows it has requested travel documents and repatriation of class members on March 20, 2018, but that the Iraqi government has not issued the travel documents or approved or denied repatriation. *See* Exhibit 30, p. 15. Petitioners ask the Court to order bi-weekly supplementation of this information. *See* Fed. R. Civ. P. 26(e) (requiring supplementation of interrogatory responses "in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect" or as otherwise ordered by the court.)

**ICE's Response:**

Please refer back to Respondent ICE's initial Interrogatory response.

**ICE's Supplemental Response:**

Respondent ICE objects to bi-weekly supplementation of this information. This Court has already ordered Respondents to respond to the Requests for Production, of which travel documents are a part. Furthermore, Respondent ICE has already been ordered to identify individuals removed to Iraq on the bi-weekly reporting. Respondent ICE will, however, identify the 32 current or former class members for whom it has recently secured travel documents from the government of Iraq:

**Interrogatory 7: For each Class Member (identified by name and A-number) for whom ICE or another relevant department of the U.S. government has since March 1, 2017 requested from the Iraqi Ministry of Foreign Affairs (or another relevant department of the Iraqi government) to be repatriated to Iraq, provide the following:**

**department of the Iraqi government issuing the response, and, if repatriation was denied, the basis for the denial; and**

**c. If the request for repatriation was granted, any conditions placed on the repatriation of the Class Member.**

**d. If repatriation occurred, when, by what travel method (commercial air, charter air, etc.), and to what location.**

-

### **Petitioners' Position**

1. ICE produced a chart purporting to respond to this interrogatory, but it is incomplete. *See* Exhibit 30. Instead, ICE's chart intermingles travel documents (the topic of interrogatory No. 6) with repatriation (the topic of this interrogatory), making it unclear which interrogatory is being answered. As an example, the fourth column header is "TD [for travel documents] Request Date 6a, 7a." This purports to be the date travel documents were requested, yet "7a" is a reference to an interrogatory about the date repatriation was requested. The same issue exists for column called, "If TD Denied, Department, Date, and Reason 6c, 6d, 7b." This consolidation of answers makes it impossible to extract requests for travel documents (and the denial or approval for the same) from the request for repatriation (and the denial or approval). Petitioners ask that Respondent ICE be required to separate its answers for Interrogatory No. 6 from its answers for Interrogatory No. 7.

2. The interrogatory seeks the response of the Iraqi government to requests for repatriation (No. 7b). ICE's response to the majority of the entries appears to be a

self-serving statement to support its defenses in this case, rather than the actual response from GOI: “Processing not completed due to court injunction.” Petitioners ask the Court to order Respondents to provide the actual response from the Iraqi government. For example, the chart shows that ICE requested approval on May 25, 2017, from the Iraqi government for a large number of Iraqi nationals, a significant number of whom also appear on the June flight manifest. Exhibits 7 and 30. Exhibit 8 shows that Iraq refused to accept the June flight, yet ICE’s chart for those individuals simply states “Processing not completed due to court injunction”.

3. Petitioners ask the Court to order bi-weekly supplementation of this interrogatory as it appears that Respondents are engaged in continuing communication with the Iraqi government to obtain travel documents and seek repatriation for class members.

**ICE’s Response:**

Please refer back to Respondent ICE’s initial Interrogatory response.

**ICE’s Supplemental Response:**

1. A request for a travel document is the same as a request for repatriation. They are not two different requests, but rather two ways of describing one singular process. The date the request for the travel documents was made to the Iraqi government and the date of request of repatriation are equivalent. The government of Iraq’s response to a request for repatriation (Interrogatory 7.b)

will include approval or denial and the travel document, which is why they are all in the same column. Petitioners note that “it impossible to extract requests for travel documents (and the denial or approval for the same) from the request for repatriation (and the denial or approval).” And that is true, it is impossible to extract these requests because they are one and the same.

**Interrogatory 8: For each Class Member (identified by name and A-number), state whether Iraq has agreed to the repatriation of that individual as of the following time:**

- a. On the date of the Class Member’s arrest by ICE; and
- b. On the date you answer this Interrogatory.

**Petitioners’ Response**

1. The interrogatory seeks confirmation that Iraq has agreed (or not) to repatriation as to *each individual class member*. ICE did not respond on an individual basis, but made a blanket statement that the “GOI had committed to accept Iraqi nationals for repatriation.” ICE did not respond to the interrogatory as written, and Petitioners ask the Court to (again) order them to do so.

2. Petitioners also seek more specificity about the answer that the “GOI had committed to accept Iraqi nationals for repatriation,” such as the substance of the “commitment,” how and when the commitment was communicated, and who communicated about the commitment. This information is also responsive to Interrogatory No. 1’s request for the terms of the Iraqi Agreement.

### **ICE's Response:**

Please refer back to Respondent ICE's initial Interrogatory response.

### **ICE's Supplemental Response:**

1. The government of Iraq had not specifically agreed to repatriate any class member on the date of his or her arrest. This is because the government of Iraq requires an interview as part of the travel document and repatriation process, and so Respondent ICE does not initiate the travel document process or request an interview on behalf of an individual until that individual is in custody, i.e., after arrest.
2. In using the phrase "the GOI had committed to accept Iraqi nationals for repatriation," Respondent ICE means that
3. On the date that a supplemental response to Interrogatory 8 is provided, the government of Iraq has agreed to repatriation of and provided travel documents for 33 class members.

**Interrogatory 9: The declaration of John Schultz, ECF 81-4, Pg.ID# 2007, states that Iraq previously would accept only its nationals with unexpired passports, but that Iraq will now "authorize repatriation with other indicia of nationality." State what "other indicia of nationality" Iraq will accept for repatriation; the basis for the U.S. government's belief that the other indicia of nationality will be accepted, including the identification of the specific agreement(s) or document(s) stating this policy; and the criteria an individual must or can meet before Iraq will accept an Iraqi National for repatriation.**

### **Petitioners' Position**

The interrogatory seeks “the basis for the U.S. government’s belief that the other indicia of nationality will be accepted, including the identification of the specific agreement(s) or document(s) stating this policy; and the criteria an individual must or can meet before Iraq will accept an Iraqi National for repatriation.” *See* ECF 81-4, Pg.ID# 2007. ICE answered that the “basis for [its] belief is the ongoing discussions with the GOI and the GOI’s issuance of travel documents . . . in response to requests submitted using other indicia of nationality, such as photocopies of identity documents.”

1. The Court should order Respondents to provide the substance of those discussions, understandings, GOI’s indications, and GOI’s commitments (including the date of the discussions, the participants, and specific statements made by the participants) referenced in Interrogatory Nos. 1, 2, 3, 4, 5, 8 and 12. The response should also include the substance of the request for and the Iraqi government’s purported “tacit approval” for the June 2017 flight that is referenced in Exhibit 8, DSHAMAMA000001.

2. Respondents should also identify the specific types of documents used to show an “indicia of nationality,” which Respondents have only identified in this response as “photocopies of identity documents.”

**ICE’s Response:**

Please refer back to Respondent ICE’s initial Interrogatory response.

**ICE Supplemental Response:**

1. Respondent ICE objects to Petitioners' request to supplement this response because the "substance of the discussions" is not part of what was asked in Interrogatory 9. Seeking information on the substance of the discussions is not a request to supplement but rather a request for new information based on Respondent ICE's initial response.
2. The charter flight scheduled for June 2017 was rescheduled to the end of July 2017 as a result of the court order. Despite the order issued by this court, representatives from the government of Iraq still traveled to Arizona to interview the individuals on the flight manifest so that the flight could proceed in the end of July 2017. This shows the government of Iraq's commitment to continue the repatriation process.
3. As mentioned in Respondent ICE's initial response to Interrogatory 2, there are no specific documents that can be used to establish Iraqi citizenship. Based on Respondent ICE's experience with the government of Iraq, they may consider a variety of evidence, including but not limited to: passports, national identification cards, documents from the Alien file, and family documents.

**Interrogatory 11: For each Class Member (identified by name and A-number) who, prior to March 1, 2017, was living in the community, state whether ICE released that individual to the community because ICE determined that Iraq would not accept that individual for repatriation the reason ICE determined that Iraq would not accept the individual for repatriation, and whether the individual was subject to an order of supervision or other release conditions.**

**Petitioners' Position**

To address Respondents' objections to this Interrogatory, Petitioners revised it as follows:

**Interrogatory 11: For each Class Member (identified by name and A-number) who, prior to March 1, 2017, was living in the community, state whether ICE released that individual to the community because ICE determined that Iraq would not accept that individual for repatriation and the reason ICE determined that Iraq would not accept the individual for repatriation.**

1. ICE responded that its "review is ongoing." Petitioners seek supplementation of the interrogatory with information obtained from ICE's ongoing review.

2. By this Court's order, ECF 254, Pg.ID #6238, this interrogatory was narrowed to cover a random sample of 30 detainees, a list of which was provided by Petitioners to Respondents. Respondents responded to the narrowed Interrogatory, but their responses are impossible to understand (Exhibit 31).

