EXHIBIT 4

Redacted Pursuant to ECF 470

In the Matter Of:

HAMAMA, ET AL. vs ADDUCCI, ET AL. JOHN AUGUSTIN SCHULTZ, JR. July 12, 2018

Prepared for you by



Bingham Farms/Southfield • Grand Rapids
Ann Arbor • Detroit • Flint • Jackson • Lansing • Mt. Clemens • Saginaw • Troy

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07/	12/2018			Pages 1—
1	Pa	age 1	. APPEARANCES	Page 3
2	IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN			
3	SOUTHERN DIVISION	3		
		4	· -	
4 5	x USAMA JAMIL HAMAMA, et al., :	1		
6	PETITIONERS AND :	6		
7	PLAINTIFFS, :	7		
8	v. : Case No.	8		
9	REBECCA ADDUCCI, et al., : 2:17-cv-11910	9		
10	DEFENDANTS AND :	10	· -	
11	RESPONDENTS. :	11		
12	x	12		
13		13	Ann Arbor, Michigan 48109	
14	Confidential deposition of JOHN AUGUSTIN SCHULTZ, JR.	14	(734) 615-2618	
15	Washington, District of Columbia	15		
16	Thursday, July 12, 2018	16		
17	9:04 a.m.	17		
18		18		
19		19		
20		20		
21		21		
22	Job No. 196902	22		
23	Pages: 1 - 241	23		
24	Reported By: Angela K. McCullough, RPR, Notary	24		
25	Public in and for the District of Columbia	25		
	P ₂	age 2		Page 4
1	Deposition of JOHN AUGUSTIN SCHULTZ, JR.,	1	APPEARANCES CONTINUED	1 11.50
2	held at the offices of:	2	ON BEHALF OF THE RESPONDENTS:	
3		3	WILLIAM C. SILVIS, ESQUIRE	
4		4	U.S. DEPARTMENT OF JUSTICE	
5	U.S. DEPARTMENT OF JUSTICE	5	950 Pennsylvania Avenue, NW	
6	450 5th Street, Northwest	6	Washington, DC 20530	
7	Washington, DC 20001	7	(202) 307-4693	
8	(202) 307-4693	8		
9		2	ON BEHALF OF THE DEFENDANT ICE:	
10		10	KATHLEEN THACKER, ESQUIRE	
11		11	U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT	
12		12	500 12th Street, Southwest	
13	Pursuant to notice, before ANGELA K.	13	Washington, DC 20536	
14	MCCULLOUGH, RPR, Notary Public in and for the	14	(202) 732-2427	
15	District of Columbia.	15		
16		16		
17		17		
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) //	12/2018				Pages 5-
1		CONTENTS	Page		Page PROCEEDINGS
2	EXAMINATION OF 5	JOHN AUGUSTIN SCHULTZ, JR.	PAGE		
3	By Ms. Scott	, , , , , , , , , , , , , , , , , , , ,	7	2	, , , , , , , , , , , , , , , , , , , ,
4	By Mr. Silvis	3	217	3	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
5	By Ms. Scott		231	4	Miller Canfield on behalf of Petitioners.
6	-			5	MS. SCHLANGER: I'm Margo Schlanger, also
7				6	on behalf of the Petitioners.
8		EXHIBITS		7	MS. SCOTT: Could you could you put your
9	(Exhibits	s attached to transcript)		8	name on the record.
0	EXHIBIT NO.	o accaonca co cranborrigo,	PAGE	9	MR. SILVIS: Do you want to
1	Exhibit 1	6-12-18 declaration	10	10	
2	Exhibit 2	11-30-17 declaration	32	11	Justice, for the respondents.
3	Exhibit 3	Letter	40	12	1 1 1
4	Exhibit 4	E-mail		13	
5		8-4-17 e-mail from Schultz	85	14	
	Exhibit 5 Exhibit 6		101	15	3 to 1
5	EXHIDIT 6	1-11-18 e-mail, Maldonado to	104	16	
7	n 1:11:11 n	Clinton		17	- ,
8	Exhibit 7	1-17-18 e-mail from Ochoa	104	18	· · ·
9	Exhibit 8	E-mail from Schultz	116	19	called as a witness by counsel for Plaintiffs and
0	Exhibit 9	Unidentified	124	20	Petitioners, and having been duly sworn by the
1	Exhibit 10	Unidentified	130	21	Notary Public, was examined and testified as
2	Exhibit 11	12-6-16 letter from		22	Follows:
3		Al-Sahafi	144	23	EXAMINATION BY COUNSEL
4	Exhibit 12	Unidentified	146	24	FOR PLAINTIFFS AND PETITIONERS
5	Exhibit 13	6-7-17 letter	147	25	BY MS. SCOTT:
_			Page	6	Page
1		BITS CONTINUED	_	1	Q So, Mr. Schultz, have you been deposed
2	EXHIBIT NO.		PAGE	2	before?
3	Exhibit 14		155	3	A No.
4	Exhibit 15	E-mail	158	4	Q All right. I'm going to assume that your
5	Exhibit 16	DHSHAMAMA000052	163	5	counsel has given you instructions about how the
6	Exhibit 17	Unidentified	171	6	deposition works. We have scheduled, planned
7	Exhibit 18	Letter	181	7	breaks, but I'm happy to take an unscheduled break
8	Exhibit 19	E-mail	184	8	if you feel that you need it. I may need it.
9	Exhibit 20	E-mail	186	9	Just let me know.
0	Exhibit 21	E-mail chain	188	10	I am not familiar with the government or
1	Exhibit 22	E-mail, Farmer to Schultz	190	11	your agency. So I am going to ask you a lot of
2	Exhibit 23	E-mail chain	207	12	questions today that may seem very basic. And
3	Exhibit 24	10-27-17 e-mail,		13	it's because I'm just trying to understand how the
4		Bernacke to Schultz	215	14	organization works. So if I have misstated
5				15	something or used the wrong acronym, please
6				16	clarify for me.
7				17	
3				18	Q Because I may not realize that I'm doing
9				19	
0				20	
1				21	
2				22	
3				23	-
4				24	
25				25	
				45	you can go aneau and answer arrer the objection.

Page 33 Page 35 1 which is your declaration that was executed on 1 I forget his title. 2 November 30th, 2017. 2 Q Okay. N-a-z-i-r? 3 Do you recognize this document? 3 A Yeah. 4 A Yeah. 4 O Oh, Ms. Schlanger reminds me that 5 everybody has multiple names. 5 Q Okay. If we go to paragraph 4, it says, 6 6 "Travel documents for many Iraqi nationals are now Do you know what his first name is, or the 7 being approved directly by Baghdad." 7 other names that he uses? 8 What do you mean by the use of "Baghdad"? 8 A Unfortunately, I don't recall. But I can 9 9 A I just mean the government for Iraq. tell you, if you Google it during the break, 10 Q Is there a particular ministry or unit of 10 Mr. Nizar, Iraq MFA, you'll be able to get his the Iraqi Government that you're referring to 11 information. 11 12 here? 12 Q Is it your understanding that he has a 13 A So the -- no. There's an interministerial 13 fairly high-level position within the Ministry of 14 ^ i found this inter-ministerial and inter 14 Foreign Affairs? ministerial. Was this in a document? I want o 15 15 A It's my understanding he has a high level. 16 make sure i don't have it wrong committee 16 Q And the Ministry of Foreign Affairs is 17 of different -- different ministries make it up. 17 often referred to as MFA; is that correct? And they work on the travel document or removal 18 18 A Mm-hmm. 19 issue. 19 Q And going forward, we'll use "MFA." 20 20 Q Okay. So, in general, when there's A Okay. At what point -- what is your 21 references to seeking approval from Baghdad, 21 22 you're -- the term "Baghdad" is referring to that 22 understanding of when Mr. Nizar became the main 23 interministerial committee; is that correct? 23 contact for obtaining travel documents? 24 A So it was just recent, within the last A Yeah. To my knowledge, it's -- it's 24 25 three weeks or so, when I had made a determination correct. When we're -- when I say that we're Page 34 Page 36 going to Baghdad, essentially, what -- what ICE is to travel to Baghdad to discuss the travel 1 2 doing is asking the Department of State at the US document procurement process. 3 I met with the deputy chief of mission at Embassy in Baghdad to engage the government of 4 the Iraq Embassy in Washington to determine whom I Iraq. 5 I personally don't know if they have one 5 should speak to. And they gave me the name of the point of contact in one single ministry who they individual. 6 7 7 Q All right. So I'm going to put it -- a speak to who, then, discusses it amongst 8 themselves within the government of Iraq 8 more specific date to that meeting. 9 bureaucracy. But we do -- do all our dealings 9 A Sure. 10 through the US Embassy in Baghdad. 10 Q Would it have been during the week of 11 Q So, if I understand you correctly, you 11 June 25th? don't -- in general, you don't know who 12 12 A If today is July 12th, it was most 13 specifically in the government of Iraq is being 13 likely -- yeah. I actually have my passport. I 14 asked to do the approvals in any given situation; 14 can look at my --15 is that correct? 15 Q Can you take a look? 16 A At the time that I signed this, I just 16 A I can look at my visa and see when it was 17 knew it was the -- someone within the Iraq 17 issued. 18 Government. Recently, I've learned that there's 18 Q Thank you. 19 one point of contact who is the -- the main 19 A I can tell you exactly when. 20 conduit to getting the travel documents. And he's 20 BY MS. SCHLANGER: 21 the person who really gets everything going. 21 Q Oh, you actually have gone already? 2.2 Q And who is that person? 2.2 A No. I didn't go to Iraq, but I did get 23 A It's Mr. Nizar within the Iraqi 23 the visa. 24 Government. He works within the Ministry of 24 (Witness complies.) 25 Foreign Affairs. And I think it's N-a-z-i-r. And 25 So this was issued -- so it was June 22nd.

			- 1000 00
1	Page 37 BY MS. SCOTT:	1	Page 39 O Any other officials from the Iraqi
2	O Okay. So you were scheduled to to meet	2	Government?
3	with Dr. Nizar; is that correct?	3	A No.
4	A I was attempting to get a meeting	4	Q And did when you say that you discussed
5	scheduled, correct.	5	(a way forward, was there any agreement on a way
6	Q And were you successful?	6	forward?
7	A I was unsuccessful.	7	A Yes. To expedite the travel document
8	Q Did you meet with anybody else to discuss	8	issuance process, we we agreed that we would
9	the travel procurement document to procure	9	provide a cover letter for each presentation
10	travel documents?	10	package, sort of, outlining the subject's criminal
11	A I did not travel to Iraq.	11	history, that they completed their criminal
12	O Did you meet with anybody in the US with	12	sentence, and that their their immigration case
			has been completed.
13	the Iraqi Government to discuss travel documents?	13	•
14	A Subsequent to June 22nd?	14	Q Would that cover letter include any
15	Q Yes.	15	information about whether or not the Iraqi
16	A Yes.	16	national desires to return to Iraq?
17	Q And who did you meet with?	17	A No.
18	A I met with the Ambassador oh, what's	18	Q Did you guys discuss, at this meeting,
19	his name Yasseen Ambassador Yasseen on	19	whether or not Iraq will accept Iraqi nationals
20	July 2nd.	20	(who do not desire to return to Iraq?)
21	Q And where was that meeting at?	21	A At that meeting, what was determined was
22	A The Iraq Embassy in Washington, DC.	22	if we have that cover letter, there's going to be
23	Q Okay. And what happened during that	23	no question regarding whether or not someone wants
24	meeting?	24	to return to Iraq.
25	A So myself, members from my team,	25	Q And who made that statement, that that
	Page 38		Page 40
1	Department of State, the ambassador, the deputy	1	would be the policy?
2	chief of mission, and one other individual from	2	A The ambassador.
3	the Iraq Government were there. And we discussed	3	Q Ambassador Yasseen?
4	a way forward regarding travel documents, as we	4	A Yes, ma'am.
5	had identified some inefficiencies. And we made a	5	Q Did he put that in writing?
6	determination on how we were going to proceed	6	A No. But, subsequent to the meeting, we
7	forward.	7	submitted cover letters for individuals who had
8	Q Okay. So who on your team attended the	8	not voiced their desire to return. And we have
9	meeting?	9	since been notified that the travel documents will
10	A Myself, Michael Bernacke, James Maddox.	10	be issued this Friday.
11	Q Anybody else?	11	Q Okay. So let's put your declaration off
12	A I don't believe so.	12	to the side for a moment.
13	Q And who from the Department of State	13	I'm going to hand you I'm going to hand
14	attended the meeting?	14	you a letter. It says on the bottom, "Respondents
15	A Valerie Chittenden and Peter something	15	Exhibit No. 1." It was used during the last
16	with an H. He's the desk officer for Iraq.	16	hearing with the Court. So I did not mark this;
17	Q And then you said there was one other	17	Nicole Murley did. So it is what appears on
18	(individual from Iraq.)	18	the document is it was handed to us.
19	Do you remember his name?	19	MS. SCOTT: But let's mark this as
20	A So there was the DCM, who is Mohammed	20	Exhibit 3.
21	his name is in one of these declarations.	21	(Exhibit 3 was marked for identification.)
22	Mohammed Tarek? I don't know. But the and	22	THE WITNESS: Thank you.
23	then Yarub something, he is the, like, third	23	BY MS. SCOTT:
24	secretary. He's really Officer Maddox's conduit.	24	Q Have you seen this letter before?
27		1	· · · · · · · · · · · · · · · · · · ·
25	It's his counterpart.	25	A I have not seen this letter before.
	It's his counterpart.	25	A I have not seen this letter before.

