

EXHIBIT 7

From: McCament, James W [REDACTED]
Sent: Tuesday, September 19, 2017 8:14 PM
To: Nuebel Kovarik, Kathy [REDACTED]
Subject: RE: Questions on Sudan FRN Notice - State Has Corrections

You ROCK! Thank you for providing all of the context.

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED] (Deputy Director's Office)



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From: Nuebel Kovarik, Kathy
Sent: Tuesday, September 19, 2017 8:14 PM
To: McCament, James W; Nealon, James; Hamilton, Gene; Dougherty, Michael; Maher, Joseph; McDonald, Christina; Symons, Craig M; Ries, Lora L
Subject: RE: Questions on Sudan FRN Notice - State Has Corrections

Below is an email that State POLICY shared with me. It was written by the Africa bureau. Here's my take:

- State was extremely late in getting us a recommendation on these designations. In fact, we got them late Friday night, the day that AS1 had to make her decision. By then, it was nearly too late.
- State reviewed the FRN and provided some comments, while at the same time, S1's office made changes. We did not recirculate to other agencies after such changes were made.
- State is mad we announced without discussing the comms materials in advance. I told them on Monday that we would work harder to do that.

As for State's suggested edits to the FRN, I think that adding "all" before "nationals" is problematic. It assumes that everyone here cannot return to Sudan, which is contrary to the decision. If they cannot return safely, then why would we terminate?

Adding "all" before "regions" may be a change we could take, but that may be a minor change not worth making and pulling it back for. I think the FRN clearly states that there are areas that have conflict. We don't say that the country is perfect.

OMB called OGC and asked if we thought we should pull it back. Christina told them no. We have not, to my understanding, had any other conversations with OMB and no direction from them that this is a problem. But, we do want to protect AS1 and give her the opportunity now.

We are concerned that the FRN that DHS published on its website on 9/19 is not consistent with the draft that was agreed between State and DHS on 9/8. As a result of the discrepancies between those two versions (and the omission of some of

State's edits that we had understood DHS had accepted), the accuracy of the FRN on DHS' website risks being called into question, and it risks undermining our policy on Sudan. In particular, we do not want to use language that might encourage the Government of Sudan to believe they have the greenlight from the USG to force the return of displaced persons (persons who fled fighting) to return to deadly conflict-affected areas. These areas are places where even well-armed UN peacekeeping forces decline to engage for fear of violence and recent killings of peacekeepers.

To address the FRN's accuracy, we would request the following minor changes.

1. We recommend the deletion of the phrase (on page 7, para 2, 3rd sentence) *"There is no longer an ongoing armed conflict that prevents the return of nationals to Sudan..."* And instead we ask that it be replaced it with *"The ongoing conflict no longer prevents the return of all nationals of Sudan..."* or *"...the return of nationals to all regions of Sudan."* Note: The addition of the word all (or the phrase "to all regions") is important for consistency and accuracy. That qualification is needed to carve out an exception regarding those who still cannot return in safety to the conflict-affected areas (Darfur and the Two Areas). Otherwise the statement is not accurate (in other words, refugees can return in safety to Kassala in the NE but not to areas of Darfur in the SW where killings have spiked 300% since 2012). The FRN currently posted on DHS' website, on page 8 para 2, uses the word "all" (an important nuance for accuracy's sake), noting that *"...conditions on the ground no longer prevent all Sudanese nationals from returning in safety."* So inserting the word "all" into page 7 para 2 would be consistent with language already in the FRN posted on DHS' website.
2. We recommend that the word "all" be inserted into three other parts of the document to ensure accuracy. That includes page 7, para 2, 4th sentence so that it reads *"...conditions within Sudan no longer prevent all nationals from returning in safety"* and into page 7 para 3, the last sentence, so that it reads *"The remaining conflict is limited and does not prevent the return of all nationals of Sudan..."* Also, we recommend "all" be inserted into page 8, para3, sentence 1, so that it reads *"...they no longer prevent all nationals of Sudan from returning in safety."*

Kathy Nuebel Kovarik

Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Direct: [REDACTED]
Cell: [REDACTED]

From: McCament, James W

Sent: Tuesday, September 19, 2017 8:02 PM

To: Nealon, James; Hamilton, Gene; Dougherty, Michael; Maher, Joseph; McDonald, Christina; Nuebel Kovarik, Kathy; Symons, Craig M; Ries, Lora L

Subject: RE: Questions on Sudan FRN Notice - State Has Corrections

Thank you, Jim. Great point and that might well have related to these late breaking concerns.