The response is in a tabular format. One column is titled "State whether ICE released because ICE determined Iraq would not repatriate." There are two "Yes" responses. But for 28 one of the 30 listed individuals, the response is "No or Unknown." Yet the next column's responses are inconsistent with that. For example:

- "All efforts to achieve repatriation had failed."
- "Released on OSUP following the inability of the Consulate of Iraq to issue a travel document, reason unknown."

- “Government of Iraq notified ICE that a travel document would not be issued for failure to submit original Iraqi identification cards with the travel document request.”
- “Government of Iraq notified ICE that a travel document would not be issued for the reason that the subject did not have the required official documents to support the request and confirm his Iraqi nationality.”

Then for each of the 28 individuals, a boilerplate phrase is repeated, “Available records do not indicate Iraq rejected this individual for repatriation.”

Petitioners simply cannot make heads or tails of this. How are Respondents differentiating between Iraq’s decision to “reject this individual for repatriation” (which purportedly did not happen) and Iraq’s express and individuated declination to issue travel documents? It is a mystery.

Petitioners request that Respondents re-answer Interrogatory 11, but in plain English that explains how they are using the terms they choose.

3. Request for Production No. 5 seeks production of all records cited or relied on in responding to the interrogatories. Because Respondents have not provided a written response to the Requests for Production, Petitioners do not know if Respondents are objecting to producing the records reviewed to respond to this interrogatory. Petitioners seek confirmation that the records will be produced.

**ICE’s Response:**

Please refer back to Respondent ICE’s initial Interrogatory response.

**ICE Supplemental Response:**

1. Respondent ICE initial responded that its review was ongoing because the answer to Interrogatory 11 was due after the answers to the other Interrogatories. Respondent ICE has already provided a full and complete response.
2. Records related to travel document issuance or lack thereof are not generally kept by ICE in the format requested, or even at all. ICE documents in its records that a travel document was not issued during the detention time frame. As previously noted, the GOI was not cooperating in issuing travel documents and in many cases, the GOI simply did not reply to ICE's request for a travel document in a timely fashion, or even to provide a response at all.  
  
ICE is not required to keep the records that have been requested as to of why the GOI may have denied a travel documents. In many cases, ICE was simply required to release individuals if travel documents were not timely acquired.
3. Respondent ICE clarifies here that a refusal to issue a travel document at a specific time is not equivalent to a determination that an individual will never be repatriated to Iraq. The government of Iraq may refuse to issue a travel document on the grounds that that individual has provided insufficient documentation evidencing Iraqi citizenship. However, if that individual is able to supplement the request for a travel document with additional indicia

of Iraqi citizenship, the government of Iraq may issue a travel document at that time.

4. Respondents will produce records relied on or cited in responding to the Interrogatories, but reserve the right to claim any and all applicable privileges.

**Interrogatory 12: The name, title and department of the government (for both Iraq and the United States) of each individual negotiating the Iraqi Agreement, including the “ongoing diplomatic negotiations” referenced in the declaration of Michael V. Bernacke at paragraph 4 (ECF 184-2, Pg.ID# 5070-71), identification of the individuals authorized to enter into any agreement reached by the governments regarding the repatriation of Iraqi Nationals, and the date each individual engaged in the “ongoing diplomatic negotiations.”**

### **Petitioners’ Position**

1. The interrogatory seeks the basis for a statement in Mr. Bernacke’s declaration: “Iraq agreed to the timely return of its nationals subject to a final order of removal. The agreement between the United States and the Iraqi Ministry of Foreign Affairs (MFA) is not memorialized in any written document or treaty. It is a product of ongoing diplomatic negotiations.” *See* ECF 184-2, Pg.ID # 5070, Decl. Bernacke at ¶ 4. ICE unilaterally narrowed the interrogatory to “diplomatic negotiations identifying a new process for the GOI to process removal cases.” Exhibit 3, emphasis added. Negotiations about “a new process” are only one part of what this interrogatory seeks. It also seeks negotiations about the “agreement” (the term used by Mr. Bernacke) for the return of Iraqi nationals. Petitioners ask this Court to order Respondents to supplement this response within 1 week, and, like

Interrogatory No. 1, warn Respondents that a failure to provide a full and complete response may result in Respondents being prohibited from defending this case by pointing to any agreement, understanding, discussions, Iraq's indications, Iraq's commitments, or other communication from Iraq as evidence that Iraq will accept repatriation of Iraqi nationals.

2. ICE's response acknowledges that the U.S. Department of State (DOS) led the discussions with ICE in attendance. ICE did not identify the DOS individuals who were part of the discussions. ICE also did not identify any DHS attendees. Similarly, DHS's response indicates that individuals from outside DHS and the Iraqi government participated in discussions, but DHS did not identify those individuals. Petitioners ask that the Court order ICE and DHS to disclose all individuals who attended the meetings. ICE and DHS should also be ordered to identify any discussions or meetings that they may not have participated in or attended, but are nonetheless aware took place.

**ICE Response:**

Please refer back to Respondent ICE's initial Interrogatory response.

**ICE Supplemental Response:**

Respondent ICE has already provided a supplemental response to Interrogatory 12.

# EXHIBIT 1-56

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**USAMA JAMIL HAMAMA**, et al.,

Petitioners and Plaintiffs,

v.

**REBECCA ADDUCCI**, et al.,

Respondents and Respondents.

Case No. 2:17-cv-11910  
Hon. Mark A. Goldsmith  
Mag. David R. Grand  
Class Action

**RESPONDENT/DEFENDANT U.S. DEPARTMENT OF HOMELAND  
SECURITY'S RESPONSES TO PETITIONER/PLAINTIFF USAMA  
JAMIL HAMAMA'S FIRST SET OF INTERROGATORIES**

**I. PRELIMINARY STATEMENT**

Respondent U.S. Department of Homeland Security ("DHS") has not, at this time, fully completed its discovery and investigation in this action. All information contained herein is based solely upon such information and evidence as is available and known to Respondent DHS upon information and belief at this time. Further discovery, investigation, research and analysis may supply additional facts, and meaning to currently known information. Consistent with Fed. R. Civ. P. 26(e), Respondent DHS will amend any and all responses herein as additional facts are ascertained, legal research is completed, and analysis is undertaken. The responses herein are made in a good faith effort to supply as much information as is known to Respondent DHS at this time, consistent with the positions set forth in the Joint Statement of Issues, ECF No. 235.

**II. GENERAL OBJECTIONS**

1. DHS objects to the requests that impose or seek to impose any requirement or discovery obligation greater than or different from those under the Federal Rules of Civil Procedure and the applicable Local Rules and Orders of the Court.

2. DHS objects to the requests to the extent they seek disclosure of information protected under the attorney-client privilege, deliberative process privilege, law enforcement privilege, attorney work-product doctrine, or any other applicable privilege or immunity. Should any such disclosure by DHS occur, it is inadvertent and shall not constitute a waiver of any privilege or immunity.

3. DHS reserves all objections as to the competence, relevance, materiality, admissibility, or privileged status of any information provided in response to these requests, unless DHS specifically states otherwise.

Subject to and without waiving the foregoing objections and consistent with the Joint Statement of Issues, ECF No. 235, DHS provides the following responses:

1. Describe each term of the Iraqi Agreement pertaining to the repatriation of and process for repatriating Iraqi Nationals under the Iraqi Agreement.

**RESPONSE:**

DHS is unaware of any written agreement or arrangement between the governments of Iraq and the United States regarding repatriation of Iraqi Nationals. DHS lacks information sufficient to respond to the details of the repatriation process for Iraqi Nationals and defers to ICE regarding such details. Upon information and belief, DHS understands that Iraq has agreed in principle to repatriate Class Members and that requests for repatriation of Class Members could be coordinated by ICE Enforcement and Removal Operations (“ERO”) through Government of Iraq.

2. Describe each criterion an Iraqi National must meet before Iraq will accept an Iraqi National for repatriation, under the Iraqi Agreement or otherwise.

**RESPONSE:**

DHS is unaware of any written agreement or arrangement between the governments of Iraq and the United States regarding repatriation of Class Members. DHS lacks information sufficient to respond regarding “each criterion an Iraqi National must meet” prior to being accepted by the Government of Iraq for repatriation. ICE is the component agency of DHS with responsibility for repatriation of Iraqi Nationals. Therefore, DHS refers Petitioners to the ICE response to Interrogatory No. 2 regarding the details of the repatriation process for Iraqi Nationals.

3. Describe each criterion for denying repatriation to an Iraqi National under the Iraqi Agreement, or otherwise.

**RESPONSE:**

DHS is not aware of any written agreement or arrangement between the governments of Iraq and the United States regarding repatriation of Class Members. DHS lacks information sufficient to respond regarding “each criterion an Iraqi National must meet” prior to being accepted by the Government of Iraq for repatriation. ICE is the component agency of DHS with responsibility for repatriation of Iraqi Nationals. Therefore, DHS refers Petitioners to the ICE response to Interrogatory No. 3 regarding the details of the repatriation process for Iraqi Nationals.