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Page 41 Page 43 1 Q Okay. You'll notice that it's signed by 1 volunteering of an individual indicating that they 2 Michael Bernacke, who reports to you, correct? 2 want to return to Iraq. 3 A Mm-hmm. Correct. 3 O At the end of the day, though, Baghdad 4 O You'll notice, on the back page, there are 4 still makes the decision of whether or not the the names of -- one, two, three, four, five --5 travel documents will be issued; is that correct? 5 6 six Iraqi nationals. 6 A At the end of the day, yes. Absent an 7 A Right. 7 individual saying -- going to the embassy and 8 Q Are these the six Iraqi nationals that you 8 saying they want to go back to Iraq, Baghdad makes 9 9 recently submitted a cover letter to the Iraqi the determination regarding the travel document. 10 Government seeking travel documents? 10 Q Okay. What else was discussed during the A I -- I -- I don't know, to be honest with 11 July 2nd meeting? 11 12 12 A So we discussed that letter. The you. 13 Q Okay. Do you know the names of the 13 ambassador requested that individuals with -- that 14 14 ICE focus on removal of individuals with individuals who you recently submitted the cover criminal -- criminal records. I advised him that, 15 letter to the Iraqi Government? 15 16 A No. So Michael signed that letter. OPLA 16 you know, ICE does prioritize individuals based on 17 reviewed the letter. But I didn't look at the --17 criminality. the names of the people on the -- on the letter. 18 18 But, of course, during regular operations, Q So do you know if those individuals that 19 19 if an individual is encountered who has a final are listed on the letter have signed any documents order of removal, an individual still -- who 2.0 doesn't have a criminal history, that individual 21 indicating either that they do not desire to go 21 22 back to Iraq, or that they do desire to go back to is still a priority within our current framework. 23 23 So it would be likely that person would be Iraq? A It's my understanding that the six people 24 24 arrested and -- when we request the travel 25 25 in the cover letter did not sign any documents documents. Page 42 Page 44 indicating that they wanted to return. 1 1 Q What is your understanding of why the 2 Q Mm-hmm. Did -- during your meeting on 2 Iraqi Government wants to prioritize those 3 3 July 2nd, did the Iraqi Government indicate what individuals with criminal records? 4 type of travel documents would be issued for those 4 A I honestly don't know why they want to. 5 six individuals? 5 It's my belief that they feel as though people who 6 A No. ICE is looking to remove who have criminal 7 7 Q Did -- during the meeting, did the Iragi histories were given an opportunity here in the 8 Government indicate whether they will, after these 8 United States, and they didn't take advantage of 9 initial six individuals, continue to issue travel 9 that opportunity. 10 documents for individuals that desire not to go 10 And they understand that they're not only 11 back to Iraq? 11 immigration violators, but they're also criminal 12 12 A Yes. violators. And so that's why they don't -- they 13 Q And what was specifically said on that 13 shouldn't remain. 14 front by the Iraqi Government? 14 Q Did -- was there any discussion about 15 A The ambassador understood that they have 15 repatriation of asylum seekers? an obligation to take back their nationals. 16 A They mentioned asylum. Oh, you know what, 16 17 O Mm-hmm. 17 we had someone from OPLA there, too, Joan Lieberman. 18 A He believes that they're doing good work, 18 19 so far. And that, you know, with this cover 19 Q Okay. Thank you. 20 letter, they have that ability to ship that 20 A Sorry. You brought up asylum, and I 21 information directly to Baghdad -- to their 21 thought -- so they did bring up asylum. And, of 2.2 counterparts in Baghdad who can make the 2.2 course, I brought OPLA with me so she could 23 determination whether or not a travel document is 23 discuss, you know, how we can't divulge any asylum 24 24 information, which the ambassador understood. He going to be issued. 25 25 And they can do that absent any already knew that.

1	Page 45 And, you know, of course, you know, she	1	Page 47 remove the individuals who were on the April
2	had indicated that, you know, during the	2	flight.
3	immigration process, the you know, they can	3	But subsequent to those actions, there was
4	claim asylum but or even subsequent to having	4	the the Statement of Cooperation from the
5	asylum and LPR, you know, we don't we don't	5	Iragis indicating that they would accept 1,400
6	remove people who are you know, have LPR cards	6	individuals and that they would issue travel
7	or asylum. It's when the status is revoked. And	7	documents. So we've migrated from that manifest
8	it's spoke in very general terms.	8	idea that never came to fruition because the
9	Q Was there any discussion about whether or	9	consular officers from Washington ended up issuing
10	not the removal of Iraqi nationals will take place	10	travel documents for the April flight.
11	by charter flight or by commercial flights?	11	O So, for clarification, flight manifests
12	A During that meeting, I don't recall any	12	were never implemented as okay. Let me start
13	discussion on the mechanism of removal.	13	that over.
14	Q And is there a current understanding about	14	I had been under the impression that
15	whether or not charter flights or commercial	15	and, obviously, it's wrong now, but I want to
16	flights will be used for removal of Iraqi	16	clarify that that, at one point, the Iraqi
17	nationals?	17	Government would approve individuals for removal
18	A Not at this time, to my knowledge. No.	18	based upon a flight manifest and didn't require
19	O So there's no agreement with the Iraqi	19	travel documents.
20	Government to use a charter flight, currently?	20	That understanding is incorrect?
21	A Currently, ICE doesn't have a need for a	21	MR. SILVIS: Object to the form of the
22	charter flight.	22	question.
23	O Mm-hmm.	23	BY MS. SCOTT:
24	A So we there's no need to to we	24	Q You can go ahead and answer.
25	engage foreign governments regarding charter	25	A Okay.
25	engage foreign governments regarding charter	25	A ORAY,
	Page 46	_	Page 48
1	flights when there's a need.	1	No. That's correct.
2	Q Mm-hmm.	2	Q Mm-hmm.
3	A So, you know, it's cost prohibitive. ICE	3	A At one point, Iraq was going to accept a
4	is, you know, in a financial crunch. So, right	4	charter flight with a manifest. O Without travel documents?
5	now, we're just not looking to do a charter	5	<u>*</u>
6	flight.	6	A Without travel documents having been
7	Q Okay. Does that mean that Iraq won't	7	issued. But, ultimately, it didn't occur because
8	accept flight manifests in lieu of travel	8	the embassy issued the travel documents for the individuals who were going to be removed with only
9	documents for Iraqi nationals?	9	individuals who were going to be removed with only
	A Co that that is senthing that are in	10	
10	A So that that is something that was in	10	the manifest.
11	place in where are we now? So that was going	11	the manifest. Q Okay. And that was for the April 2017
11 12	place in where are we now? So that was going to be used in the April 2017 flight. And that was	11 12	<pre>the manifest. Q Okay. And that was for the April 2017 flight, correct?</pre>
11 12 13	place in where are we now? So that was going to be used in the April 2017 flight. And that was an idea that really started in November-December	11 12 13	the manifest. Q Okay. And that was for the April 2017 flight, correct? A Correct.
11 12 13 14	place in where are we now? So that was going to be used in the April 2017 flight. And that was an idea that really started in November-December 2016, where we were cutting out the embassy,	11 12 13 14	<pre>the manifest. Q Okay. And that was for the April 2017 flight, correct? A Correct. Q The individuals that were on the</pre>
11 12 13 14 15	place in where are we now? So that was going to be used in the April 2017 flight. And that was an idea that really started in November-December 2016, where we were cutting out the embassy, engaging directly with Baghdad.	11 12 13 14 15	<pre>the manifest. Q Okay. And that was for the April 2017 flight, correct? A Correct. Q The individuals that were on the April 2017 flight, did they indicate to the Iraqi</pre>
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11 12 13 14 15 16 17 18 19 20 21 22 23	place in where are we now? So that was going to be used in the April 2017 flight. And that was an idea that really started in November-December 2016, where we were cutting out the embassy, engaging directly with Baghdad. And since we were cutting out the embassy and dealing directly with Baghdad via our conduit, the Department of State Q Mm-hmm. A we had discussed the use of a manifest, which is, essentially, a name list. You know, John Schultz, date of birth, blah, blah, blah, alien number, criminal history.	11 12 13 14 15 16 17 18 19 20 21 22 23	the manifest. Q Okay. And that was for the April 2017 flight, correct? A Correct. Q The individuals that were on the April 2017 flight, did they indicate to the Iraqi Government whether they desired to be removed to Iraq? A I do not know. Q Do you know if they do you know if they were interviewed by Iraq before their flights? A Yes, they were. Q Do you know if each of those individuals on the April 2017 flight had current passports?
11 12 13 14 15 16 17 18 19 20 21 22 23 24	place in where are we now? So that was going to be used in the April 2017 flight. And that was an idea that really started in November-December 2016, where we were cutting out the embassy, engaging directly with Baghdad. And since we were cutting out the embassy and dealing directly with Baghdad via our conduit, the Department of State Q Mm-hmm. A we had discussed the use of a manifest, which is, essentially, a name list. You know, John Schultz, date of birth, blah, blah, blah, alien number, criminal history. Q Mm-hmm.	11 12 13 14 15 16 17 18 19 20 21 22 23 24	the manifest. Q Okay. And that was for the April 2017 flight, correct? A Correct. Q The individuals that were on the April 2017 flight, did they indicate to the Iraqi Government whether they desired to be removed to Iraq? A I do not know. Q Do you know if they do you know if they were interviewed by Iraq before their flights? A Yes, they were. Q Do you know if each of those individuals on the April 2017 flight had current passports? A Valid passports?
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telephone exchange with the DCM. And, additionally, I was there on June 22nd. And I saw Yarub when I got the visa. Q Okay. So let me back up here. All right. Brown meetings with Iraqi A I didn't have any direct communication A Rouse me. Again, the Iraq Embassy here, in Washington, supported the trip and was communicating with Mr. Nizar's staff regarding my travel. There was no no clear sense that Mr. Nizar was going to be available to meet. But, again, I was trying to get to meet if I couldn't meet the decision-maker, meet someone, you know, who worked immediately under him to documents being issued timely. Q Are you still trying to arrange a meeting with Mr. Nizar to talk about travel documents? A So I intend to travel to Iraq in the future to talk to Ministry officials regarding travel document issues. Q Do you have do you know who you will be meeting if once you do set the date? A So the intent would be that myself and	, / / 1	.2/2010		rages 37-0
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subsequent to the May meeting, we had the July 24 A There were seven people on the charter		-		_
	ی			
because one person didn't get to the staging	1			

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Page 65
                                                                                                                   Page 67
 1
     a lot of meetings with the foreign governments.
                                                              1
                                                                  documents that you can look at?"
 2
            So, in June, like I said, I met with Yarub
                                                              2
                                                                      A I don't have any documents here on hand.
 3
     in -- you know, June 22nd. But that was really
                                                              3
                                                                  You know, there's certainly a lot of communication
 4
    only to get a visa. Because it was a Friday. I
                                                              4
                                                                  dealing with Iraq within the last, you know, two
 5
    was in jeans. I had no intention of meeting with
                                                              5
                                                                  years. And I think the time frame you had
                                                              6
 6
     them.
                                                                  mentioned is the last year. So I just didn't want
 7
                                                              7
            But, you know, other than that, it was --
                                                                  to misspeak.
 8
    like I mentioned, it was e-mail and phone
                                                              8
                                                                         It's always been my understanding in
                                                              9
 9
    communication with the -- with the DCM. He's
                                                                  dealing with the -- the Iraq Embassy here since --
10
    really my -- my equivalent at the embassy.
                                                             10
                                                                  since -- so it's been my understanding that they
11
         Q And, for clarification, that's Mohammed?
                                                             11
                                                                  won't deny individuals who don't want to return,
12
         A Yes, Mohammed. So he's -- he's typically
                                                             12
                                                                  but they will not issue on; in that, they defer to
13
    the person I, you know, contact when I need
                                                             13
                                                                  their headquarters, very similar to our field
14
                                                             14
                                                                  office directors, who often won't release somebody
    something.
15
         Q How many calls did you have with Mohammed
                                                             15
                                                                  from custody and will refer the cases up to
16
    during June 2018?
                                                             16
                                                                  headquarters for my unit to do so.
        A Maybe -- less than ten.
                                                             17
17
                                                                         So it's my understanding and my belief
                                                             18
                                                                  that the embassy often doesn't want to be seen as
18
         Q Okay.
19
         A I wanted to say five. But let's say less
                                                             19
                                                                  assisting the US Government too much in the
    than ten.
                                                             20
2.0
                                                                  removal aspect.
         Q During any of those calls, did you discuss
21
                                                             21
                                                                       Q Okay. I'm going to be tenacious here. So
22
    the issue of Iraq issuing travel documents for
                                                             22
                                                                  I'm going to go back to the question about
    nationals who indicated they did not desire to go
                                                             23
23
                                                                  Baghdad. Okay?
                                                                         Have you -- or do you know of any instance
24
    back to Iraq?
                                                             24
25
    A Yes.
                                                             25
                                                                  in which Baghdad has affirmed that they will not
                                                     Page 66
                                                                                                                   Page 68
        Q And what did you discuss with him?
 1
                                                              1
                                                                  accept Iraqi nationals who have not clearly
 2
           I indicated that willingness to return to
                                                              2
                                                                  indicated that they desire to return to Iraq?
    an individual's country has no bearing on their
                                                              3
 3
                                                                      A No. As -- as a matter of fact, the six
 4
                                                              4
                                                                  individuals who didn't volunteer to return to Iraq
    removal.
 5
         Q And what was his response back?
                                                              5
                                                                  are going to be issued travel documents tomorrow
         A I don't know -- exactly recall, you know,
                                                              6
                                                                  on orders from Baghdad. So that's a clear
 7
                                                              7
    word for word, verbatim. But, again, he indicated
                                                                  indication to me that irregardless of whether
 8
    that they don't have the authority to issue travel
                                                              8
                                                                  someone wants to return to Iraq, the government of
 9
    documents for those who -- who haven't
                                                              9
                                                                  Iraq is going to do their international obligation
    volunteered, that it's got to go through Baghdad,
                                                             10
                                                                  and issue travel documents for individuals who
10
11
    and that we have to, you know, continue to push
                                                             11
                                                                  have been ordered removed from the United States.
                                                             12
12
    Baghdad to get the travel documents to be issued.
                                                                      Q Okay. Other than the anticipated
13
         Q Did he indicate to you Baghdad's position
                                                             13
                                                                  documents that you're expecting to receive
14
    on whether or not travel documents would be issued
                                                             14
                                                                  tomorrow, has Baghdad ever indicated that they
15
    for Iraqi nationals who have not indicated they
                                                             15
                                                                  would accept Iraqi nationals who have indicated
                                                             16
16
    desire to return to Iraq?
                                                                  they do not desire to return to Iraq?
17
        A No.
                                                             17
                                                                      A I would have to go through all the cases
         Q At any point since June 1, 2017, has
                                                             18
                                                                  who have been issued travel documents to see who
18
19
    Baghdad indicated what its policy is about
                                                             19
                                                                  didn't, you know, affirmatively state that they
20
    accepting Iraqi nationals who desire not to return
                                                             20
                                                                  want to go back to Iraq.
                                                                         It's my impression and my understanding
21
    to Iraq?
                                                             21
        A Not that I recall.
2.2
                                                             2.2
                                                                  that the individuals from the April charter
23
         Q Is there any documents that you could look
                                                             23
                                                                  weren't necessarily the individuals who
```

at to refresh your memory?

Can you change that to "Are there any

24

25

24

25

volunteered to return.

Q But -- but you don't know for certain if