James W. McCament

Director (Acting) | Deputy Director
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From: Nealon, James

Sent: Tuesday, September 19, 2017 8:00 PM

To: McCament, James W; Hamilton, Gene; Dougherty, Michael; Maher, Joseph; McDonald, Christina; Nuebel Kovarik, Kathy; Symons, Craig M; Ries, Lora L

Subject: RE: Questions on Sudan FRN Notice - State Has Corrections

James, I recall that State was very late with their input. Might that have contributed to any space between the Secretary's decision and State equities? They may also be referring to some high side equities that I can discuss in person.

From: McCament, James W

Sent: Tuesday, September 19, 2017 7:42:30 PM

To: Nealon, James; Hamilton, Gene; Dougherty, Michael; Maher, Joseph; McDonald, Christina; Nuebel Kovarik, Kathy; Symons, Craig M; Ries, Lora L

Subject: FW: Questions on Sudan FRN Notice - State Has Corrections

Jim and all,

Kathy and I just discussed this alert I received from State this evening regarding the Sudan FRN and State strong concerns with the language (as well as the lack of roll-out notification). As I understand, following OMB review, final changes were made at the DHS level on the FRN of which State wasn't aware?

DOS is now pressing per below, and I understand others, to have those changes made before the FRN proceeds for publication on Thursday. This would require pulling back the FRN from the Federal Register this evening or tomorrow AM latest.

I believe Joe, Christina and Kathy have all discussed the requested DOS edits referenced below. To recap from Chris Ash's below message: "the Department has identified some significant mischaracterizations that are at odds with the Department's understanding of circumstances on the ground. We believe that lacking correction, the FRN could be out of step with the Administration's broader engagement on Sudan – much of which DHS is not engaged on and is likely unaware of the nuances that USCIS's changes in the language could have."

Beyond their partnership point, I'd like to know if the concerns are as impactful as represented? And do the concerns merit pausing the FRN? If we did so, we would need to revise tomorrow, and receive AS1/AS2 clearance as well which requires rapid turn-around.

Joe/Kathy others please advise on further background? I'd like to be sure I have full facts before pressing back to DOS.

Thanks,

James W. McCament

Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
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From: Ashe, Christopher C [REDACTED]
Sent: Tuesday, September 19, 2017 5:00 PM
To: McCament, James W
Cc: Sutphin, Paul R; Hefright, Brook E; Pollack, Margaret J; Frideres, Taryn F
Subject: Questions on Sudan FRN Notice - State Has Corrections

Good Afternoon Director McCament,

PRM was informed by your public affairs team that the final version of the Sudan TPS Federal Register Notice (FRN) will be published on Thursday. The Department has identified some significant mischaracterizations that are at odds with the Department's understanding of circumstances on the ground. We believe that lacking correction, the FRN could be out of step with the Administration's broader engagement on Sudan – much of which DHS is not engaged on and is likely unaware of the nuances that USCIS's changes in the language could have.

We would appreciate it if you could let us know who in USCIS or DHS we can work with to advocate for the Department's desired corrections.

Also, by way of trying to collectively fix a problem and not the blame – I just wanted to inform you that the Department was caught off guard yesterday by the sudden decision to make the TPS announcement. We literally were forced to dispatch our Foreign Affairs Officers by taxi to the Embassies with virtually no notice to inform the host governments of the imminent announcements. We had thought that we had obtained a commitment for sufficient notice to make such notifications – and we look forward to working with you and your team to develop a written, agreed upon process for State Department host-nation notifications prior to any future TPS announcements. That will allow us to work the diplomatic angle, and manage the diplomatic impact, of these announcements moving forward.

Thank you very much, and we appreciate your help,

Chris

Christopher C. Ashe
Director (Acting)
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United States Department of State
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