4. Identify any travel documents that Iraq requires or will accept before accepting an Iraqi National for repatriation under the Iraqi Agreement or otherwise, and the procedures for obtaining the travel documents.

**RESPONSE:**

DHS is not aware of any written agreement or arrangement between the governments of Iraq and the United States regarding repatriation of Class Members. DHS lacks information sufficient to respond regarding “each criterion an Iraqi National must meet” prior to being accepted by the Government of Iraq for repatriation. ICE is the component agency of DHS with responsibility for repatriation of Iraqi Nationals. Therefore, DHS refers Petitioners to the ICE response to Interrogatory No. 4 regarding the details of the repatriation process for Iraqi Nationals.

5. For the time period since March 1, 2017, identify the documentation or evidence other than travel documents that Iraq requires or will accept before approving an Iraqi National for repatriation under the Iraqi Agreement or otherwise.

**RESPONSE:**

DHS is not aware of any written agreement or arrangement between the governments of Iraq and the United States regarding repatriation of Class Members. DHS lacks information sufficient to respond regarding “each criterion an Iraqi National must meet” prior to being accepted by the Government of Iraq for repatriation. ICE is the component agency of DHS with responsibility for repatriation of Iraqi Nationals. Therefore, DHS refers Petitioners to the ICE response to Interrogatory No. 5 regarding the details of the repatriation process for Iraqi Nationals.

6. For each Class Member (identified by name and A-number) for whom ICE or another relevant department of the U.S. government has since March 1, 2017 requested travel documents from the Iraqi Ministry of Foreign Affairs (or another relevant department of the Iraqi government) for repatriation to Iraq, provide the following:

- a. The date the request for the travel documents was made to the Iraqi government;
- b. The type of travel documents obtained, the department of the Iraqi government issuing the travel documents, and the date the documents were issued;
- c. If the request for the travel documents was denied, the department of the Iraqi government issuing the denial, the date of the denial and the reason given for the denial; and
- d. Whether Iraq denied or approved repatriation of the Class Member, and, if denied, the basis for such denial.
- e. If repatriation occurred, when, by what travel method (commercial air, charter air, etc.), and to what location.

**RESPONSE:**

Petitioners clarified that this interrogatory should be construed as directed only to U.S. Immigration and Customs Enforcement (“ICE”). Therefore, DHS defers to ICE for response and does not provide a separate response or objections; however, upon information and belief, DHS has not made a travel document request for an individual Class Member.

7. For each Class Member (identified by name and A-number) for whom ICE or another relevant department of the U.S. government has since March 1, 2017 requested from the Iraqi Ministry of Foreign Affairs (or another relevant department of the Iraqi government) to be repatriated to Iraq, provide the following:

- a. The date of the request;
- b. The response from the Iraqi government, the date of the response, the department of the Iraqi government issuing the response, and, if repatriation was denied, the basis for the denial; and
- c. If the request for repatriation was granted, any conditions placed on the repatriation of the Class Member.
- d. If repatriation occurred, when, by what travel method (commercial air, charter air, etc.), and to what location.

**RESPONSE:**

Petitioners clarified that this interrogatory should be construed as directed only to U.S. Immigration and Customs Enforcement (“ICE”). Therefore, DHS defers to ICE for response and does not provide a separate response or objections; however, DHS, upon information and belief, has not made a repatriation request for an individual Class Member.

8. For each Class Member (identified by name and A-number), state whether Iraq has agreed to the repatriation of that individual as of the following time:

- a. On the date of the Class Member’s arrest by ICE; and
- b. On the date you answer this Interrogatory.

**RESPONSE:**

Petitioners clarified that this interrogatory should be construed as directed only to U.S. Immigration and Customs Enforcement (“ICE”). Therefore, DHS defers to ICE for response and does not provide a separate response or objections; however, DHS, upon information and belief, has no responsive information.

9. The declaration of John Schultz, ECF 81-4, Pg.ID# 2007, states that Iraq previously would accept only its nationals with unexpired passports, but that Iraq will now “authorize repatriation with other indicia of nationality.” State what “other indicia of nationality” Iraq will accept for repatriation; the basis for the U.S. government’s belief that the other indicia of nationality will be accepted, including the identification of the specific agreement(s) or document(s) stating this policy; and the criteria an individual must or can meet before Iraq will accept an Iraqi National for repatriation.

**RESPONSE:**

Respondent DHS objects to this interrogatory to the extent it calls for information relied upon by John Schultz in his declaration, ECF 81-4, because DHS did not participate in the drafting or review of that declaration. DHS lacks knowledge or information sufficient to form a belief as to what “other indicia of nationality” the Government of Iraq will accept for purposes of accepting an Iraqi National for repatriation. ICE is the component agency of DHS with responsibility for repatriation of Iraqi Nationals. Therefore, DHS refers Petitioners to the ICE response to Interrogatory No. 9.

10. Explain each step (in sequence) that has since March 1, 2017 or will be taken by you or the government of Iraq to process an Iraqi National for removal if that Iraqi National does not have travel documents.

**RESPONSE:**

DHS objects to this interrogatory to the extent it seeks information regarding repatriation of Iraqi Nationals who are not members of the class or subclasses certified in this action. DHS lacks knowledge or information sufficient to form a belief as to what steps are taken by ICE or the government of Iraq to process an Iraqi National without travel documents for removal. ICE is the component agency of DHS with responsibility for repatriation of Iraqi Nationals. Therefore, DHS refers Petitioners to the ICE response to Interrogatory No. 10.

11. For each Class Member (identified by name and A-number) who, prior to March 1, 2017, was living in the community, state whether ICE released that individual to the community because ICE determined that Iraq would not accept that individual for repatriation and the reason ICE determined that Iraq would not accept the individual for repatriation.

**RESPONSE:**

Petitioners clarified that this interrogatory should be construed as directed only to U.S. Immigration and Customs Enforcement ("ICE"). Therefore, DHS defers to ICE for response and does not provide a separate response or objections; however, DHS, upon information and belief, has no responsive information.

12. The name, title and department of the government (for both Iraq and the United States) of each individual negotiating the Iraqi Agreement, including the "ongoing diplomatic negotiations" referenced in the declaration of Michael V. Bernacke at paragraph 4 (ECF 184-2, Pg.ID# 5070-71), identification of the individuals authorized to enter into any agreement reached by the governments regarding the repatriation of Iraqi Nationals, and the date each individual engaged in the "ongoing diplomatic negotiations."

**RESPONSE:**

Respondent DHS objects to this interrogatory to the extent it calls for information relied upon by Michael Bernacke in his declaration, ECF 184-2, because DHS did not participate in the drafting or review of that declaration. DHS objects to this interrogatory, as the "name, title and department of the government (for both Iraq and the United States) of each individual negotiating the Iraqi Agreement" do not affect the terms of any agreement, to the extent one exists. DHS objects to this interrogatory

to the extent it requires identification of foreign government representatives, which is protected by the law enforcement privilege, the disclosure of which would impede law enforcement operations, namely the removal of foreign nationals with final orders of removal from the United States. DHS further objects to this interrogatory as not likely to lead to the discovery of admissible evidence and irrelevant to the permissible scope of discovery ordered by the Court. Subject to the foregoing privileges, Respondent DHS did not participate in “negotiations” but did participate in discussions with participants from the Government of the United States and Iraq on June 23, 2017, December 5, 2017 and January 9, 2018.

On June 23, 2017, Deputy Assistant Secretary for International Engagement Matthew King and Acting Assistant Director of ICE Thomas Homan spoke by telephone with a representative of the Government of Iraq.

On December 5, 2017, the U.S. Government primarily was represented by Ambassador James Nealon, Assistant Secretary for International Affairs, at a meeting in which a variety of issues, including the repatriation of Iraqi Nationals, was discussed. Ambassador Nealon was accompanied by additional DHS personnel. Representatives from the U.S. Department of State, Office of Iraq Affairs also were present for the meeting.

On January 9, 2018, the U.S. Government primarily was represented by John Schultz, Deputy Assistant Director, Enforcement and Removal Operations and Michael Bernacke, Unit Chief, Enforcement and Removal Operations, for Respondent ICE. Representatives from Respondent DHS’s Office of Policy attended. Representatives from the U.S. Department of State, Office of Iraq Affairs also were present for the meeting.

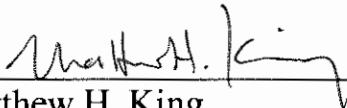
VERIFICATION

I, Matthew H. King declare under penalty of perjury:

I am employed by the U.S. Department of Homeland Security, Office of International Affairs, as the Deputy Assistant Secretary, Office of International Engagement.