```
Page 77
                                                                                                                   Page 79
1
    they're not state-owned enterprises. They're
                                                              1
                                                                      A I guess it's either way, right? It -- you
2
    for-profit businesses. They captain has got the
                                                              2
                                                                  know, ICE -- I was speaking for the collective
3
    final say. So we can't just say, "We're the
                                                              3
                                                                  organization. You know, I expect. My unit chief
4
    Federal Government; we're putting him on."
                                                              4
                                                                  expects. My DDO expects.
5
            So the -- that leaves us with -- the only
                                                              5
                                                                         For me, I don't see a difference between
                                                              6
6
    alternative is either try again -- and he'll
                                                                  "ICE expects" or "I expect." I mean, I'm signing
7
    probably do the same thing -- or do a charter
                                                              7
                                                                  this. So when I say "ICE expects," me signing it
8
    flight.
                                                              8
                                                                  is the same thing as saying "I expect." Maybe
9
                                                              9
                                                                  it's just a nuancing in words. I don't --
           Another -- another reason why we would do
10
    a charter flight is if the numbers make sense. So
                                                             10
                                                                      Q Okay. And this declaration was signed in
    we have daily charters to Honduras and Guatemala
                                                             11
                                                                  November of 2017.
11
12
    and El Salvador, and monthly charters to Ecuador,
                                                             12
                                                                         What was the basis for the statement that
13
    Jamaica, Haiti, et cetera. So, if the numbers
                                                             13
                                                                  ICE expects to receive travel documents?
14
    make sense.
                                                             14
                                                                      A So it was our understanding from the
                                                                  Statement of Cooperation from the Iraqis, that
15
           And then, every now and then, a country
                                                             15
16
     just wants a charter. They say, "Hey, you know
                                                             16
                                                                  they would -- they would accept the return of the
17
    what, it's easier for us to get everybody who is
                                                             17
                                                                  final orders -- final orders -- they would accept
                                                                  the return of the 1,400 Iraqi nationals who got
18
    involved in, you know, handling removals to the
                                                             18
19
    airport at the same time. So let's have all the
                                                             19
                                                                  final orders of removal in the United States. And
20
                                                             20
                                                                  subsequent to the litigation -- or absent the
    aliens come on a charter flight."
21
            So those are, really, the three reasons
                                                             21
                                                                  litigation, the individuals would be removed.
22
    why we do that.
                                                             22
                                                                         So what I'm -- what I'm saying there is
23
                                                             23
                                                                  that those who were excluding themselves from the
            So, you know, charter flights, they're
24
    fully operational. Trust me. We got a number of
                                                             24
                                                                  lawsuit, we fully expect that we're going to get
25
    charter flights scheduled for the summer. But,
                                                             25
                                                                  travel documents based on the Statement of
                                                     Page 78
                                                                                                                   Page 80
       you know, ideally, in the perfect world, it would
1
                                                              1
                                                                  Cooperation.
2
       be much easier just to go commercial.
                                                              2
                                                                      Q And what is the Statement of Cooperation
3
            Q So it's possible, in the future, you could
                                                              3
                                                                  that you're referring to?
4
       be using charter flights to provide Iraqi national
                                                                      A So it's, essentially -- we had gotten
5
        removal?
                                                              5
                                                                  notification that -- in March 2017, that the
6
                                                                  Iraqis had indicated that they were ready to put
           A Yes.
7
                                                              7
            Q Okay. So prior to -- to May 2018, what
                                                                 in place this interministerial committee
8
       was Iraq's status? You know, it's now
                                                                  deportation to issue travel documents to the -- to
9
                                                              9
        cooperative. Was it cooperative on May 2017?
                                                                  issue travel documents or accept removal of? I
10
                                                                  believe it's to issue travel documents of the
            A I'm pretty certain it was. I can look
11
        during lunch and let you know. But I -- I don't
                                                             11
                                                                  Iraqi nationals within 30 days of request. And it
12
                                                             12
       recall off the top of my head.
                                                                  was for the 1,400.
13
            Q Okay. Okay. What is the fiscal year for
                                                             13
                                                                         And so, from that, we had -- we had the
14
        TCE?
                                                                  understanding, or the belief, that all was going
15
            A It's October 1 to September 30th.
                                                             15
                                                                  to -- that they were going to, you know, cooperate
16
            Q All right. Let's go back to
                                                             16
                                                                  and -- and do their international obligation.
17
        Exhibit No. 2.
                                                             17
                                                                      Q Did the Statement of Cooperation address
                                                                  those Iraqi nationals who would indicate that they
18
               (Exhibit 2 was referenced.)
                                                             18
19
        BY MS. SCOTT:
                                                             19
                                                                  desired not to remove -- be removed to Iraq?
20
                                                             20
                                                                      A I don't recall that as being one of the
            Q And let's look at paragraph 7.
21
              And the third sentence says, "ICE expects
                                                             21
                                                                  pillars of the Statement of Cooperation.
2.2
        to receive travel documents for all individuals
                                                             22
                                                                      Q It was -- was the Statement of Cooperation
23
        that ICE has requested to remove to Iraq."
                                                             23
                                                                  silent on that front?
24
                                                             24
                                                                      A Yeah, I think so.
               Why did you say "ICE expects" versus "I
```

expect"?

25

25

Q All right. Okay. Okay. Going to

Confidential Pages 85–88

01/	12/2010		1 ages 05 00
1	Page 85 determination.	1	Page 87 communities after 180 days if there is no
2	Q Okay. All right. So you can put that one	2	significant likelihood of removal in the
3	off to the side.	3	reasonably foreseeable future."
4		4	-
	Okay. All right.		Today, is the 180-day mark still the
5	MS. SCOTT: I'm going to mark this as	5	benchmark for determining SLRRFF?
6	Exhibit 4.	6	A Yes.
7	(Exhibit 4 was marked for identification.)	7	Q Have there been any Iraqi nationals since
8	THE WITNESS: Thank you.	8	2017 that have hit their 180 days that have been
9	BY MS. SCOTT:	9	released because SLRRFF does not exist?
10	Q Do you recognize this document?	10	A I'm sorry. Since when?
11	A Yes.	11	Q Since January 2017.
12	Q And what is it?	12	A Since January 2017. I would say yes.
13	A It's an e-mail going out to the the	13	Q Do you know how many?
14	attaches the ICE personnel deployed overseas.	14	A I do not.
15	Q And what is it pertaining to?	15	Q Do you know okay. Can you give me a
16	A The latest Removal Cooperation Initiative	16	roundabout figure? And it's fine to say no. But
17	run.	17	I'm going to keep pushing, just to see if it
18	Q And this is this we were talking	18	triggers your memory.
19	earlier about a cooperative country. This is the	19	A No. No. Unfortunately. I wish I could
20	analysis you were talking about?	20	give you the answer. I'm not trying to be
21	A Yeah.	21	difficult.
22	Q Okay. Let's turn to the second page.	22	I don't know. January 2017 feels like an
23	That's marked ICE0271048. And, if you go down to	23	eternity, long ago, right? But I would say I
24	the paragraph that starts "Although," do you see	24	don't have a number for you. But I don't.
25	that?	25	Sorry.
1	Page 86	1	Page 88 O Okay. That's fine. No. That's fine.
2	Q And it says, "Although the United States	2	So several of the Hamama class members have
3	can extend detention in certain cases, we cannot	3	been in detention longer than 180 days, correct?
4	detain aliens who have not been repatriated to the	4	A Mm-hmm.
5	country of nationality or citizenship because the	5	Q Has there been a SLRRFF analysis for those
6	country will not accept their return."	6	detainees?
7	Under what circumstances can detention be	7	A So my officers have done I know they've
8	extended?	8	done case reviews on on the Hamama class.
9	A So if the officer can officer if ICE	9	And just so you know the mechanism of how
10	can articulate that they're SLRRFF, then detention	10	this works, I just want to back it up a little
11	can be extended. If someone is a mental health	11	bit.
12	threat, we can we can continue detention based	12	Q So answer my question first, and then I
13	on a 241.13. If if someone is deemed to be	13	will give you time to provide that
14	a like, a terrorist, the Secretary, in	14	that process.
15	conjunction with the Secretary of Homeland	15	A Okay. So, yes. The answer is yes.
16	Security, in conjunction with the director of the	16	O Do you know how many?
17	FBI well, in with advice from the director	17	A How many
18	of the FBI, can maintain custody of an individual.	18	Q How many
19	Q Any other situations?	19	A aliens have had their cases reviewed?
20	A Those are, like, the real three ones.	20	Q Yes.
21	Q All right. Then it says, "Under the US	21	A That, I do not.
22	Supreme Court decision in Zadvydas v Davis" and	22	Q All right. So go ahead and give us the
23	it gives the case number "when countries refuse	23	process that
24	or delay the repatriation of their nationals, ICE,	24	A So I just want to lay the foundation of
25	generally, is required to release aliens into US	25	why I can't answer you give you a granular

```
Page 89
                                                                                                                  Page 91
1
    answer, right?
                                                              1
                                                                  been listening very clearly the first time around.
2
           So my -- the officers, the DDOs, detention
                                                              2
                                                                      A I'm sorry.
3
    and deportation officers, do the review. If the
                                                              3
                                                                      Q No. Don't you apologize. That was my
    review is to continue detention, it goes to the
                                                              4
                                                                  fault.
    unit chief. The unit chief reviews it, gives it
                                                              5
5
                                                                         All right. So let's go into the page that
6
    back to the officer.
                                                              6
                                                                  refers to Iraq, which is Bates numbered 271055.
                                                              7
7
       Q Can I stop you right there?
                                                                      A Mm-hmm.
8
           Yes.
                                                              8
                                                                      Q All right. So then this is as of
                                                             9
9
           And who would be the unit chief?
                                                                  February 2017. It -- it discusses a démarche --
10
        A Michael Bernacke. It never comes to my
                                                             10
                                                                  am I saying that correctly?
                                                             11
                                                                      A Yes.
11
    desk.
12
           And then on the flip side is, if an alien
                                                             12
                                                                        -- issued on July 27th, 2011, and
13
   is to be released, the detention and deportation
                                                             13
                                                                  March 31st, 2015.
14
    officer reviews the case. It goes to
                                                             14
                                                                         What is a démarche?
15
    Michael Bernacke, the unit chief. It comes to
                                                             15
                                                                      A So a démarche is, like, an official
16
    John Schultz, the deputy assistant director, who
                                                             16
                                                                  communication between one country and another.
17
    then writes an e-mail to the assistant director
                                                             17
                                                                  So, according to the Department of State, a
                                                                  démarche can be either verbal or written.
18
   saying, "Hey, I intend to release this guy because
                                                             18
19
    of this."
                                                             19
                                                                      O Mm-hmm.
           And so I don't have -- I don't have
                                                             20
                                                                      A It's basically anytime you may admonish
2.0
21
    very -- I don't have visibility on people who are
                                                             21
                                                                  them for something or request something, or
22
    in continued detention.
                                                             22
                                                                  request something strongly, you know. So, you
                                                                  know, a démarche -- like, I don't know what it
23
        Q Okay. You have visibility into those that
                                                             23
    you recommend to be released?
                                                                  said in March 2015 or July 2011. But a typical
24
                                                             24
                                                             25
25
        A For release.
                                                                  démarche today, they're all -- it's boilerplate.
                                                     Page 90
                                                                                                                  Page 92
                                                                  Or, you know, it discusses the importance of
1
         Q Do you have visibility into knowing if
                                                              1
2
    those that you've recommended have been released?
                                                              2
                                                                  removal; the -- you know, the EO, executive
                                                              3
3
         A Those who have been recommended for
                                                                  order --
    release -- I don't go back and check the system.
                                                              4
4
                                                                      O Mm-hmm.
5
    I just assume the officers are doing their job and
                                                              5
                                                                      A -- you know, what the current condition of
    notifying the field to release them from custody.
                                                                  the country's cooperation is; you know, possibly
6
                                                              7
7
         Q Okay. So let me be -- I'm not clear about
                                                                  visa sanctions.
                                                              8
8
    what you're saying.
                                                                         And then, like, what ICE has asked is, "We
9
           So if you make the recommendation, that is
                                                              9
                                                                  ask that you immediately issue travel documents to
    the decision to release; is that correct?
                                                             10
10
                                                                  these ten people who are detained. And, in
11
        A Well -- so the officer makes the
                                                             11
                                                                  addition to that, identify a repeatable process
                                                                  within the next 30 days to handle all the
    recommendation. The unit chief concurs. It comes
                                                             12
12
13
    to me. I, essentially, go to my ADD the same way
                                                             13
                                                                  non-detainees."
14
    the unit comes to me, and I say, "This guy --
                                                             14
                                                                         Something to that effect.
15
    we -- we've got to release him. You know, here
                                                             15
                                                                      Q Okay. Has a démarche been issued to Iraq
16
    are the particulars in the case."
                                                             16
                                                                  since January of 2017?
17
            She'll say yes, concur, or she may say,
                                                             17
                                                                      A So the -- the démarche definition is --
    "Oh, wait a minute. I think you missed something
18
                                                             18
                                                                  like I said, it's verbal. It could be verbal, or
    here. What about this"?
19
                                                             19
                                                                  it could be written.
20
           And then once we get the concur
                                                             20
                                                                         So State Department may consider the
21
    notification -- concur on the release, I tell the
                                                             21
                                                                 July 2nd meeting a démarche. I wouldn't have
2.2
    unit -- Mike, the unit chief, Bernacke, go ahead
                                                             2.2
                                                                 considered it a démarche because I felt like it
23
    and release. And then -- and then the officer
                                                             23
                                                                  was just more of a -- just engagement, right?
24
    cuts a release letter, notifies the field.
                                                             24
                                                                      Q Mm-hmm.
25
         Q All right. So I think I might not have
                                                             25
                                                                      A There -- I just -- we did a dip note. We
```

<u> </u>	.2/2010		1 ages 75 70
1	(did a dip note, which is different than a)	1	Page 95 cabled that over to to the Iraqis. I forget on
2	démarche, which is also an official communication	2	which date. But, essentially, it was asking for,
3	between one country and another, you know, just	3	you know, the issuance of the travel documents for
4	two weeks ago.	4	the six individuals.
5	Q Okay. So let me let me slow you down	5	Q Was there any discussion in that dip note
6	there a second. Okay?)	6	about sanctions or any warnings about sanctions?
7	"Dip note" means diplomatic note?	7	A Without seeing it now, I don't I don't
8	A Mm-hmm.	8	know. Sorry.
9	Q Okay. And compared to a démarche, is it	9	Q That's okay.
10	less of an admonishment?	10	So I think I one of my earlier
11	A For me, a non-State employee, I think	11	questions was the diplomatic note was issued
12	they're relatively the same.	12	(because you didn't weren't able to have the)
13	Q Okay. Okay. And what did the dip note	13	meeting with Mr. Nizar.
14	from two weeks ago say?	14	A Yes.
15	A It was, essentially, asking for the	15	Q Correct? I think I misstated the name
16	issuance of the travel documents for the six	16	earlier. But I think we all understood who I was
17	individuals.	17	talking about, correct?
18	Q Was the	18	A Yes.
19	A So the so the dip so	19	Q All right.
20	I apologize. Sorry. I'm sorry.	20	MS. SCOTT: We only have another 45 minutes
21	Q That's okay.	21	before lunch. So I'm getting exhausted, for the
22	Was the dip note issued prior to the	22	record.
23	July 2nd meeting?	23	MS. SCHLANGER: You had set lunch for
24	A Yes, ma'am.	24	11:45.
25	Q Did the July 2nd meeting result was the	25	MS. SCOTT: Oh, so we only have a half an
	D 04		
1	Page 94 result of a dip note, do you believe?	1	Page 96 hour, almost. So
2	A No, I don't believe so.	2	MS. SCHLANGER: You should do what you
3	Q Was the July 2nd meeting scheduled before	3	want.
4	the dip note went out?	4	MS. SCOTT: Yeah. Okay.
5	A No.	5	BY MS. SCOTT:
6	Q Okay. So what did the dip note say,	6	Q All right. So I had asked you if there
7	specifically?	7	had been any diplomatic notes issued since
8	A The the dip note was, basically, in	8	January 2017, and you responded, "There was one
9	lieu of my meeting. So since I I didn't have	9	two weeks ago."
10	the opportunity to go over, we sent a	10	Were there any others?
11	Q So let me slow you down a second. I don't	11	A I think you asked me if there were any
12	mean to interrupt you.	12	other démarches, but
13	So when you talk about the "meeting," that	13	Q Okay. So that fair enough.
14	(was the meeting you were planning to have with)	14	Were there any other démarches since
15	Mr. Nizar?	15	January 2017?
16	A (No verbal response.)	16	A I believe so. We have a démarche tracker,
17	Q Okay. Go ahead.	17	you know, at the office, you know, on SharePoint.
18	A So so yeah. So since I couldn't get	18	I don't track them in my head. I I don't
19	the that trip to Baghdad on June 25th to meet	19	Q You just don't recollect at this point?
20	with the Ministry of Foreign Affairs, I worked	20	A Yeah. But I'm pretty certain there was
21	with the Department of State Consular Affairs	21	one.
22	Bureau here in Washington to draft a diplomatic	22	Q So let me ask the question about
23	note; essentially, putting on paper what I you	23	diplomatic notes.
24	know, what the intent of the meeting was.	24	Have there been any other diplomatic notes
٥٦	And so that turned out to be a they	25	issued since January of 2017?
25			

Page 99 Page 97 1 A I would say the same. I would say it's --1 documents. Yes, they interview. Yes, it meets 2 it's likely, but I am not 100 percent certain that 2 ICE's needs." 3 there has been. 3 They get 100 percent on that variable. 4 O Is there a tracker of diplomatic notes 4 Then charters. "Well, they did the April 5 5 that were issued? charter. They took everybody." 6 6 A As I mentioned, sometimes there's a gray Yes. That's 100 percent. Right there, 7 area, at least in the non-State side, on dip notes 7 that's 50 points, right? 8 and démarches. So they do sometimes filter into 8 Q Mm-hmm. 9 9 the démarche tracker. A Then you get -- you get -- then you add in 10 Q Okay. All right. So let's go back to 10 the March Statement of Cooperation, where they say, "We're going to take back everybody." 11 this document 11 12 A Sure. 12 So then, you know, ICE is working to get 13 Q So the -- Iraq is listed -- if you go back 13 these individuals, you know, teed up for travel 14 14 documents and everything else. to 271049, the header says, "Removal Cooperation So then since we have what we -- what we 15 Initiative (RCI) Uncooperative Countries' Status 15 16 of Efforts as of February 15, 2017." 16 interpret as SLRRFF, based on their -- their 17 So as of that time, Iraq was identified as 17 statement that they're going to issue travel documents on these 1,400, the -- your ratio of 18 an uncooperative country, correct? 18 19 A Right. 19 releases to returns goes down, right? And so, 2.0 Q Today, it's identified as a cooperative 2.0 then, that scores goes up. So you've got already 21 country? 21 two variables at 100, which gives you 50, you 22 A Right. 22 know, because they're equally weighted. This --23 Q Are there any specific activities or 23 this -- the ratio goes down. So that's going to 24 conduct or statements from Iraq that transferred 24 give you more points. 25 them from uncooperative to cooperative? 25 All you have to do is get above a 70, and Page 98 Page 100 A So with that Statement of Cooperation in 1 you're cooperative. So they're already almost 2 March of 2017, where they said they would take 2 there. And I don't know what that -- the final their individuals back, we also had that -- the 3 3 order to removal time frame is. 4 4 April charter. O Mm-hmm. 5 And then, without seeing the data in front 5 A But, you know, just depending on it, like, of me -- you know, when -- so the -- just to you could've easily seen the -- the numbers 6 7 7 explain the RCI and the score a little bit -- so reduce. And I -- without the data in front of me, 8 the Iraqis said they would interview, right? They 8 I can't say that's exactly what happened. But 9 went. They interviewed. They issued documents 9 that's -- that's a possibility. for all that they interviewed. 10 Q Okay. So -- I mean, I asked you earlier 10 11 So there's four variables, as I mentioned 11 about démarches, not realizing that this document 12 before. So they'd get 100 percent on that one, 12 actually says that you had issued a démarche in 13 right? 13 early -- at some point before February 2017. 14 Q For clarification --14 Do you remember what that démarche was 15 A Yes, ma'am. 15 about? Q -- are you talking about the eight from 16 16 A I don't. 17 April 2017? 17 Q Okay. And then the next bullet point mentions that there's been 21 cases submitted to 18 A Yes. 18 19 0 Okay. 19 Baghdad. 20 20 I'm assuming that means for travel A So they would get 100 percent there. documents, correct? 21 21 Like, so, on the next -- you know, so 22 we -- we do the RCI run twice a fiscal year. 2.2 A That's correct. 23 O Mm-hmm. 23 Q Did Baghdad issue travel documents for 24 24 A So at the next run, the data set would be, those 21 cases? "Well, Iraq did interviews. They issued all the 25 25 A Not to my knowledge.