I have read and know the contents of these responses. These responses were prepared after obtaining information available to DHS through its officers and employees and through its documents and records. These responses, subject to inadvertent and undiscovered errors, are based upon, and necessarily limited by, the records and information still in existence, able to be located, presently recollected, and thus far discovered in the course of preparing these responses. The responses regarding DHS are true and correct to the best of my knowledge, information, and belief.

Executed on 27 MAR 18



Matthew H. King  
Deputy Assistant Secretary  
Office of International Engagement  
U.S. Department of Homeland Security

# EXHIBIT 1-57

*PII Redacted Pursuant to Fed. R. Civ. P. 5.2*

*Redactions Made by Respondents*

Message

**From:** Laughlin, Julie [/O=IRMMAIL/OU=MBX SERVERS - COW/CN=RECIPIENTS/CN=JLAUGHL]  
**Sent:** 11/28/2017 3:28:02 PM  
**To:** Schultz, John A [/O=IRMMAIL/OU=Mbx servers - nyc/cn=recipients/cn=jaschult]; Meymarian, Maryellen [/O=IRMMAIL/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Meymarian, MaryEllen99d]; Lieberman, Joan S [/O=IRMMAIL/OU=MBX Servers - COW/cn=Recipients/cn=jslieber]  
**Subject:** Iraqi Releases  
**Attachments:** Weekly OPLA Hamama Case Report\_LESA-STU\_FINAL.XLSX

Hi John,

ACC/AWP

Thank you,

Julie

510	S	S

10/31/2017 02:24 PM FSF4467B EARM Notified by RIO, Subject is part of a nationwide injunction and has a Judicial stay. Subject will be OSUP and will report to San Diego Field Office. bk0148

			A
523	S	A	

10/23/2017 05:30 PM FSD5972A EADM S was served with a copy of the release memo and released from ICE custody on an Order of Supervision, required to report to ICE ERO Non-Detained Unit located at 880 Front Street Suite 2242; San Diego, CA 92101 on November 01, 2017. RK

10/11/2017 05:00 PM FSD5972A EARM I-229A served and placed in file. RK

10/11/2017 04:58 PM FSD5972A EARM POCR has been completed with recommendation for release on O/Sup. A-File forwarded to the DFOD via the SDDO and the AFOD for decision and signatures. RK

527	S	S

10/13/2017 05:08 PM FSD5972A EADM Released from ICE ERO custody on an Order of Supervision (OSup); the first reporting date and time are Oct 25, 2017 @ 1000. The reporting location is ICE ERO Non-Detained Unit, San Diego Field Office. His reported living address and telephone number, along with other contact information, have been entered into the EARM 'Supporting Info' tab. RK.

528	I	H
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09/26/2017 05:35 PM FSF5377A EARM Custody Review Decision (241.4) - 90-day- to release on OSUP. BK120

826	A T	J
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10/02/2017 10:14 AM CBP5760E EARM OSUP release/wants neg. subject to report to JAX, FL.

081	H	F	M
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Received 90 day POCR review, subject has been ordered release from custody on OSUP with ATD. Served subject OSUP I-220B AND I-229b today 11/17/2017. OE

11/17/2017 05:30 PM FSD4412A EARM

342	M	S	S
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07/25/2017 11:27 AM DET4612A ATD Successfully Enrolled in ATD/VID

844	A-J	A	J
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07/19/2017 11:59 AM FLS9085A EARM SUBJECTS OSUP IS BEING REINSTATED. A. APODACA

899	A-F	M
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07/14/2017 10:50 AM CBP9692B EARM E/S completed- On July 8th, the medical staff at Core Civic (formerly NEOCC) in Youngstown, OH notified ERO that is experiencing difficulty performing activities of daily living and has been assigned Detainee Medical Helpers that help guide him safely around the facility. The helpers alerted staff that they are no longer interested in assisting because he medical needs are beyond their scope of responsibility. TM

979	H	N	M
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Per IHSC, the subject has a medical condition that is in need of Continues Positive Airway Pressure (CPAP) at bedtime while detained. Per the recommendation of Dr. Park, detainee must use the device at night time to alleviate his contributing hypertensive condition. Without the device, the detainee is at risk of potential heart failure, stroke, arrhythmias, and ongoing resistance hypertension. The medical clinic is not an adequate setting to provide full capacity to properly manage his care. A temporary accommodation will be made to house the detainee in Room 263 at bedtime to use his own CPAP device starting tonight. The detainee needs a facility that is capable to provide adequate medical care. Subject will be released on an OSUP. Next reporting date is on 07/25/2017. MR

06/27/2017 12:28 PM FNE3479A EARM

634	M	A	T
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On 8/17/2017, subject was served an order of supervision due to the inability to remove to Iraq because of the injunction by the federal judge preventing the removal of Iraqi nationals. Subject posted the \$20,000 bond on 8/17/2017 as well and was released. Subject instructed to report to non-detained in Dallas instead of Oklahoma City because he lives in and was recently transferred from Alvarado, Texas. Check-in is scheduled for 8/31/2017 at 10:00.

08/17/2017 03:44 PM    CBP6845E EARM

Subject released on on order of supervision with \$20,000 bond on 8/17/2017.

08/17/2017 12:00 AM    CBP6845E EADM

007	H	S	S
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11/06/2017 12:00 AM    FSD3976A ATD    Participant has been accepted for enrollment into the Otay Mesa S-Site ATD Program with GPS on 11/06/2017. SUBJECT has been given a report date of 11/15/2017 to the SND AOR ATD Unit. Sponsor: (619) 569-8413

11/03/2017 02:21 PM    FSD4412A EARM    After reviewing his file last week, It was determined that a 90 POCR was never completed. Notice of review was served on August 2nd , but no decision was given on August 28th. I completed and routed the 90 day POCR through the proper channels forreview and action on Monday , October 30th. Currently waiting on a decision. OE

636	A	M	M
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1 357882731 15782725 09/14/2017 Field Office Release - Place Alien Under Order of Supervision