```
Page 115
                                                    Page 113
    have the ability to look at a case almost like a
                                                               1
                                                                                      AFTERNOON SESSION
2
    consular officer from that foreign country, and
                                                               2
                                                                                                     (12:49 p.m.) is
3
     say whether or not they really believe, you know,
                                                               3
                                                                   this how you want the time place, or centered or
    a travel document is going to be issued. And
                                                                   something else lo
     they're the ones that have that personal knowledge
                                                               5
5
                                                                                   EXAMINATION BY COUNSEL
                                                               6
6
    of the country. They use their experience with
                                                                                 FOR PETITIONERS (RESUMED)
                                                               7
7
    the information provided within the travel
                                                                      BY MS. SCOTT:
8
     document presentation to make -- to make that
                                                               8
                                                                          Q All right. Mr. Schultz, you've been
                                                               9
9
     SLRRFF determination.
                                                                      talking about a gentleman by the name of Nizar --
10
            You know, the consulate of Iraq in LA, the
                                                              10
                                                                      Nizar. I believe that's his first name.
    field may have just submitted the request.
                                                              11
                                                                             Do you now have his complete name?
11
     "Unknown," that means maybe they never called them
                                                              12
                                                                          A Yes. I believe the individual who I was
12
13
    back. Nothing ever happened, right?
                                                              13
                                                                      going to -- who I was attempting to meet with in
                                                              14
14
            For me, if -- if I'm the DDO, this line
                                                                      Iraq is Undersecretary of Bilateral Relations from
15
    here means absolutely nothing to me.
                                                              15
                                                                      the Ministry of Foreign Affairs,
16
         Q Okay. So are there certain specific
                                                              16
                                                                      Nizar Issa Abdul-Hadi Al-Khairalla.
17
     entries that are supposed to be put into this
                                                              17
                                                                          Q All right. And will you hand the court
                                                              18
18
     field?
                                                                      reporter the -- the piece of paper that has the
19
        A Helpful entries.
                                                              19
                                                                      name on it so she can have the spelling --
                                                              20
2.0
         Q So it's -- so it's a wide range?
21
        A Right.
                                                              21
                                                                          Q -- please.
22
         Q It's not a "Select this number" or "Select
                                                              22
                                                                             Thank you.
                                                              23
                                                                              So we were talking earlier about the RCI.
23
     this word"?
24
        A No.
                                                              24
                                                                   And we saw that there were documents that had put Iraq
25
         O Okay. So let's look at Exhibit 7.
                                                              25
                                                                   in the ARON category.
                                                    Page 114
                                                                                                                   Page 116
            (Exhibit 7 was referenced.)
                                                                   Has Iraq moved into the cooperating category?
1
                                                               1
2
    BY MS. SCOTT:
                                                               2
                                                                       A During lunch, I had the opportunity to
                                                               3
3
         Q We're going to look at the same line on
                                                                   review the -- the latest run to ensure that I had
     this one, which, again, is under -- has a header
                                                               4
                                                                   provided you with the correct information.
4
                                                                          Iraq is still currently within the ARON.
5
     "Date Consular/Embassy Person Contacted, Results
                                                               5
6
    Regarding Likelihood of Issuance."
                                                                   So that is where they currently stand. So they're
                                                               7
7
            And it says, "No response."
                                                                   currently ranked at risk of noncompliance.
                                                               8
8
            So would that trigger a SLRRFF analysis?
                                                                       Q So when you were testifying earlier about
9
        A That's on 269857?
                                                               9
                                                                   them being a cooperating country, you weren't
10
                                                              10
                                                                   using the formal category that's used through the
11
         A So this is where the -- the DO in the
                                                              11
                                                                   RCI, correct?
    field e-mailed Julius Clinton, and Julius didn't
                                                              12
                                                                       A Right. They -- they hadn't been
12
13
    respond to the e-mail.
                                                              13
                                                                   classified -- and I may have just misspoke at the
14
         Q Okay. Thank you. Okay. That makes more
                                                              14
                                                                   time. And I verified that they're currently an
15
     sense. Okay. Gotcha.
                                                              15
                                                                   ARON country.
16
        A Okay.
                                                              16
                                                                       Q Okay. We've also been talking about a
17
         Q All right. Let's push those off to the
                                                              17
                                                                   Statement of Cooperation. And I want to see if we
                                                                   can't nail that down a little better about what
18
    side, then.
                                                              18
19
            MR. SILVIS: I just wanted to note the
                                                              19
                                                                   that statement is.
20
     time, too. I don't know what your planning was. I
                                                              20
                                                                          MS. SCOTT: Are we on Exhibit 8?
21
     think this was the prearranged break, but --
                                                              21
                                                                          THE REPORTER: Yes.
                                                              22
                                                                          (Exhibit 8 was marked for identification.)
2.2
            MS. SCOTT: I -- let's go off the record.
23
            (Whereupon, at 11:44 a.m., the deposition
                                                              23
                                                                          THE WITNESS: Thank you.
24
     in the above-entitled matter was recessed, to
                                                              24
                                                                  BY MS. SCOTT:
    reconvene at 12:49 p.m., this same day.)
                                                                       Q So I'm handing you an e-mail from you that
25
                                                              25
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Page 117
                                                                                                                 Page 119
    attaches a cable that is dated March 12th, 2017.
                                                              1
                                                                         That's at paragraph 1, correct?
          Is the cable in this document what you're
                                                              2
                                                                      A That's correct.
                                                              3
 3
    calling the Statement of Cooperation?
                                                                      Q Who is the deputy consul general?
 4
        A It is.
                                                              4
                                                                      A So the -- I don't know the -- the name of
         Q Are there any other Statements of
                                                              5
                                                                  the deputy consul general. But -- so the
 5
                                                              6
    Cooperations or amendments to the Statement of
                                                                  Department of State has different cones, and
 6
 7
    Cooperation?
                                                              7
                                                                  that's how they break up their organization. And
 8
        A No.
                                                              8
                                                                  there's the consular cone. And at the embassies,
 9
                                                              9
           So this is the -- what -- what's reflected
                                                                  you've got your consul general and then your
10
    in Exhibit 8 is the full Statement of Cooperation,
                                                             10
                                                                  deputy. So that would be second to the -- the
                                                             11
11
                                                                  consul general.
        A This -- correct. This is -- this is what
                                                             12
12
                                                                      Q Okay. So those are -- those are referring
13
    I've -- what I consider to be the Statement of
                                                             13
                                                                  to US Government officials, though, correct?
14
    Cooperation.
                                                             14
                                                                      A That's correct. The assistant legal
15
       Q Okay. Was the Statement of Cooperation
                                                             15
                                                                  attache would be an FBI agent.
16
    drafted by the Iraqi Government?
                                                             16
                                                                      O Okay. And when we've been talking
17
        A So this -- this cable was drafted by --
                                                             17
                                                                  about -- okay.
   let's see. It was drafted by Bridgette Wheeler of
18
                                                             18
                                                                         Going down further in that same paragraph,
    the Department of State.
19
                                                             19
                                                                  it says, "Al-Rikabi said the committee had
                                                             20
2.0
        Q Do you have any -- any documents from Iraq
                                                                  identified four necessary steps for Iraq to
21
    which has set forth in writing the Statement of
                                                             21
                                                                  facility the deportations."
22
    Cooperation? And when I say "you," I mean ICE or
                                                             22
                                                                         And one of those is consular access.
                                                             23
23
    any other department of the Government.
                                                                         Do you have an understanding of why they
                                                             24
24
        A To my knowledge, there's no written
                                                                  needed consular access?
                                                             25
25
    acknowledgement of a Statement of Cooperation or
                                                                      A So it's -- my understanding from meeting
                                                    Page 118
                                                                                                                 Page 120
                                                                  with the Iraq Embassy in Washington, is that the
    written agreement that codifies this information.
 1
                                                              1
 2
         Q Okay. Do you know if any member of the
                                                              2
                                                                  consular access was just to meet with the
 3
                                                              3
```

Iraqi Government was handed this cable and asked to confirm the statements within it are accurate?

A I do not know if anybody from Iraq verified this cable.

4

5

6

7

8

9

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19

20

21

2.2

23

24

25

Q Do you know who would be able to confirm if Iraq has received this cable and confirmed its accuracy?

A I -- I would -- I would guess that it would either be Bridgette Wheeler or, perhaps, Ambassador Silliman, whose signature is digitally on this cable, regarding the -- the statement.

Typically, from my experience in past meetings -- bilateral meetings, there is sort of an agreement in notes of the -- what's transpired during the meeting. So this may have occurred in this case. So I'm sure, if needed, at some point, somebody could figure that out.

Q All right. So let's walk through the

document. So, according to this document, the deputy consul general and the assistant legal attache met with Dr. Kadim Al-Rikabi from the Ministry of Foreign Affairs.

nationals who would be returned, sort of to ensure 4 that they had a place to go upon arrival within 5 Iraq.

Q Was it your understanding that part of the consular access was to confirm whether the Iraqi national wanted to return to Iraq?

A No.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

2.2

23

24

25

Q And then it says, "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."

What's the first group of deportees?

A So, during this time, we were still working on getting that April charter up. I'm not 100 percent certain what -- or what the cable is referencing that Al-Rikabi was indicating would be the first group. I can only guess that the first group would be to finalize that charter that we were working on, and, then go from there.

Q Okay. And do you know if it -- if the -if the finalization did take place within 30 days? A Of -- of the -- the April charter was out

O17 1	12/2010		1 uges 121 124
1	Page 121 37 days later, roughly.	1	Page 123 countries to. And that's the response we would
2	Q Okay. Okay. Let's go down to	2	like to get from Iraq.
3	paragraph 2. So let's go down to paragraph 2.	3	Q So, according to this cable, the Statement
4	The it says that an interministerial	4	of Cooperation anticipated that the government of
5	committee on deportations was formed, and it	5	Iraq would issue travel documents rather than
6	identifies various ministries that are part of the	6	approve a flight manifest, correct?
7	interministerial economy.	7	A I don't think it says "rather than." But
8	Earlier, we were talking about references	8	it does say "would streamline in the need for
9	to Baghdad, and getting travel documents approved	9	travel documents."
10		10	Right. They would issue travel documents.
	by Baghdad, and you mentioned a committee.		-
11	Is this the same committee you were	11	Q And for the April 2017 flight, travel
12	talking about?	12	documents were issued; correct?
13	A Yes.	13	A That is correct.
14	Q Does this committee still exist? Do you	14	Q And there was going to be a flight in June
15	know?	15	2017; is that correct?
16	A To	16	A That's correct.
17	Q Today?	17	Q And for that flight, ICE was attempting to
18	A To my knowledge, yes.	18	get travel documents for those Iraqi nationals,
19	Q Have they have the members of this	19	correct?
20	committee changed at all since March 2017?	20	A That's correct.
21	A I do not know.	21	Q At any time, did ICE try to effectuate the
22	Q Do you know who are who are the members	22	June 2017 flight by submitting a flight manifest
23	of the committee? Individuals?	23	versus obtaining travel documents?
24	A No.	24	A No. It was my intention to get travel
25	Q And then yes. And then it talks about	25	documents for the individuals on the flight.
	Page 122		Page 124
1	a Deputy Foreign Minister Khairalla.	1	Q Okay. All right. Iraq will sometimes
2	Is that Mr. Nizar, that we've been talking	2	will sometimes issue a laissez-faire well,
3	about today?	3	sorry. That's my economics background. I
4	A That falls in line with his name. So I	4	apologize. I'm going to start over.
5	would assume, yes.	5	Okay. The Iraqi Government will sometimes
6	Q Okay. Do you know what the the paren	6	issue a laissez-passer?
7	"Rucktail" means?	7	A Mm-hmm.
8	A I don't know off the top of my head.	8	Q Am I pronouncing that correctly?
9	Sorry.	9	A Laissez-passer.
10	Q Okay. Do you know when the April 2017	10	Q Okay. Is that sufficient to allow an
11	when an agreement to allow the April 2017 charter	11	Iraqi national to be deported on a commercial
12	to go forward was reached with Iraq?	12	plane?
13	A I don't know.	13	A Yes.
14	Q Okay. All right. And then down at four,	14	Q I told you we're asking you some very
15	it says it says that Al-Rikabi said that "once	15	basic questions.
16	a deportation notification and accompanying	16	All right. Now, we're going to get into
17	documents were received by the MFA, the Ministry	17	some numbers, which should make for some fun.
18	of Interior would review and verify the evidence	18	MS. SCOTT: Okay. This is going to be
19	of citizenship provided by the United States."	19	Exhibit 9.
	Has there ever been a requirement on how	20	(Exhibit 9 was marked for identification.)
120		21	THE WITNESS: Thank you.
20	long the review and verification of evidence of		THE MITHEUN. THATE YOU.
21	long the review and verification of evidence of		RY MS SCOTT:
21 22	citizenship would take?	22	BY MS. SCOTT:
21 22 23	citizenship would take? A So it's Ice's typical stance that a travel	22 23	Q Do you recognize this document?
21 22 23 24	citizenship would take? A So it's Ice's typical stance that a travel document be issued within 30 days of a request.	22 23 24	Q Do you recognize this document? A Yes.
21 22 23	citizenship would take? A So it's Ice's typical stance that a travel	22 23	Q Do you recognize this document?

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Page 145
                                                                                                                  Page 147
    this were to be dated July 2018, and then the
                                                              1
                                                                     document. But that's not to say I haven't seen
2
    officer had recommended release, then I would've
                                                              2
                                                                     it.
                                                              3
3
    certainly seen this. Yes.
                                                                         Q Okay. So let me ask you this, then:
4
         O Okay. The second-to-last sentence --
                                                              4
                                                                     you familiar with Iraq making statements to
    actually, it's the very last part of the first
                                                              5
                                                                     various European Union countries and Canada
5
                                                              6
6
    sentence of the document. It starts with, "Also,
                                                                     about -- let me start over.
7
    Mr. Shou stated that he is unwilling voluntary
                                                              7
                                                                             In January 2017, were you aware that other
8
    repatriated to Iraq. Therefore, and according to
                                                              8
                                                                  countries were being told by Iraq that they would not
                                                              9
9
    our regulations, we will not be able to start any
                                                                  accept and force repatriation of their nationals?
10
    application for him at this time."
                                                             10
                                                                         A No. I do know about the Brussels' working
11
            Did I read that correctly?
                                                             11
                                                                     group. But it's a working group that the US group
12
        A You did.
                                                             12
                                                                     doesn't have an active role in. We only have an
13
         Q Okay. Do you know what happened after
                                                             13
                                                                     observation role. So, unfortunately, since we
                                                             14
14
    receiving this letter with regards to Mr. Shou's
                                                                     didn't have much of a role in it, I wasn't very
15
    detention?
                                                             15
                                                                     engaged in what was going on. So that's why I
16
         A I do not.
                                                             16
                                                                     said I don't know if I recall it.
17
         Q Would that type of -- of statement from
                                                             17
                                                                            Like, I may have seen this document. But
                                                                     if I did, I didn't pay much -- I didn't give them
                                                             18
18
    the Iraqi Government trigger a SLRRFF analysis?
19
         A What I would have -- I -- I don't know
                                                             19
                                                                     much of my attention. So I don't recall reading
20
    what happened in this particular case.
                                                             20
                                                                     this readout from this teleconference.
21
         O Mm-hmm.
                                                             21
                                                                         Q Okay. So let's leave it at that, then.
22
         A But what I would've liked to have had
                                                             22
                                                                            All right. Okay.
    happen is that the officer brought it to the
                                                             23
                                                                            MS. SCOTT: Let's mark this next one as
23
    attention of his -- this went to the -- this went
24
                                                             24
                                                                     Exhibit 13.
25
    to the -- the office in Detroit, not to my
                                                             25
                                                                            (Exhibit 13 was marked for
                                                    Page 146
                                                                                                                  Page 148
    officer. My officer should've, eventually, gotten
                                                                       identification.)
1
                                                              1
2
    it, but I'm not certain if he did. But I would've
                                                              2
                                                                 BY MS. SCOTT:
3
    liked my officer to -- to talk to his unit chief
                                                                      Q So this document is a June 7th, 2017,
4
    to make contact with the embassy to discuss this
                                                                 letter from the consul of Iraq in Washington, DC,
5
    situation. Because, again, volunteering to return
                                                              5
                                                                 to the Department of Homeland Security,
6
    to your country is not part of the removal order.
                                                                 Mr. Julius Clinton, who was somebody that worked
7
                                                              7
                                                                 under you, correct?
         Q Okay. I understand that.
8
            But if Iraq is indicating that they will
                                                              8
                                                                      A That's correct.
9
    not start any applications for travel documents
                                                              9
                                                                      Q Have you seen this document before?
                                                                      A Yes. It looks familiar.
10
    for an individual, that means you cannot
                                                             10
11
    repatriate the individual to Iraq, correct?
                                                             11
                                                                      Q Okay. And it says, "With reference to
12
         A So -- yes. I -- if they indicate that
                                                                 your request for travel documents for the aliens
                                                             12
13
    they're not going to start anything. But this is
                                                             13
                                                                 whose names are listed in the attachment, kindly
14
    from the consul. The embassy oversees the
                                                                 be advised the Embassy of the Republic of Iraq in
                                                                 Washington, DC, is unable to issue such travel
15
     consuls. So we should engage the embassy.
                                                             15
16
         Q Okay. Okay. Now I understand most of
                                                             16
                                                                 documents for the lack of required official Iraqi
17
    your answers. Okay. Thank you. Okay.
                                                             17
                                                                 documents."
            MS. SCOTT: So I'm going to mark the next
                                                                   Did I read that correctly?
18
                                                             18
19
    as Exhibit 12.
                                                             19
                                                                      A Yes.
20
            (Exhibit 12 was marked for
                                                             20
                                                                      Q Okay. And then the second-to-last
21
            identification.)
                                                             21
                                                                 sentence starts -- it says, "The applicant must
2.2
    BY MS. SCOTT:
                                                             2.2
                                                                 submit with his request an original and valid
23
         Q Okay. Are you familiar with -- with
                                                             23
                                                                 Iraqi personal identification card and Iraqi
24
                                                             24
                                                                 citizenship certificate and should express orally
    Exhibit 12?
25
        A I -- I don't necessarily recall this
                                                                 and in writing his willingness to return to Iraq
                                                             25
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Confidential Pages 149–152

	Page 140	1	Page 151
1	Page 149 (voluntarily in order to be issued a travel)	1	Page 151 A (Mm-hmm. That's correct.)
2	document."	2	Q And did you did ICE submit travel)
3	Did I read that correctly?	3	documents to the embassy in DC for these
4	A Correct.	4	individuals in in May or June 2017?
5	Q And if you turn the page, there's a list	5	A For the
6	of 24 individuals. The person at No. 9 is	6	Q For these individuals.
7	Usama Hamama, which is the petitioner in the	7	A Oh, for those sorry. For those
8	(Hamama litigation, correct?)	8	individuals, I can only surmise from this letter
9	A I actually don't know his first name.	9	that Julius sent those cases to the Iraq Embassy
10	Q Okay. Well, let me represent that to you.	10	in Washington, DC.
11	A Okay.	11	Q But you don't know for sure?
12	Q All right. So upon receiving this letter,	12	A I do not know for sure.
13	was there a SLRRFF analysis conducted as to	13	Q So you don't know for sure if what the
14	whether or not Mr. Hamama could be removed to	14	embassy is saying here has been directed by
15	Iraq?	15	Baghdad to State, do you?
16	MR. SILVIS: Object to the foundation.	16	A I do not know for sure,
17	THE WITNESS: So what what this letter	17	Q What did what happened after this
18	states is something that the embassy has stated	18	letter was received to obtain travel documents for
19	after the Statement of Cooperation had come out.	19	these individuals?
20	I had met with the ambassador. And,	20	MR. SILVIS: Object to the form.
21	basically, this letter states the embassy will not	21	THE WITNESS: These cases were I don't
22	issue the documents. You know, they wanted to have	22	know for certain. But these cases should've been
23	Baghdad mandate that the embassy issue the	23	part of that 280 tranche that was sent to Baghdad
24	documents. So this document this statement is	24	during the same time frame.
25	not saying that they're not going that they're	25	Q And did you receive any statement from
	P 150		
1	Page 150 (not Iraqi. This is just more of their way of	1	Page 152 Baghdad on those 280 requests after this letter
2	saying, "Go through your other channel. Go through	2	was received by Julius Clinton?
3	Department of State as as you did with the	3	A I don't recall any written notification
4	April 2017 charter, those individuals, to get	4	from the embassy or from the or from Baghdad
5	the travel to get the the authorization to	5	regarding the 280 cases.
6	issue travel documents."	6	Q Did Baghdad issue any travel documents
7	Have it come from Iraq versus the embassy.	7	after June 7th, 2017, for these individuals
8	Q Okay. Where in this letter does it say	8	after after this letter was received?
	that you should go to Iraq, or what we've been	9	MR. SILVIS: Just a clarification. What do
10	(calling Baghdad, to get the documents?)	10	you mean, "these"? Are you pointing to the
11	A The letter doesn't explicitly say that.	11	you're pointing to the letter.
12	But I know from my experience and my engagement	12	MS. SCOTT: I'm pointing to the individuals
13		13	on the letter.
14	with the the Iraqi Embassy, especially after		
	with the the Iraqi Embassy, especially after the the e-mail on March 12th or March 13th		MR. SILVIS: Okay. So you're pointing to
15	the the e-mail on March 12th or March 13th	14	MR. SILVIS: Okay. So you're pointing to the individuals in '17?
	the the e-mail on March 12th or March 13th regarding the interministerial committee on	14 15	the individuals in '17?
16	the the e-mail on March 12th or March 13th regarding the interministerial committee on deportations. I I met with the embassy, and	14	
16 17	the the e-mail on March 12th or March 13th regarding the interministerial committee on deportations. I I met with the embassy, and they they said they outlined, you know,	14 15 16	the individuals in '17? MS. SCOTT: So let me let me clarify the record.
16	the the e-mail on March 12th or March 13th regarding the interministerial committee on deportations. I I met with the embassy, and	14 15 16 17	the individuals in '17? MS. SCOTT: So let me let me clarify the
16 17 18 19	the the e-mail on March 12th or March 13th regarding the interministerial committee on deportations. I I met with the embassy, and they they said they outlined, you know, which cases they wanted to go to the to Iraq, cases that they wanted to come to Washington.	14 15 16 17 18 19	the individuals in '17? MS. SCOTT: So let me let me clarify the record. MR. SILVIS: Sure. BY MS. SCOTT:
16 17 18 19 20	the the e-mail on March 12th or March 13th regarding the interministerial committee on deportations. I I met with the embassy, and they they said they outlined, you know, which cases they wanted to go to the to Iraq, cases that they wanted to come to Washington. And this is, essentially, stating that	14 15 16 17 18 19 20	the individuals in '17? MS. SCOTT: So let me let me clarify the record. MR. SILVIS: Sure. BY MS. SCOTT: Q After receiving this letter, and after
16 17 18 19 20 21	the the e-mail on March 12th or March 13th regarding the interministerial committee on deportations. I I met with the embassy, and they they said they outlined, you know, which cases they wanted to go to the to Iraq, cases that they wanted to come to Washington. And this is, essentially, stating that these cases should go directly to Iraq without	14 15 16 17 18 19 20 21	the individuals in '17? MS. SCOTT: So let me let me clarify the record. MR. SILVIS: Sure. BY MS. SCOTT: Q After receiving this letter, and after Baghdad having received the 280 travel documents,
16 17 18 19 20 21 22	the the e-mail on March 12th or March 13th regarding the interministerial committee on deportations. I I met with the embassy, and they they said they outlined, you know, which cases they wanted to go to the to Iraq, cases that they wanted to come to Washington. And this is, essentially, stating that these cases should go directly to Iraq without explicitly saying that.	14 15 16 17 18 19 20 21 22	the individuals in '17? MS. SCOTT: So let me let me clarify the record. MR. SILVIS: Sure. BY MS. SCOTT: Q After receiving this letter, and after Baghdad having received the 280 travel documents, did Baghdad issue travel documents?
16 17 18 19 20 21 22 23	the the e-mail on March 12th or March 13th regarding the interministerial committee on deportations. I I met with the embassy, and they they said they outlined, you know, which cases they wanted to go to the to Iraq, cases that they wanted to come to Washington. And this is, essentially, stating that these cases should go directly to Iraq without explicitly saying that. Q Okay. So the the travel documents	14 15 16 17 18 19 20 21 22 23	the individuals in '17? MS. SCOTT: So let me let me clarify the record. MR. SILVIS: Sure. BY MS. SCOTT: Q After receiving this letter, and after Baghdad having received the 280 travel documents, did Baghdad issue travel documents? MR. SILVIS: Object to the form.
16 17 18 19 20 21 22	the the e-mail on March 12th or March 13th regarding the interministerial committee on deportations. I I met with the embassy, and they they said they outlined, you know, which cases they wanted to go to the to Iraq, cases that they wanted to come to Washington. And this is, essentially, stating that these cases should go directly to Iraq without explicitly saying that.	14 15 16 17 18 19 20 21 22	the individuals in '17? MS. SCOTT: So let me let me clarify the record. MR. SILVIS: Sure. BY MS. SCOTT: Q After receiving this letter, and after Baghdad having received the 280 travel documents, did Baghdad issue travel documents?

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Page 175
                                                    Page 173
                                                                  gotten a -- I forget the number, but we had gotten
 1
    may be the immigration enforcement EO. I don't
 2
    know which one 13768 is.
                                                                  a decent amount of travel documents, and we wanted
 3
         Q Okay. What's an immigration EO?
                                                               3
                                                                  to get the individuals out as soon as possible.
 4
         A So, upon entry into office,
                                                                  We do have restrictions going commercially to some
 5
    President Trump signed a few EOs, I think, within
                                                                  countries. I don't know exactly how long it takes
 6
     the first week. And one of them was regarding,
                                                                  to get to Iraq. Not -- obviously, in the air, it
 7
    essentially, interior enforcement -- interior
                                                               7
                                                                  doesn't take that long. But there's country
 8
     immigration enforcement. And within that, there
                                                                  clearances and then notification time periods and
 9
                                                                  transiting issues.
    was a bullet on foreign countries taking their
10
    nationals back.
                                                             10
                                                                          So the -- you know, we can get a small
         Q And did that have anything to do with
                                                             11
                                                                  flight bought and paid for and scheduled within
11
12
                                                                  ten days, which is much quicker than getting the
    Iraq?
13
         A No. It was just foreign countries.
                                                             13
                                                                  field to schedule a commercial removal for an
14
         Q Are you aware of any MOU between Iraq and
                                                             14
                                                                  individual. So it was more -- it was mostly about
                                                                  efficiencies, about getting, you know, at least
15
     the State -- I'm sorry -- Iraq and State? Is
                                                             15
16
     "State" referring to Department of State?
                                                             16
                                                                  some of them out as soon as possible.
                                                             17
17
         A That's correct.
                                                                       Q So why did you want to get them out as
                                                             18
18
         Q Okay. Are you aware of any MOU between
                                                                  soon as possible?
19
    Iraq and State?
                                                             19
                                                                       A Because they had already been in custody
20
                                                             20
         A I -- on removals?
                                                                  for almost over a year, you know, from the --
21
         On repatriations and the return of Iraqi
                                                             21
                                                                  prior to the inception of the litigation, and then
22
    nationals.
                                                             22
                                                                  during the litigation until they were removed from
23
                                                             23
         A No. I don't -- I'm not aware of any MOU
                                                                  the class. And then they got the final order.
24
    between the Department of State and Iraq on
                                                             24
                                                                         I mean, at the end of the day, people
25
    removals or repatriation.
                                                             25
                                                                  are -- in ICE custody are being -- you know, they
                                                    Page 174
                                                                                                                  Page 176
                                                                  don't have, you know, the civil liberties.
 1
         Q Okay. Are you aware of any negotiations
                                                               1
 2
    between Iraq and the State on an MOU about
                                                               2
                                                                  They're not -- they're not free to, you know, do
 3
                                                               3
    repatriations?
                                                                  what they want to do. I'm sure they want to get
 4
         A No.
                                                               4
                                                                  out as soon as possible.
 5
         Q Have you been involved in any negotiations
                                                               5
                                                                          So -- and, you know, additionally, you
    between Iraq and the State on repatriations of
                                                                  know, it costs ICE $133 a day to detain somebody.
 6
 7
                                                               7
     Iraqi nationals?
                                                                  So it makes sense, both on a humanitarian issue
                                                               8
 8
         A No.
                                                                  and a fiscal issue, to remove them as soon as
 9
                                                              9
         Q Are you aware of any -- anybody at DHS
                                                                  possible.
                                                             10
                                                                       Q Does detention take a toll on a person?
10
    that is working on an MOU between State and Iraq
11
     on repatriation of Iraqi nationals?
                                                             11
                                                                          MR. SILVIS: Object to the form.
                                                             12
                                                                          THE WITNESS: I think it depends on the
12
         A No.
13
         Q Do you know of any MOU between DHS and
                                                             13
                                                                  person.
14
    Iraq about repatriation?
                                                             14
                                                                  BY MS. SCOTT:
15
                                                             15
                                                                       Q In general, do you think a year of
         A No.
16
                                                             16
                                                                  detention is -- is tough on people?
            MS. SCHLANGER: Seems like -- yeah.
17
    BY MS. SCOTT:
                                                             17
                                                                         MR. SILVIS: Object to the form and
```