# EXHIBIT 1-58

*PII Redacted Pursuant to Fed. R. Civ. P. 5.2*

جمهورية العراق



REPUBLIC OF IRAQ

جواز مرور غير صالح للعودة

ONE WAY LAISSEZ PASSER

دار التهرين للطباعة

00117575

1-1

This laissez passer contains  
16 pages

REPUBLIC OF IRAQ

ONE WAY  
LAISSEZ-PASSER

00117575

يشتمل هذا الجواز  
على ١٦ صفحة

جمهورية العراق

جواز مرور غير صالح للعودة

رقم الجواز  
No. of  
Laissez Passer

اسم حامله  
Name of bearer

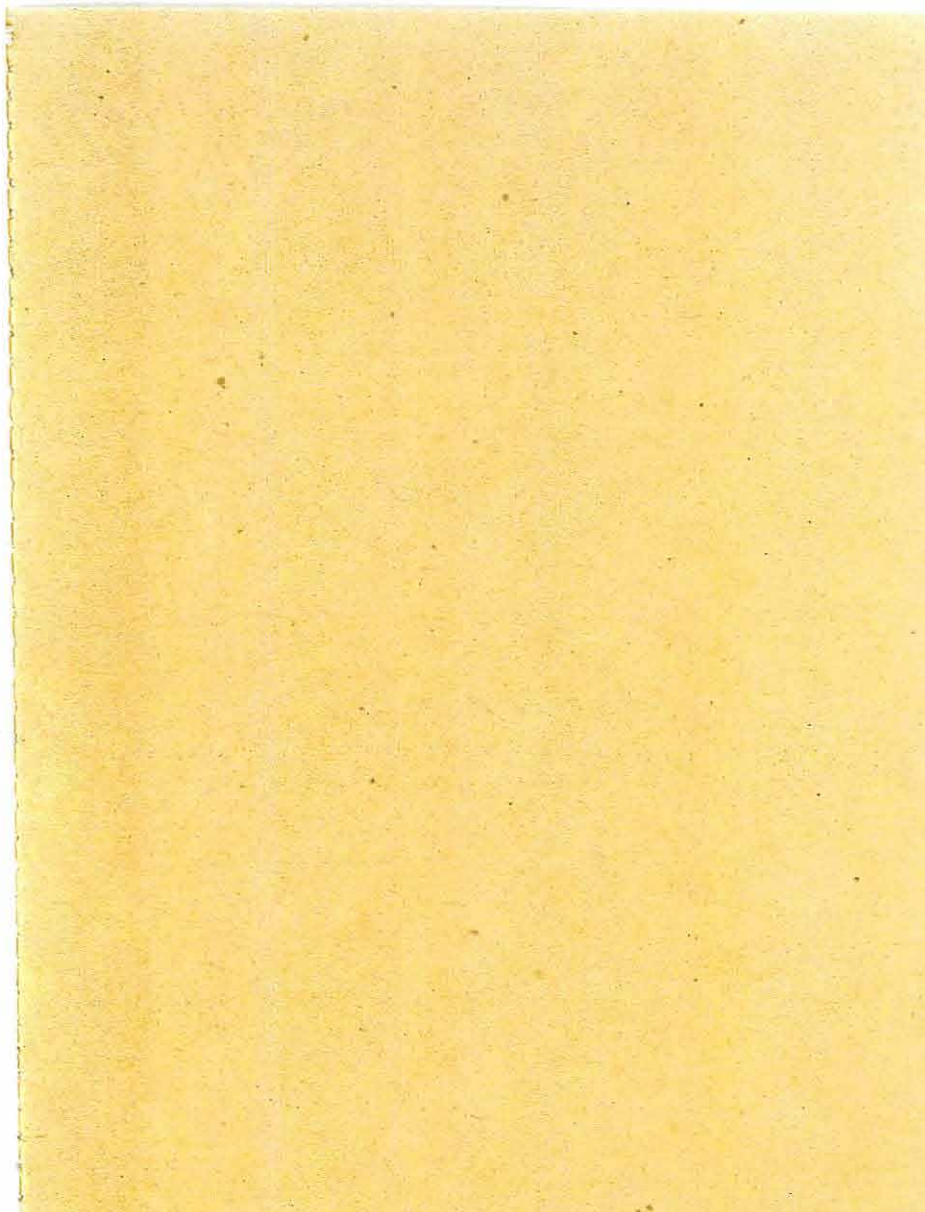
اسم الزوج  
Name of the Mate

عدد الأولاد  
No.  
of children

الجنسية التي يدعى بها  
Nationality claimed  
by bearer

Valid for One Voyage  
only during six months

نافذة لسفرة واحدة  
فقط خلال ستة أشهر



00117575

3-3

FOREIGN COLOURED PHOTOGRAPH

MATE	الزوج	BEARER	حامل الجواز
			
<p>توقيع حامله أو بصمة ابهامه الأيسر</p> <p>Signature of wife or his / her left thumb print</p>		<p>توقيع حامله أو بصمة ابهامه الأيسر</p> <p>Signature of bearer or his/ her left thumb print</p>	


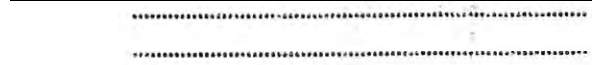
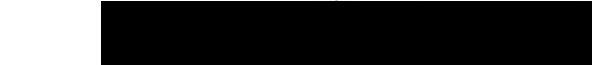
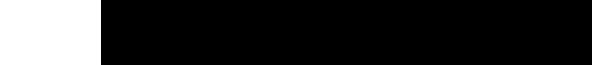
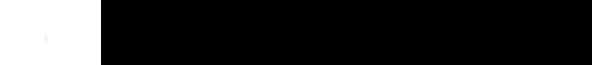
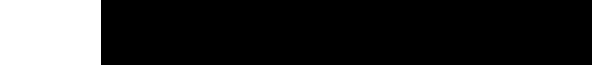
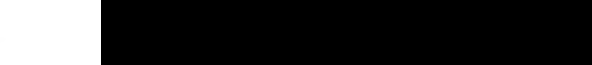
سفارة جمهورية العراق  
رسم واشتراطات الحسابات  
استوفي الرسم بموجب الوصل

المرقم ٤٤٣٨٤٥٥٥  
١٨/١١/١٣

2-2

DESCRIPTION - اوصاف

MATE الزوج BEARER حامل الجواز

	الخرفة
	Profession
	محل الولادة وتاريخها
	Place and date of birth
	محل الإقامة الدائمة
	Domicile
	الطول
	Height
	لون العينين
	Colour of eyes
	لون الشعر
	Color of hair
	العلامات الفارقة
	Visible distinguishing marks

CHILDREN

الأولاد

Sex	الجنس	Date of birth	تاريخ الولادة	Name	الاسم
1					١
2					٢
3					٣
4					٤
5					٥

00117575



2018/7/10

Iraqi consular section in Washington DC  
issued travel Document to Mr. A [REDACTED] A [REDACTED]  
To return for Iraq according of approval of  
senior deputy ministry of foreign. approval #87 on  
July 10<sup>th</sup> 2018

القنصل  
براء منذر عبدالرحمن

Consul  
Baraa M. Abdul-Rahman

27251100

4 - 4

Countries of which  
this laissez passer is valid

الأقطار التي يجوز الدخول  
اليها بهذا الجواز

The validity of this laissez  
circumstances

يتمهي العمل بهذا الجواز:

one way only valid during  
Six Months

Not to be renewed under  
any passer expires

ولا يجلد في أي حال  
من الأحوال

Issued at Washington DC صدر في

The 12<sup>th</sup> of July في اليوم

Of 2018 من شهر

القنصل  
براء منذر عبدالرحمن

Consul  
Baraa M. Abdul-Rahman

00117573

1-1

This laissez passer contains  
16 pages

REPUBLIC OF IRAQ

ONE WAY  
LAISSEZ-PASSER

00117573

يشمل هذا الجواز  
على ١٦ صفحة  
جمهورية العراق  
جواز مرور غير صالح للعودة

رقم الجواز  
No. of  
Laissez Passer

اسم حامله  
Name of bearer

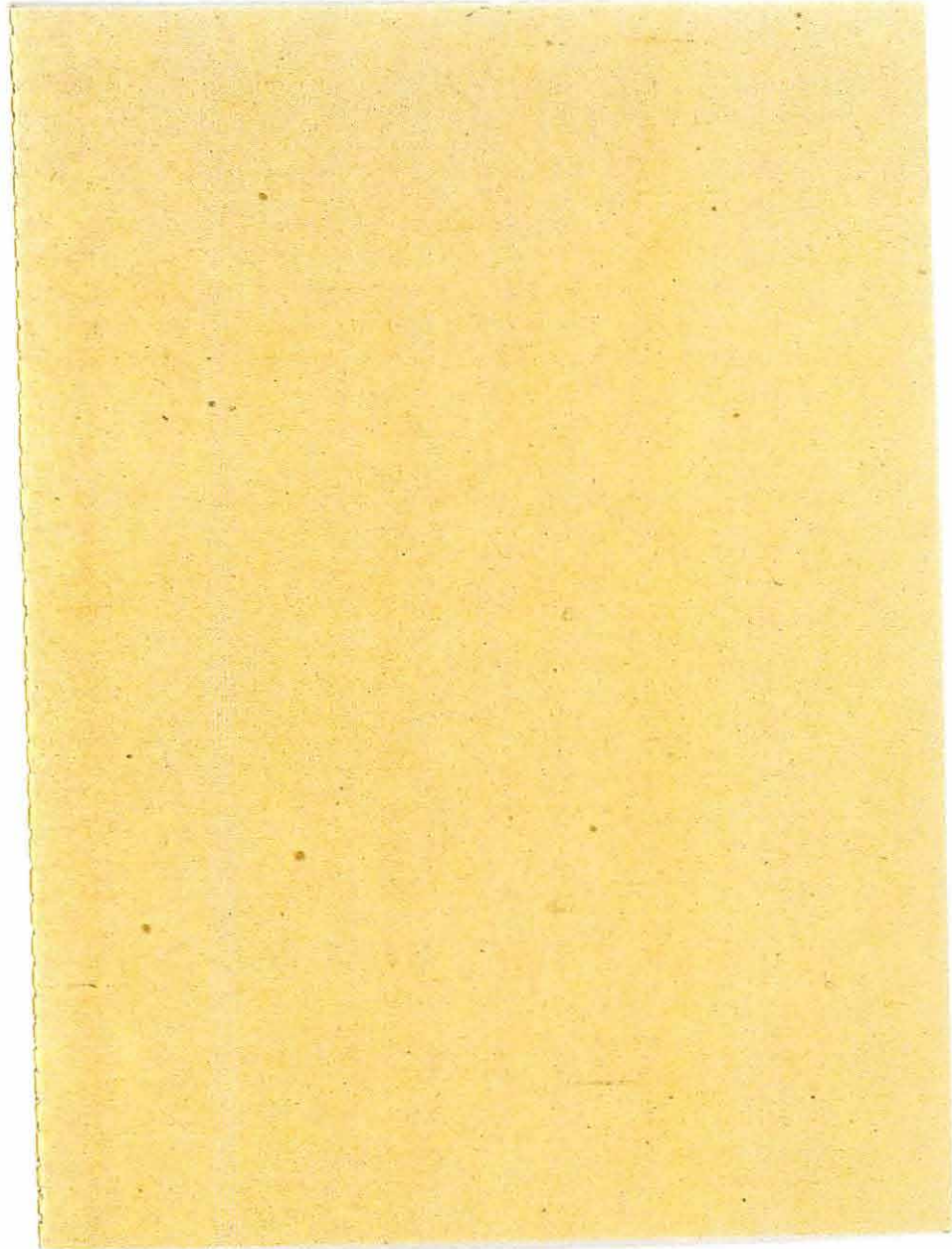
اسم الزوج  
Name of the Mate

عدد الأولاد  
No.  
of children

الجنسية التي يدعى بها  
Nationality claimed  
by bearer

Valid for One Voyage  
only during six months

نافذة لرحلة واحدة  
فقط خلال ستة أشهر



00117573

3-3

MODREN COLOURED PHOTOGRAPH

MATE الزوج	BEARER حامل الجواز
	
توقيع حامله أو بصمة ابهامه الأيسر Signature of wife or his / her left thumb print	توقيع حامله أو بصمة ابهامه الأيسر Signature of bearer or his/ her left thumb print

سفارة جمهورية العراق  
رسم وأختصاصات/الخدمات  
FEE  
استوفى الرسم بموجب الوصل  
المبلغ ٤٨٥٠٠٠  
تاريخ ١٨/١/٢٠١٨  
المستلم/عبدالله عذنان

2-2

DESCRIPTION - اوصاف

MATE الزوج BEARER

حامل الجواز

الحرفة

Profession

محل الولادة وتاريخها

Place and date  
of birth

محل الإقامة الدائمة

Domicile

الطول

Height

لون العينين

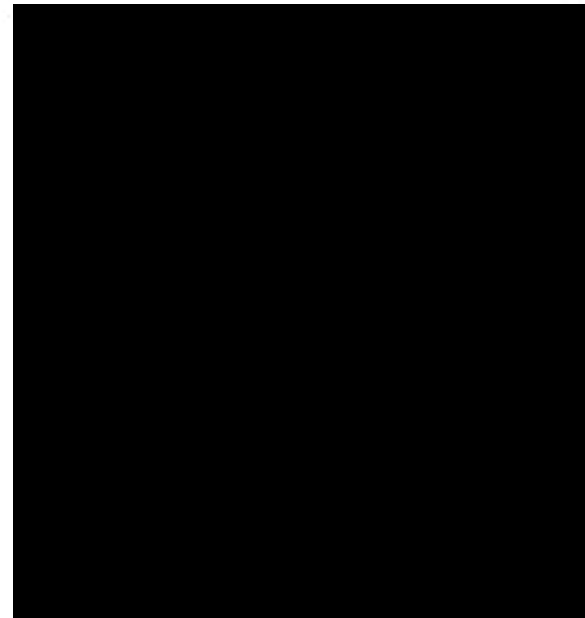
Colour of eyes

لون الشعر

Coulor of hair

العلامات الفارقة

Visible  
distinguishing  
marks



CHILDREN

الأولاد

Sex	الجنس	Date of birth	تاريخ الولادة	Name	الاسم
1	.....	.....	.....	.....	١
2	.....	.....	.....	.....	٢
3	.....	.....	.....	.....	٣
4	.....	.....	.....	.....	٤
5	.....	.....	.....	.....	٥

OBSERVATIONS - الملاحظات

Baraa M. Abdul-Rahman

براء منذر عبدالرحمن

Residence Office

00117578

1-1

This laissez passer contains  
16 pages

REPUBLIC OF IRAQ

ONE WAY  
LAISSEZ-PASSER

00117578

يشمل هذا الجواز  
على ١٦ صفحة  
جمهورية العراق

جواز مرور غير صالح للمعونة

رقم الجواز  
No. of  
Laissez Passer

اسم حامله  
Name of bearer

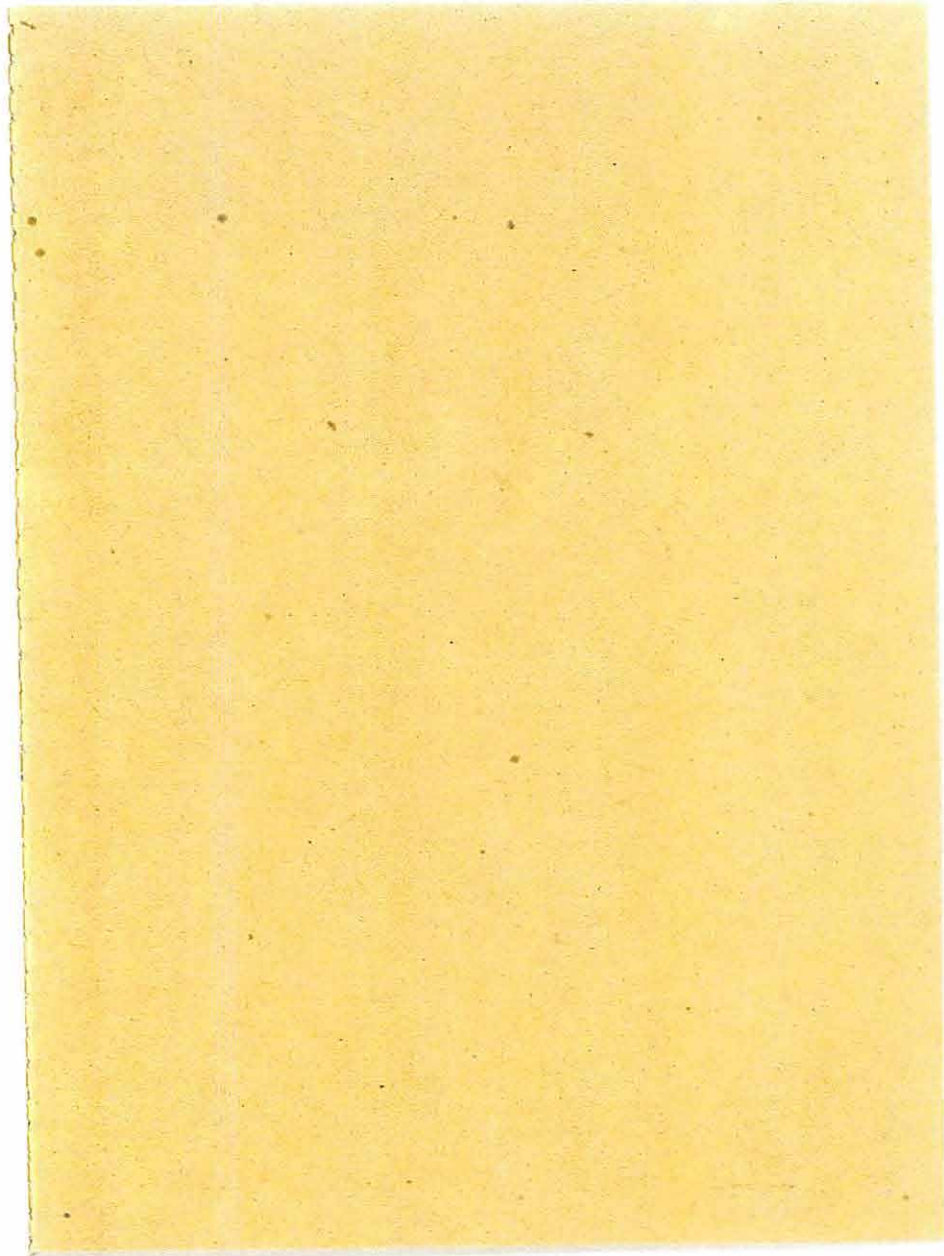
اسم الزوج  
Name of the Mate

عدد الأولاد  
No.  
of children

الجنسية التي يدعى بها  
Nationality claimed  
by bearer

Valid for One Voyage  
only during six months

ناقذة لسفرة واحدة  
فقط خلال ستة أشهر



00117578

3-3

## MODREN COLOURED PHOTOGRAPH

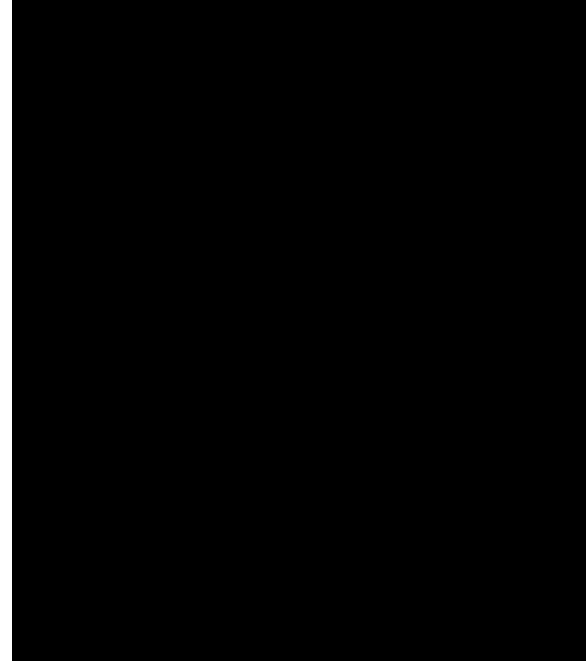
MATE الزوج	BEARER حامل الجواز
	
توقيع حامله أو بصمة ابهامه الأيسر Signature of wife or his / her left thumb print	توقيع حامله أو بصمة ابهامه الأيسر Signature of bearer or his/ her left thumb print

مفارة جمهورية العراق  
رسم واشنطن/ الحسابات  
استوفى الرسم بموجب الوصل  
42 ٤٤٣٨٤٩٩  
فهرس 18/7/13  
المخاضب/ احمد عثمان