Q All right. Let's push that off to the

A So we had gotten the sense -- we had

Let me rephrase that.

Why was a charter used?

Why was the May 2018 flight a charter?

So in May 2018, some Iraqi nationals were

18

19

20

21

2.2

23

24

25

side.

removed.

18

19

20

21

2.2

23

24

25

foundation.

BY MS. SCOTT:

THE WITNESS: I would think -- to be honest

with you, some people, yes, have a hard time. But

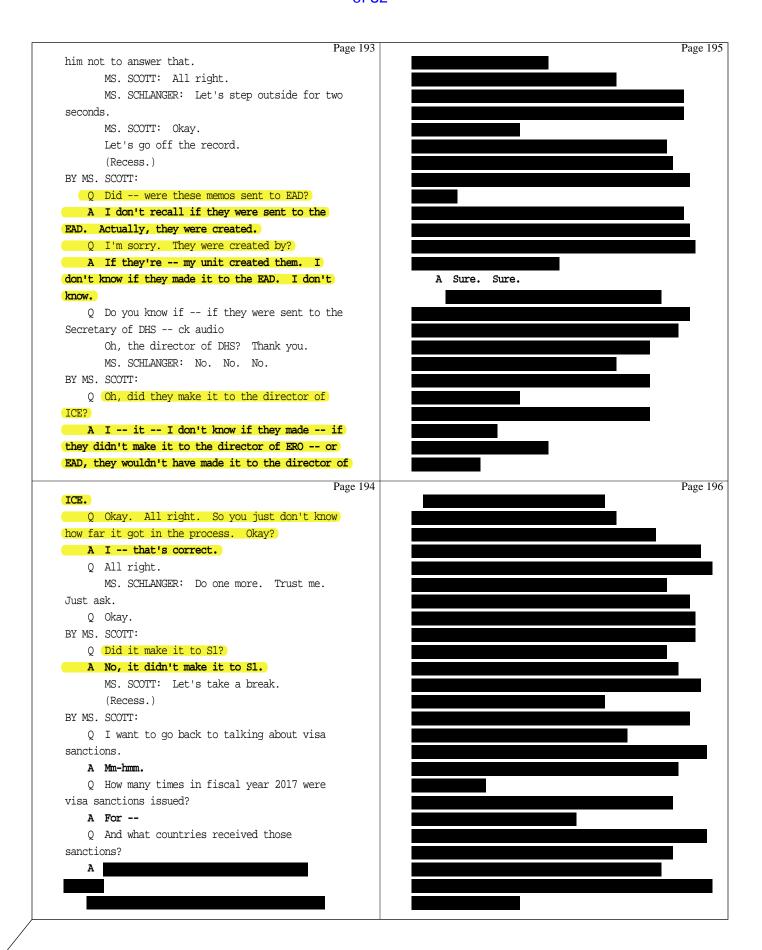
A That they get comfortable in detention.

They have their Nintendo, their warm meals, and

some people never want to leave.

Q What do you mean by that?

	2/2010		1 ages 107 172
1	Page 189 received an e-mail from folks at the US Embassy in	1	Page 191
2	Baghdad regarding the meeting.	2	Q Are you aware of are these documents
3	Q Okay. Did they give you any information	3	recommendations to sanction Iraq?
4	about what was discussed during the meeting, other	4	A Yes.
5	than the interviews starting?	5	Q And who did these documents go to,
6	A Not that I recall. No.	6	eventually?
7	Q So you weren't privy you weren't part	7	A Well, eventually, they will go to the
8	of the of the meeting between the Baghdad	8	Secretary of Homeland Security.
9	the US Embassy in US Embassy, Baghdad, and the	9	O And do you know if they were sent to the
10	deputy foreign minister, correct?	10	Secretary of Homeland Security?
11	A That is correct.	11	A I don't believe that they were.
12	Q Did the e-mail references that there's	12	O Do you know why?
13	going to be interviews started, correct?	13	A Because there was an exercise last summer
14		14	
	A That's correct.		regarding 243(d) packages that never never
15	Q Were interviews conducted in July 2017?	15	came never concluded.
16	A Yes.	16	Q All right. What are 243(b) packages?
17	Q Do you know how many interviews were	17	A 243(d).
18	conducted?	18	Q 243(d) packages. Thank you.
19	A Roughly, 75 to 80-ish.	19	A 243(d). The package that I'm referencing
20	Q And after conducting those 75 to 80-ish	20	is the S1 to S1 letter to invoke visa sanctions.
21	interviews, were any travel documents issued by	21	EAD to D1, that's the executive associate
22	Iraq?	22	director of ERO to the director of ICE to invoke
23	A No.	23	sanctions, the recommendation letter.
24	Q Okay.	24	Then the other letter is a director vice
25	MS. SCOTT: This is going to be Exhibit 22?	25	to the Secretary of Homeland Security recommending
	Page 190		Page 192
1	THE REPORTER: Yes.	1	sanctions.
2	(Exhibit 22 was marked for)	2	And then the last document in this package
3	identification.)	3	is a white paper, which sort of outlines all our
4	THE WITNESS: Thank you.	4	engagement with whatever countries that need to be
5	BY MS. SCOTT:	5	sanctioned.
6	Q All right. So this is an e-mail from	6	Q And the visa sanctions referenced here, is
7	Floyd Farmer to you. And I will let you know that	7	that the same set of sanctions that we the
8	we did not receive the attachments in the	8	same let me rephrase.
9	production. But the subject line says, "FWD:	9	Earlier this morning, we talked about what
10	Sanctions Iraq," correct?	10	types of sanctions could be imposed on Iraq if they
11	A Mm-hmm. That's correct.	11	don't agree to repatriation.
12	Q Okay. And it's dated July 20th, 2017,	12	Is that the same sort of visa sanctions that are
13	correct?	13	being referenced here?
14	A That's correct.	14	A Yes.
		15	Q Do you have an understanding of why the
15	Q Okay. And the attachments are called		
15 16	formal "Formal Letter S1 to S1, Invoke Visa	16	sanctions weren't imposed?
	-	16 17	sanctions weren't imposed? A Because, at the time, we didn't agree upon
16	formal "Formal Letter S1 to S1, Invoke Visa		_
16 17	formal "Formal Letter S1 to S1, Invoke Visa Sanctions Iraq.docx."	17	A Because, at the time, we didn't agree upon
16 17 18	formal "Formal Letter S1 to S1, Invoke Visa Sanctions Iraq.docx.") There's also a memo, "EAD to D1, Invoke	17 18	A Because, at the time, we didn't agree upon going forward with the sanctions.
16 17 18 19	formal "Formal Letter S1 to S1, Invoke Visa Sanctions Iraq.docx.") There's also a memo, "EAD to D1, Invoke Visas Sanctions Iraq.doc.")	17 18 19	A Because, at the time, we didn't agree upon going forward with the sanctions. Q Who did not agree with going forward with
16 17 18 19 20	formal "Formal Letter S1 to S1, Invoke Visa Sanctions Iraq.docx." There's also a memo, "EAD to D1, Invoke Visas Sanctions Iraq.doc." And there's a memo, "D1 to S1, Invoke Visa	17 18 19 20	A Because, at the time, we didn't agree upon going forward with the sanctions. Q Who did not agree with going forward with the sanctions?
16 17 18 19 20 21	formal "Formal Letter S1 to S1, Invoke Visa Sanctions Iraq.docx." There's also a memo, "EAD to D1, Invoke Visas Sanctions Iraq.doc." And there's a memo, "D1 to S1, Invoke Visa Sanctions (7-19-17) Iraq.doc."	17 18 19 20 21	A Because, at the time, we didn't agree upon going forward with the sanctions. Q Who did not agree with going forward with the sanctions? MR. SILVIS: I think, at this point, we're
16 17 18 19 20 21 22	formal "Formal Letter S1 to S1, Invoke Visa Sanctions Iraq.docx." There's also a memo, "EAD to D1, Invoke Visas Sanctions Iraq.doc." And there's a memo, "D1 to S1, Invoke Visa Sanctions (7-19-17) Iraq.doc." And then a white paper, "Invoke visa	17 18 19 20 21 22	A Because, at the time, we didn't agree upon going forward with the sanctions. Q Who did not agree with going forward with the sanctions? MR. SILVIS: I think, at this point, we're going into the deliberative process-type situation
16 17 18 19 20 21 22 23	formal "Formal Letter S1 to S1, Invoke Visa Sanctions Iraq.docx." There's also a memo, "EAD to D1, Invoke Visas Sanctions Iraq.doc." And there's a memo, "D1 to S1, Invoke Visa Sanctions (7-19-17) Iraq.doc." And then a white paper, "Invoke visa Sanctions Iraq.docx."	17 18 19 20 21 22 23	A Because, at the time, we didn't agree upon going forward with the sanctions. Q Who did not agree with going forward with the sanctions? MR. SILVIS: I think, at this point, we're going into the deliberative process-type situation if we're discussing different policy alternatives
16 17 18 19 20 21 22 23 24	formal "Formal Letter S1 to S1, Invoke Visa Sanctions Iraq.docx." There's also a memo, "EAD to D1, Invoke Visas Sanctions Iraq.doc." And there's a memo, "D1 to S1, Invoke Visa Sanctions (7-19-17) Iraq.doc." And then a white paper, "Invoke visa Sanctions Iraq.docx." Was there any letter sent to the sent to	17 18 19 20 21 22 23 24	A Because, at the time, we didn't agree upon going forward with the sanctions. Q Who did not agree with going forward with the sanctions? MR. SILVIS: I think, at this point, we're going into the deliberative process-type situation if we're discussing different policy alternatives and how to go forward.



Is there a plane scheduled to return Trayi anticoals to Iraq in July? A There is currently not a charter scheduled to return Trayi A There is currently not a charter scheduled to renow Eraqi nationals in July. All — all removals are currently scheduled—all removals are currently scheduled—all removals are currently scheduled—all removals are returned to you know if there have been travel documents is usuad for any of them, or do you not know, one say or the other? O And that's going to be in July, correct? A in July — right now, we don't have a mything cooking for any time in the future. Not — not in — not in, you look, forewer future, but the immediate — you linow, forewer future, but the future, lot in future,				14840 = 17 = 20
a mationals to Ireq in July? A There is currently not a charter scheduled to removal requinationals in July. All all removals are currently scheduled all removals are being scheduled commercially at this time. Q And that's going to be in July, currect? A I July right now, we don't have anything on my deak, or anything cocking for any the in the future. Not not in not in, you know, frower future, but the immediate you know, forewer future, but the immediate you looked. The forewer future future in the weeks. There's no Iraq charter that's going to occur in July. 10 clay. 11 Extra yeasible that some have issued? 22 I EXMANUMININ PY CONSEL FOR RESPONDENTS 23 FY PS. SILVIS: 24 Q Let's see. Would you grab Exhibit 10 No. 4? (Exhibit 11 kills were referenced.) 25 EXMANUMININ PY CONSEL FOR RESPONDENTS 26 BY MR. SILVIS: 27 (Exhibit 12 killers where they're discussing Iraq	1	•	1	=
A There is currently not a charter scheduled to remove Iraqi nationals in July, All all semovals are currently scheduled all removals are a being scheduled commercially at this time. 5 issued for any of them, or do you not know, one way or the other. 7				
4 you know it frein nationals in July. All — all removals are currently scheduled—all removals are relaing scheduled commercially at this time. 7 Q And that's going to be in July, correct? 8 A In July — right now, we don't have 9 anything on my deak, or anything cooking for any of the future. Not — not in — not in, you in know, forever future, but the immediate — you in know, forever future, or the other. 9 anything on my deak, or anything cooking for any of them, or do you not know in the other. 10 Going to cour in July. 11			_	
5 removals are currently scheduled all removals 6 are being scheduled commercially at this time. 6 way or the other? 7 Q And that's going to be in July, correct? 8 A In July right now, we don't have 8 Q So it's possible that some of those 21s 1 mow, forever future, but the immediate you 10 know, July July is tow weeks over it's ower 11 know, July July is tow weeks over it's ower 12 Simple occur in July. 13 into weeks. There's no Irag charter that's 4 going to occur in July. 15 Q Okay. 16 Ms. SILVIS: I have a couple follow-ups 17 A SEMINING NEW CONSELER RESCORENTS 20 EMMINISTINE 15 Q Okay. 16 Ms. SILVIS: I have a couple follow-ups 17 A SEMINISTINE 17 A SEMINISTINE 18 A SEMINISTINE 19 Ms. SILVIS: I have a couple follow-ups 18 Q Okay. 18 A SEMINISTINE 19 Ms. SILVIS: I have a couple follow-ups 19				
are being scheduled commercially at this time. Q And their spiring to be in July, correct? A I July - right now, we don't have a anything on my desk, or anything cooking for any time in the future. Not - not in - not in, you know, forever future, but the immediate you know, July unjuly is too weeks over interver in two weeks. There's no Trag charter that's going to occur in July. O Clay. SS. SCHLANGER: All right. MS. SCOTT: Chjection: foundation. MS. SCOTT: Chjection: foundation. MS. SCOTT: Chje		-		-
7 A I don't know, one way or the other. 8 A In July right now, we don't have 9 arything on my desk, or anything cooking for any 10 time in the future. Not not in not in, you 11 know, fover future, but the immediate you 12 know, July July is two weeks over it's over 13 in two weeks. There's no Trag charter that's 14 going to courn in July. 15 Q Ckay. 16 Ms. SCHLANERS: All right. 17 Ms. SCHLANERS: All right. 18 time. 18 time. 19 Ms. SCHLANERS: All right. 10 Ms. SCHLANERS: All right. 10 Ms. SCHLANERS: All right. 11 Ms. SCHLANERS: All right. 12 Ms. SCHLANERS: All right. 13 time. 14 Let's see. Sif I could just have a few. 15 documents issued. 16 Q May. Then, if you could grab - there's a document bere document bere. 17 Let's see. Mould you grab Exhibit No. 4? 18 Let's see. I'll sak you about a few documents here. 18 Let's see. Mould you grab Exhibit No. 4? 19 (Exhibit II A is were referenced.) 20 (Exhy. I have it. 21 (Exhibit I A war referenced.) 22 (Exhibit I A war referenced.) 23 (Exh Ms. SILVIS: 24 (Exh see. Kull you grab Exhibit No. 4? 25 (Exh Ms. SILVIS: 26 (Q And then, if you turn within Exhibit 4 to the bottom of the page is Bates marked 27 (Q Ray. And then same question with 28 (Ker. SILVIS: 29 (Q Ray. And then same question with 29 (Q Ray. I have it. 20 (Q Ray. I have it. 21 (Q Ray. I have it. 22 (Q Let's see. Kull you grab Exhibit No. 4? 23 (Q Let's see. Thave it. 24 (Q Let's see. Thave it. 25 (Q Ray. And then same question with 26 (Q Ray And then, if you turn within Exhibit 4 to the bottom of the page is Bates marked 27 (Q Ray. And then same question with 28 (Ray. I have it. 39 (Q Ray. And then same question with 30 (Q Ray. Ray. I have it. 40 (Q Ray. Ray. I have it. 41 (Q Ray. Ray. I have it. 41 (Q Ray. Ray. I have it. 42 (Q Let's see. Not Ray. I have it. 43 (Q Ray. Ray. I have it. 44 (Q Ray. Ray. I have it. 45 (Q Ray. Ray. I have it. 46 (Q Ray. Ray. I have it. 47 (Q Ray. Ray. I have it. 48 (Q Ray. Ray. I have it. 49 (Q Ray. Ray. I have it. 40 (Q Ray. Ray. I have it. 40 (Q Ray. Ray		-		
## A In July right now, we don't have the year time in the future. Not not in not in, you the into the future, Not not in not in, you the into the future, Not not in not in, you the into the future, Not not in not in, you the into future, Not not in not in, you the immediate you the future, Not the immediate you the future, Not the immediate you the future, Not the immediate you the future in two weeks over it's over 12 kmow, July July is two weeks over it's over 12 kmow, July July is two weeks over it's over 13 in two weeks. There's no Iraq charter that's 13 in two weeks. There's no Iraq charter that's 14 going to cocur in July. 15 do (asy. 15 d				-
the string of my desk, or anything cooking for any title in the future. Not not in not in, you know, forever future, but the immediate you in the fowed state you in fow weeks. There's no Iraq charter that's going to occur in July. 14				
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13 Q Is it possible that some have issued? 14 going to occur in July.				
14 A It's possible that some have had travel				
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16 MS. SCHLANGER: All right. 17 MS. SCOTT: Thank you very much for your 18 time. 18 time. 19 MR. SILVIS: I have a couple follow-ups 20 that I wanted to do. Yeah. So you might have some 21 after. So if I could just have a few. 22 EXMININTION BY COUNSEL FOR RESPONDENTS 23 BY MR. SILVIS: 24 Q Let's see. I'll ask you about a few 25 documents here. 26 (Exhibit 11 & 13 were referenced.) 27 Let's see. I'll ask you about a few 28 (Exhibit 10 & 117 in think I think I actually have seen 29 (Exhibit 13.) 20 that I wanted to do. Yeah. 20 Let's see. Would you grab Exhibit No. 4? 21 Let's see. Would you grab Exhibit No. 4? 22 (Exhibit 13.) 23 A I think I think I actually have seen 24 Q Let's see. Would you grab Exhibit No. 4? 25 (Exhibit 13.) 26 (Exhibit 13.) 27 Have you seen it before? 28 A Yes. 29 Q And then, if you turn within Exhibit 4 20 Coxaments are or if you had seen then before, could 29 You seen the document discusses Iraq. 20 Q And it's where they're discussing Iraq 21 where the document discusses Iraq. 21 A Yes. 22 Q Are S. 23 Q Do you see where I'm talking about? 24 A Yes. 25 Q Okay. In the one, two, three on the 26 fourth bullet point, it discusses the ENO having 27 submitted 21 cases to Baghdad. 28 Do you recall do you see that where 29 I'm 20 A Yes. 20 Q identify that in the document? Okay. 21 I think, earlier, if I heard you correctly, 22 you testified something about those 21 cases having 24 been submitted to Baghdad.		-		-
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9 representatives of the government of Iraq to to 10 Q And it's where they're discussing Iraq 11 where the document discusses Iraq. 11 Q Okay. And what what information are 12 A Yes. 12 they conveying? 13 A So Exhibit 13 is indicating that the 14 A Yes. 15 Q Okay. In the one, two, three on the 16 fourth bullet point, it discusses the ERO having 17 submitted 21 cases to Baghdad. 18 Do you recall do you see that where 19 I'm 20 A Yes. 21 Q identify that in the document? Okay. 22 I think, earlier, if I heard you correctly, 23 you testified something about those 21 cases having 24 been submitted to Baghdad. 26 Trapesentatives of the government of Iraq to to 10 ICE officials. 11 Q Okay. And what what information are 12 they conveying? 12 they conveying? 13 A So Exhibit 13 is indicating that the 14 embassy of Iraq cannot is unable to issue 15 documents for 23 24 individuals because they 16 lack required Iraqi documents. 17 Q So does that mean I'll just ask for 13 18 first, then. 19 Does that mean that they will never be 10 issued travel documents? 21 A No. For it's my understanding that 22 in my experience, that we continue to work with 23 the government in Iraq in Baghdad to procure the 24 travel document for these individuals.	7	to the bottom of the page is Bates marked	7	and 13?
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10 Q And it's where they're discussing Iraq 11 where the document discusses Iraq. 11 Q Okay. And what what information are 12 A Yes. 13 Q Do you see where I'm talking about? 14 A Yes. 15 Q Okay. In the one, two, three on the 16 fourth bullet point, it discusses the ERO having 17 submitted 21 cases to Baghdad. 18 Do you recall do you see that where 19 I'm 20 A Yes. 21 Q identify that in the document? Okay. 22 I think, earlier, if I heard you correctly, 23 you testified something about those 21 cases having 24 been submitted to Baghdad. 10 ICE officials. 11 Q Okay. And what what information are 12 they conveying? 12 they conveying? 13 A So Exhibit 13 is indicating that the 14 embassy of Iraq cannot is unable to issue 15 documents for 23 24 individuals because they 16 lack required Iraqi documents. 17 Q So does that mean I'll just ask for 13 18 first, then. 19 Does that mean that they will never be 18 issued travel documents? 20 issued travel documents? 21 A No. For it's my understanding that 22 in my experience, that we continue to work with 23 the government in Iraq in Baghdad to procure the 24 travel document for these individuals.	9	A Yes.	9	representatives of the government of Iraq to to
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Q Do you see where I'm talking about? A Yes. Q Okay. In the one, two, three on the fourth bullet point, it discusses the ERO having submitted 21 cases to Baghdad. Do you recall do you see that where I'm A Yes. Q So does that mean I'll just ask for 13 First, then. Does that mean that they will never be issued travel documents? A Yes. Q identify that in the document? Okay. I think, earlier, if I heard you correctly, you testified something about those 21 cases having been submitted to Baghdad.				
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24 been submitted to Baghdad. 24 travel document for these individuals.	44			
	22	you togtified gomething about these 21 sacca harring		
23 to you remember being quescroned about 23 Q only. So receiving a recter line NO. 13				
	24	been submitted to Baghdad.	24	travel document for these individuals.