2-2

## DESCRIPTION - اوصاف

MATE الزوج BEARER حامل الجواز

الحرقة  
Professionمحل الولادة وتأريخها  
Place and date  
of birthمحل الإقامة الدائم  
Domicileالطول  
Heightلون العينين  
Colour of eyesلون الشعر  
Color of hairالعلامات الفارقة  
Visible  
distinguishing  
marks

## CHILDREN

الأولاد

Sex الجنس	Date of birth تاريخ الولادة	Name الاسم
1	.....	١
2	.....	٢
3	.....	٣
4	.....	٤
5	.....	٥

5-5  
OBSERVATIONS - ملاحظات

القنصل  
براء منذر عبدالرحمن

الأقطار التي يجوز الدخول  
إليها بهذا الجواز

Consul  
Residence Officer  
Baraa M. Abdul-Rahman

ولا يجلد في أي حال  
من الأحوال

OF 200

Consul  
Residence Officer  
Baraa M. Abdul-Rahman

MODREN COLOURED PHOTOGRAPH

MATE الزوج

BEARER لحامل الجواز



توقيع حامله أو بصمة  
ابهامه الأيسر

Signature of wife or his / her  
left thumb print

توقيع حامله أو بصمة  
ابهامه الأيسر

Signature of bearer or his/ her  
left thumb print

سفارة جمهورية العراق  
واشنطن/ الحسابات

رسم مستوفي الرسم بموجب الوصل FEE

الرقم 11605  
المحاسب/ احمد شفيق 8/7/11

DESCRIPTION - اوصاف

MATE الزوج

BEARER

حامل الجواز

الحرفة

Profession

محل الولادة وتاريخها  
Place and date  
of birth

محل الإقامة الدائمة  
Domicile

الطول  
Height

لون العينين  
Colour of eyes

لون الشعر  
Color of hair

العلامات الفارقة  
Visible  
distinguishing  
marks

CHILDREN

الأولاد

Sex	الجنس	Date of birth	تاريخ الولادة	Name	الاسم
1					١
2					٢
3					٣
4					٤
5					٥

00117376

OBSERVATIONS - الملاحظات

Iraqi consular section in Washington DC  
issued travel Document to Mr. D [REDACTED] S [REDACTED]  
O [REDACTED] To return for Iraq according of approval of  
senior deputy ministry of foreign. approval #87 on July  
10<sup>th</sup> 2018

Consul  
Baraa M. Abdul-Rahman

القنصل  
براء منذر عبدالرحمن

87271100

Countries of which  
this laissez passer is valid

الأقطار التي يجوز الدخول  
اليها بهذا الجواز

The validity of this laissez  
circumstances

ينتهي العمل بهذا الجواز:

during stay only  
سفرة واحدة فقط خلال مدة  
الدخول

Not to be renewed under  
any passer expires

ولا يجدد في أي حال  
من الأحوال

Issued at Washington DC  
صدر في واشنطن العاصمة

The 12<sup>th</sup> of July  
في اليوم الثاني عشر من يوليو

Of July 2018  
من شهر يوليو 2018

Consul  
Baraa M. Abdul-Rahman  
Residence Officer

القنصل  
براء منذر عبدالرحمن  
ضابط الإقامة

00117574

1-1

This laissez passer contains  
16 pages

REPUBLIC OF IRAQ

ONE WAY  
LAISSEZ-PASSER

00117574

يشمل هذا الجواز  
على ١٦ صفحة

جمهورية العراق

جواز مرور غير صالح للعودة

رقم الجواز  
No. of  
Laissez Passer

اسم حامله  
Name of bearer

اسم الزوج  
Name of the Mate

عدد الأولاد  
No.  
of children

الجنسية التي يدعى بها  
Nationality claimed  
by bearer

Valid for One Voyage  
only during six months

نافذة لسفرة واحدة  
فقط خلال ستة أشهر

00117574

3-3

MODREN COLOURED PHOTOGRAPH

MATE الزوج	BEARER حامل الجواز
توقيع حامله أو بصمة ابهامه الأيسر Signature of wife or his / her left thumb print	توقيع حامله أو بصمة ابهامه الأيسر Signature of bearer or his/ her left thumb print

سفارة جمهورية العراق  
رسم واشنطن/ الحسابات  
FEE  
استوفي الزيم بموجب الوصل  
٤٤٣٨٤  
١٨١/١٢/٢٠١٧  
المحاسب/ أحمد عثمان

2-2

DESCRIPTION - اوصاف

MATE الزوج BEARER حامل الجواز

حامل الجواز

الحرفة

Profession

محل الولادة وتاريخها  
Place and date  
of birth

محل الإقامة الدائم  
Domicile

الطول  
Height

لون العينين  
Colour of eyes

لون الشعر  
Coulor of hair

العلامات الفارقة  
Visible  
distinguishing  
marks

CHILDREN

الأولاد

Sex الجنس	Date of birth تاريخ الولادة	Name الأسم
1	.....	١
2	.....	٢
3	.....	٣
4	.....	٤
5	.....	٥

OBSERVATIONS - الملاحظات

Iraqi consular section in Washington DC  
issued travel Document to Mr. K [REDACTED] F [REDACTED] I [REDACTED]  
To **return** for Iraq according of approval of senior  
deputy ministry of foreign. approval #87 on July 10<sup>th</sup>  
2018

Consul  
Baraa M. Abdul-Rahman **براء منذر عبدالرحمن**

4 - 8

Countries of which  
this laissez passer is valid

الأقطار التي يجوز الدخول إليها بهذا الجواز

The validity of this laissez  
circumstances

The validity of this laissez  
circumstances

one way only during  
six months

يتم العمل بهذا الجواز :  
سواء في اتجاه واحد  
أو في كلا الاتجاهين  
لستة اشهر

Not to be renewed under  
any passer expires

ولا يجلد في أي حال  
من الأحوال

Issued at

The .... 12.12

Of

Consul  
Residence Officer  
Baraa M. Abdul Rahman

صدر في  
في اليوم  
من شهر

Consul  
Resident's Officer  
Baraa M. Abdul Rahman

# EXHIBIT 1-59

~~HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY~~  
FOR OFFICIAL USE ONLY

**Meeting with Iraqi Deputy Foreign Minister Nizar Issa Abdul-Hadi Al-Khairalla**  
**(Pronounced: *knee-CZAR EE-saw ABD-ul HAH-dee all-HAIR-all-LAH*)**  
**December 5, 2017**

**Objective:**

- Welcome the Deputy Foreign Minister (DFM) to the Department of Homeland Security (DHS)

[REDACTED]

- Stress the need for Iraq to issue travel documents for Iraqi nationals with final orders of removal from the United States in a timely manner.
- Emphasize the need for Iraq's cooperation on future charter flights that may be required to facilitate the removal of Iraqi nationals from the United States.

[REDACTED]

**Agenda:**

- You will meet with DFM Al-Khairalla and the Iraqi Ambassador to the United States, Fareed Yaseen.
- The DFM wishes to talk to DHS about three topics: 1) [REDACTED]  
[REDACTED]  
[REDACTED]; 2) Removals; and 3) [REDACTED]

**Key Messages**

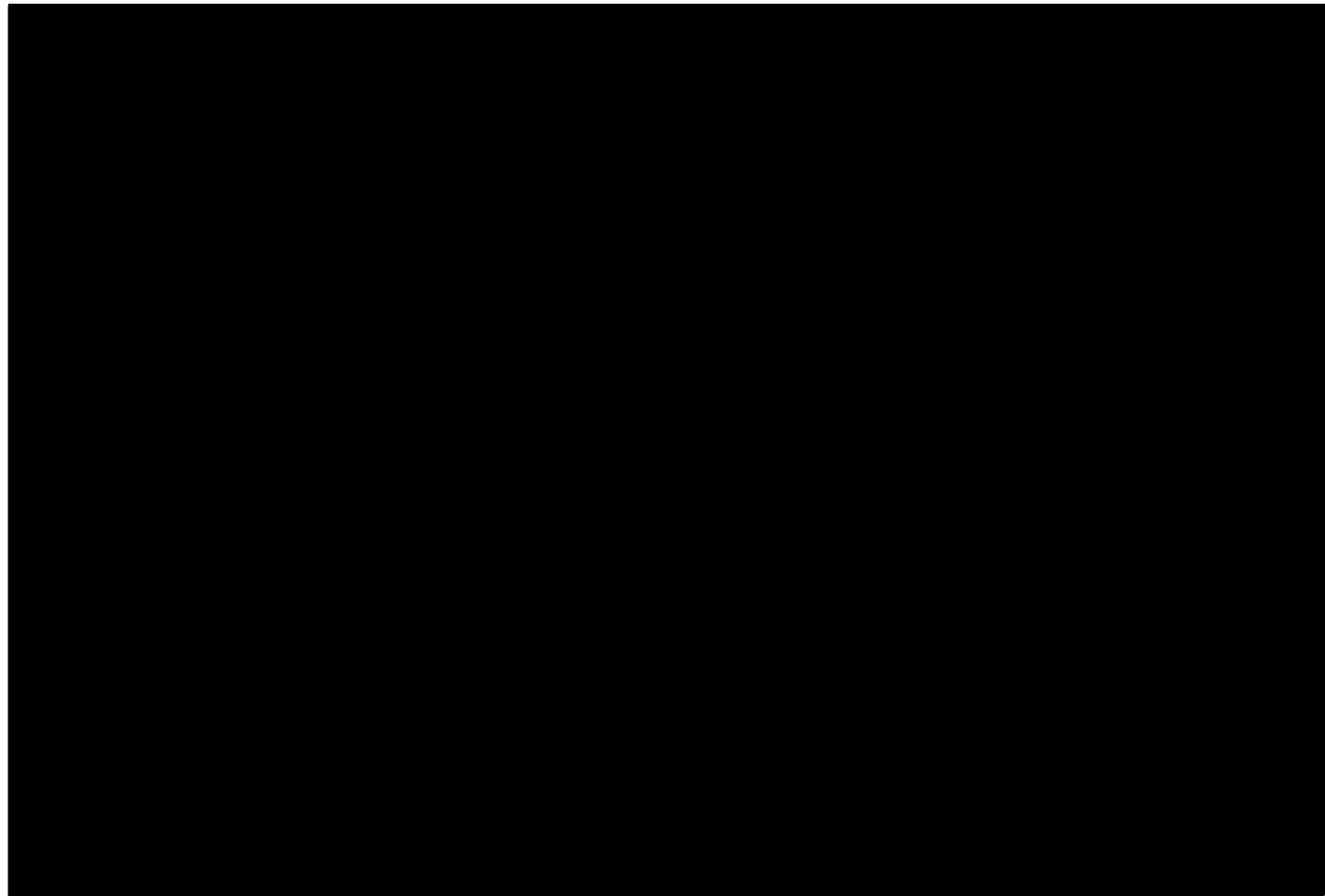
[REDACTED]

[REDACTED]

[REDACTED] Accordingly, you should emphasize the need for Iraq to swiftly issue travel documents for Iraqi nationals who have final orders of removal from the United States and cooperate with efforts to repatriate such nationals to Iraq.

[REDACTED]

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY  
FOR OFFICIAL USE ONLY

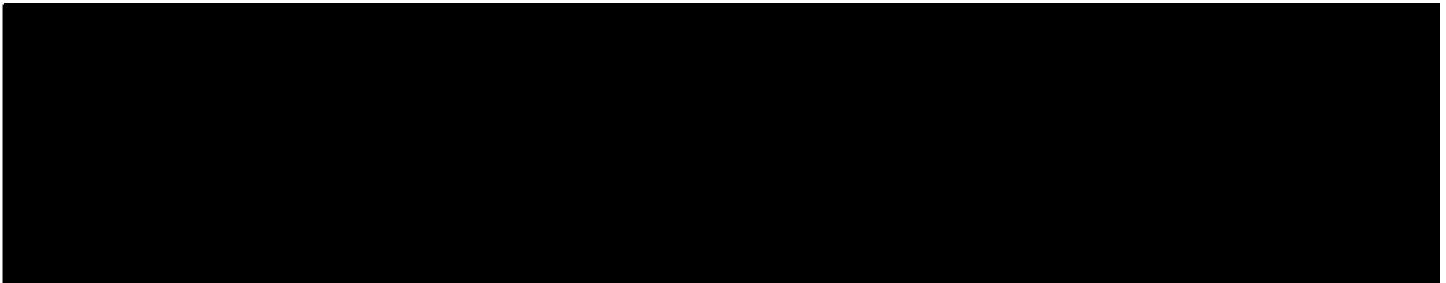
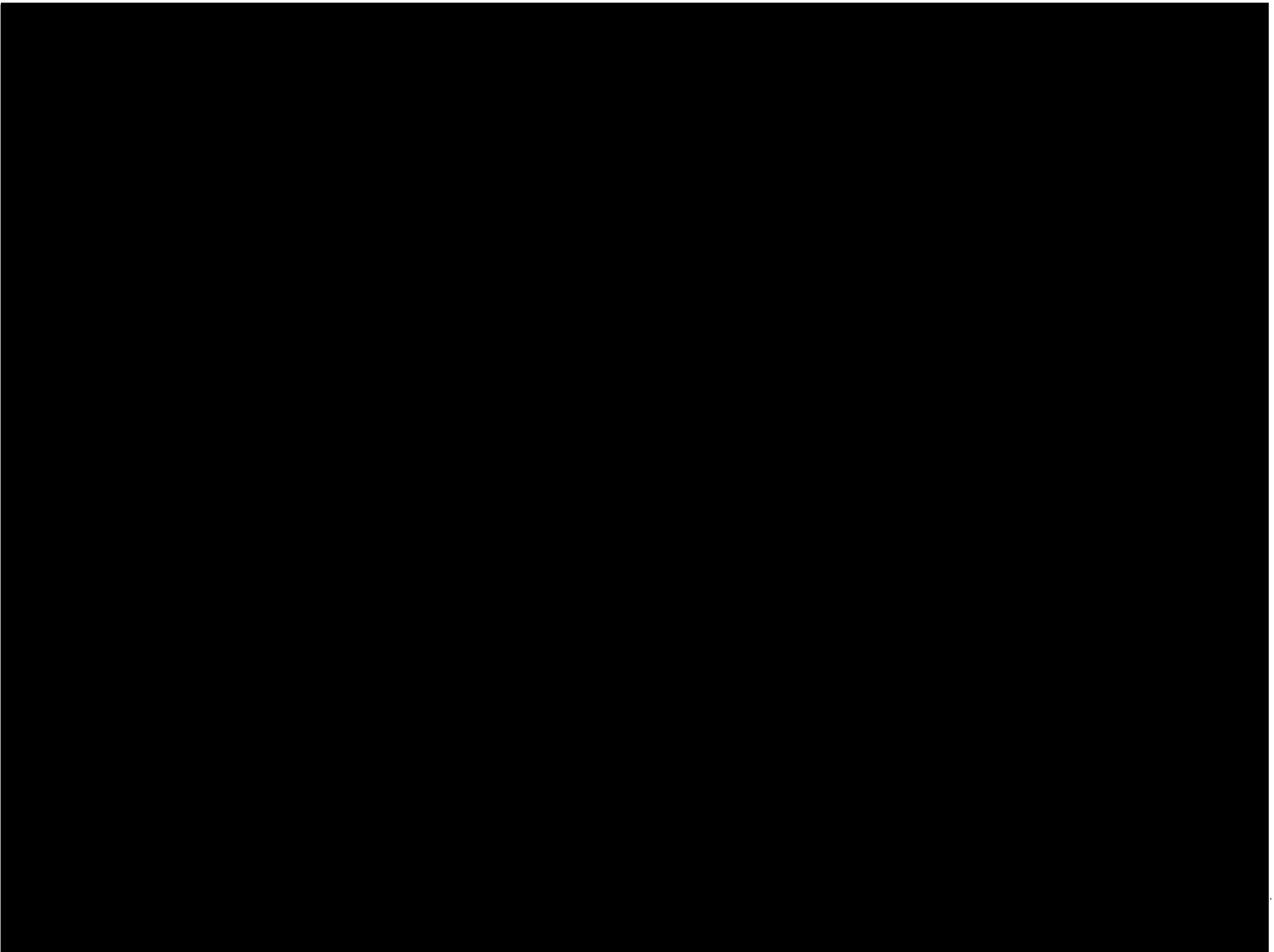


- **Removals:**
- In June 2017, the Iraqi Government refused to accept a charter flight of 64 Iraqi nationals (arranged by ICE/ERO) that had been scheduled to arrive in Iraq on June 28 and for which the Iraqi Government had previously given tacit approval.
- On June 23, 2017 Acting ICE Director Thomas Homan and DAS Matt King called Ambassador Yaseen and pressed him to ensure that the flight land as scheduled. The Ambassador indicated he was limited in his ability to persuade Baghdad to allow the flight to land, highlighting Iraqi bureaucratic “clumsiness” and the *eid al-fitr* holiday that fell during the time the flight was scheduled to land (celebrated in Iraq this year from June 25 to June 29).
- The flight did not take place as scheduled and a subsequent court injunction filed by Iraqis in the United States has frozen and ICE/ERO removals of Iraqi nationals.



~~HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY~~

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**Logistics:**

- The Iraqi delegation will be led by DFM Al-Khairalla and will include Ambassador Yaseen.
- Representatives from PLCY/OIE/MEASA will meet the delegation at the Visitor's Center and escort them to the Conference Room.
- The meeting will start at 1230 and will take place in the PLCY Front Office Conference Room.
- The meeting will end at 1315.

~~HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY~~

FOR OFFICIAL USE ONLY

**Attachments:**

- A. Biography for DFM Al-Khairalla
- B. Biography for Ambassador Yaseen
- C. Iraq Action Plan