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Page 221
                                                                                                                  Page 223
   doesn't mean that the individuals will not receive
                                                                  other, if this document is from the Iraqi
   travel documents?
                                                               2
                                                                  Government, for sure?
3
        A That's correct. My interpretation on this
                                                               3
                                                                       A I -- for sure? It looks like the one
   letter is that the embassy will not issue but has
                                                               4
                                                                  would be likely to be -- I'm sorry. On the front
   not determined that the individual is not
                                                               5
                                                                  side, the one that's titled "Ministry of Foreign
   Iraqi and -- and so that we should and will engage
                                                               6
                                                                  Affairs," it looks similar to the other ones. The
7
   with the Ministry of Foreign Affairs or Department
                                                               7
                                                                  backside, I can't tell. I would say, I don't know
8
    of State, who will then engage with the Iraqi
                                                               8
                                                                  where it's from.
    individuals.
                                                              9
9
                                                                       Q So just by -- so I understand, then, do
                                                              10
10
         Q And same question with No. 11.
                                                                  you know -- you didn't receive Document 18? It
            When you receive a letter like No. 11,
                                                              11
11
                                                                  wasn't sent to you?
    does that mean that you will not get travel
                                                              12
                                                                      A Doesn't look familiar to me. No. I don't
12
13
    documents from Iraq?
                                                              13
                                                                  know what it is.
14
        A No. Again, this is -- this is very
                                                              14
                                                                       Q Can you say with any certainty it's from
    similar to -- to the Washington document. But,
15
                                                              15
                                                                   the government of Iraq?
16
    you know, we -- we would try and leverage our
                                                              16
                                                                          MS. SCOTT: Objection; asked and answered.
17
    relationship with the -- the embassy in Washington
                                                              17
                                                                  BY MR. SILVIS:
    to get assistance while also sending the request
                                                              18
18
                                                                       O You can answer.
19
    to the Department of State to have them engage the
                                                              19
                                                                       A To be certain, no. But I would say if I
                                                                  were to have received this letter, I would think
2.0
    government of Iraq in Baghdad.
21
         Q So it's possible that after receiving a
                                                              21
                                                                  it was from the government of Iraq.
22
    letter like 11, that -- Exhibit 11, that you will,
                                                              22
                                                                       Q Okay. Could you go to Document 21 --
23
    eventually, get travel documents for those
                                                              23
                                                                  Exhibit 21 and, actually, 23 as well.
24
    individuals?
                                                                          (Exhibit 21 & 23 were referenced.)
                                                              24
25
        A That is correct.
                                                              25
                                                                  BY MR. SILVIS:
                                                                                                                  Page 224
                                                    Page 222
         Q I wanted to point you to Exhibit No. 18.
1
                                                               1
                                                                       Q And then you were just asked some
2
            (Exhibit 18 was referenced.)
                                                               2
                                                                  questions about Document 23.
                                                               3
3
            THE WITNESS: Okay.
                                                                          Do you remember that?
    BY MR. SILVIS:
                                                               4
4
                                                                      A Yes.
5
         O Got 18?
                                                               5
                                                                       Q Okay. And I think it was a little earlier
        A Oh, sorry. 18? No. That's the date.
                                                                   in your deposition when you were questioned about
6
                                                               7
7
    I'm going backwards.
                                                                  Exhibit 21.
                                                              8
8
         Q That's all right. Take your time.
                                                                          Do you remember that?
9
            MS. SCOTT: I think, if you pick up the
                                                              9
                                                                      A Yes.
                                                              10
                                                                       Q Are -- are Exhibits 21 and 23 talking
10
    pile, it's on the bottom of the pile.
11
            THE WITNESS: Is it? Oh, here it is.
                                                              11
                                                                  about the same rounds of interviews?
                                                              12
12
            (Witness complies.)
                                                                      A Yes.
13
            I found it.
                                                              13
                                                                       Q Okay. And just to remind me, how many
14
    BY MR. SILVIS:
                                                              14
                                                                  interviews were conducted at that time?
15
         Q Before today, had you ever seen the
                                                              15
    exhibit marked No. 18?
                                                              16
                                                                       Q And you testified that travel documents
16
17
        A It doesn't look familiar to me.
                                                              17
                                                                  were not issued immediately after those
18
         Q And can you turn it over, and look on the
                                                              18
                                                                  interviews?
19
    other side.
                                                              19
                                                                      A That correct.
20
                                                              20
                                                                       Q And why is that?
        A Yes.
21
                                                              21
                                                                      A It wasn't the intent of the government of
         Q Same -- same question.
2.2
           Does that look like a document that you
                                                              22
                                                                  Iraq or the embassy of Iraq to issue travel
23
    received before?
                                                              23
                                                                  documents at the time of the interviews.
24
        A It doesn't look familiar.
                                                              24
                                                                  Ambassador Yasseen notified me that they would
25
                                                                  like to take an exploratory trip to meet with the
         Q All right. Do you know, one way or the
                                                              25
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Confidential Pages 229–232

	2/2016		rages 229–232
1	Page 229 from ERO's law enforcement systems analysis unit,	1	Page 231
2	the weekly removal and detention report that comes	2	Q Okay.
3	out. And it has the final orders. And that would	3	MR. SILVIS: They might have some redirect
4	be the number.	4	for you.
5	Q Yeah. I guess my question is, to the	5	EXAMINATION BY COUNSEL FOR PETITIONERS
6	extent that you know, was the 1,400 number	6	BY MS. SCOTT:
7		7	O Yeah. I do have a couple of redirects.
8	something that Iraq set, or was that just the total number of Iraqi nationals with removal	8	With regards to the six Iraqis that you are
9	orders at that time?		
10		9	currently seeking travel documents for and you sent
	A That was the total number of of Iraqi nationals with removal orders at that time.	11	the the presentations to Baghdad, if they are
11		12	put if they obtain the travel documents and they
12	Q Okay. And, earlier, you testified that		are put on a flight to Iraq, is there any guarantee
13	the government of Iraq is ready to issue travel	13	that Iraq will not send those individuals back to the
14	documents to six people who they "they,"	14	US; or, in other words, not accept the flight?
15	meaning the government of Iraq, knows are not	15	A So if Iraq issues the travel documents for
16	returning to Iraq voluntarily.	16	the individuals, we would have every indication to
17	MS. SCOTT: Objection.	17	believe that, upon arrival in Iraq, they would be
18	BY MR. SILVIS:	18	accepted for admission.
19	Q Do you recall that?	19	Q Have you heard that some Iraqi nationals
20	A Yes, I do recall it.	20	had been returned to Iraq under enforced
21	Q Okay. And when do you expect those travel	21	repatriation from other countries, and Iraq has
22	documents to issue?	22	refused to accept them after the plane landed?
23	A I expect the documents to be issued	23	A No.
24	tomorrow.	24	Q You have not heard of that?
25	Q Okay. And do you have any reason to	25	A No.
	Page 230		Page 232
1	believe that the government of Iraq will not do	1	Q Let's take a look at Exhibit 11 and 13
2	that in the future for other people that also	2	again.
3	they're aware that do not want to go back to Iraq?	3	(Exhibit 11 & 13 were referenced.)
4	A No. I believe this is this is going to	4	BY MS. SCOTT:
5	be the way forward.	5	Q And these are the letters received from
6	Q Okay. Meaning what?	6	Iraqi Government officials one from
7	A Meaning that this process will continue.	7	December 6th, 2016, and one from June 7th, 2017
8	We've got the we've created the new cover	8	in which they indicate that they will not accept
9	letter for all the travel document presentation	9	the individuals or issue travel documents because
10	packages. And the Ambassador has said that, you	10	the individuals have not expressed a willingness
11	know, they'll send it over to Baghdad. Baghdad	11	to return to Iraq; is that correct?
12	understands the US Embassy has had communications	12	A That's correct.
13	with the government of Iraq in Baghdad about	13	Q And you have testified that this is not an
14	issuing the travel documents and keeping in the	14	indication that travel documents will not be
15	spirit of the Statement of Cooperation.	15	issued by Iraq because you could submit a travel
16	So I think it's I think it's I	16	document presentation to Baghdad, correct?
17	suspect it's going to continue. There's nothing	17	A That's correct. And that's based on my
18	that would indicate that it wouldn't. I think if	18	conversations with the Iraqi officials from the
19	it weren't going to continue, they wouldn't have	19	embassy after they the March 12th cable.
	done it in the first place.	20	Q Okay. So this one is one of these,
20		01	Exhibit 13, is June 7th, 2017, correct?
	Q Do you think it's, ultimately, irrelevant	21	
21	Q Do you think it's, ultimately, irrelevant whether an Iraqi national who has a removal order	22	A That's correct.
21 22			
20 21 22 23 24	whether an Iraqi national who has a removal order	22	A That's correct.

	D 222		P 225
1	Page 233 O Did ICE submit a TD presentation to	1	Page 235 A That's correct.
2	Baghdad for these individuals?	2	Q Okay. What kind of document is that? Is
3	A I presume we did.	3	it an MOU?
4	O You do not know for certain	4	A It's an MOU.
5	A I do not know for certain.	5	Q And when was that MOU executed?
6	Q Did you have a process in place in June of	6	A Clearly, I'm the best with dates.
7	2017, to issue presentations to Baghdad when	7	It was in the summer of 2017. It was
8	embassies denied travel documents?	8	signed by Elaine Duke, acting secretary, and
9	A It's my understanding that all the cases	9	Secretary Tillerson.
10	went to Baghdad in June that I'm sorry.	10	O Okay. So let's take a look at Exhibit 22.
11	Q Go ahead. Finish what you were going to	11	A Sure.
12	say.	12	(Exhibit 22 was referenced.)
13	A It was within that that 280 cases that	13	BY MS. SCOTT:
14	were submitted from late May to the first week of	14	Q And that exhibit was from Floyd Farmer to
15	June, those all went to Baghdad.	15	you, attaching exhibits, one of them which is
16	Q And Baghdad between and Baghdad, prior	16	called "Formal Letter S1 to S1 Invoke Visa
17	to the temporary restraining order in this case,	17	Sanctions Iraq," correct?
18	did not issue travel documents, did they?	18	A That's correct.
19	A No. They from middle May to third week	19	Q Okay. The analysis that was done to make
20	of June, they did not provide the Iraq Embassy	20	a recommendation for visa sanctions, was that
21	with notification they issued travel documents.	21	before or after the MOU between Department of
22	Q Okay. So, in effect, these individuals'	22	State and DHS?
23	TD presentations were made to Baghdad, and Baghdad	23	A This the MOU was signed after this. It
24	did not issue travel documents, correct?	24	was I believe it was August. But the MOU
25	A Prior to the litigation?	25	superceded an ICE-DOS MOU from 2011. So that had,
			
1	Page 234	1	Page 236
1	Q Yes.	1 2	essentially, the same information.
2	Q (Yes.) A That is correct. I believe they were	2	essentially, the same information. Q So what was the difference between the MOU
2 3	Q Yes. A That is correct. I believe they were submitted to Baghdad, and they were not issued	2	essentially, the same information. Q So what was the difference between the MOU in 2011 and the MOU that was executed in 2017?
2 3 4	Q Yes. A That is correct. I believe they were submitted to Baghdad, and they were not issued prior to the litigation.	2 3 4	essentially, the same information. Q So what was the difference between the MOU in 2011 and the MOU that was executed in 2017? A Nothing earth-shattering. But,
2 3 4 5	Q Yes. A That is correct. I believe they were submitted to Baghdad, and they were not issued prior to the litigation. Q When we earlier discussed visa sanctions	2 3 4 5	essentially, the same information. Q So what was the difference between the MOU in 2011 and the MOU that was executed in 2017? A Nothing earth-shattering. But, essentially, it was signed at the secretary level.
2 3 4 5 6	Q Yes. A That is correct. I believe they were submitted to Baghdad, and they were not issued prior to the litigation. Q When we earlier discussed visa sanctions for Iraq, and we looked at an e-mail that had	2 3 4 5	essentially, the same information. Q So what was the difference between the MOU in 2011 and the MOU that was executed in 2017? A Nothing earth-shattering. But, essentially, it was signed at the secretary level. And it was secretary-to-secretary versus DOS
2 3 4 5 6 7	Q Yes. A That is correct. I believe they were submitted to Baghdad, and they were not issued prior to the litigation. Q When we earlier discussed visa sanctions for Iraq, and we looked at an e-mail that had memos and write-ups proposing those sanctions, do	2 3 4 5 6	essentially, the same information. Q So what was the difference between the MOU in 2011 and the MOU that was executed in 2017? A Nothing earth-shattering. But, essentially, it was signed at the secretary level. And it was secretary-to-secretary versus DOS consular affairs and DHS ICE. That was the big
2 3 4 5 6 7 8	Q Yes. A That is correct. I believe they were submitted to Baghdad, and they were not issued prior to the litigation. Q When we earlier discussed visa sanctions for Iraq, and we looked at an e-mail that had memos and write-ups proposing those sanctions, do you remember that?	2 3 4 5 6 7 8	essentially, the same information. Q So what was the difference between the MOU in 2011 and the MOU that was executed in 2017? A Nothing earth-shattering. But, essentially, it was signed at the secretary level. And it was secretary-to-secretary versus DOS consular affairs and DHS ICE. That was the big that was the big change.
2 3 4 5 6 7 8	Q Yes. A That is correct. I believe they were submitted to Baghdad, and they were not issued prior to the litigation. Q When we earlier discussed visa sanctions for Iraq, and we looked at an e-mail that had memos and write-ups proposing those sanctions, do you remember that? A Yes.	2 3 4 5 6 7 8	essentially, the same information. Q So what was the difference between the MOU in 2011 and the MOU that was executed in 2017? A Nothing earth-shattering. But, essentially, it was signed at the secretary level. And it was secretary-to-secretary versus DOS consular affairs and DHS ICE. That was the big that was the big change. Q And so the in Exhibit 22, when it's
2 3 4 5 6 7 8 9	Q Yes. A That is correct. I believe they were submitted to Baghdad, and they were not issued prior to the litigation. Q When we earlier discussed visa sanctions for Iraq, and we looked at an e-mail that had memos and write-ups proposing those sanctions, do you remember that? A Yes. Q Was the proposal for sanctions made	2 3 4 5 6 7 8	essentially, the same information. Q So what was the difference between the MOU in 2011 and the MOU that was executed in 2017? A Nothing earth-shattering. But, essentially, it was signed at the secretary level. And it was secretary-to-secretary versus DOS consular affairs and DHS ICE. That was the big that was the big change. Q And so the in Exhibit 22, when it's talking about the visa sanctions, that was done
2 3 4 5 6 7 8 9 10	A That is correct. I believe they were submitted to Baghdad, and they were not issued prior to the litigation. Q When we earlier discussed visa sanctions for Iraq, and we looked at an e-mail that had memos and write-ups proposing those sanctions, do you remember that? A Yes. Q Was the proposal for sanctions made pursuant to the MOU between State and DHS that you	2 3 4 5 6 7 8 9	essentially, the same information. Q So what was the difference between the MOU in 2011 and the MOU that was executed in 2017? A Nothing earth-shattering. But, essentially, it was signed at the secretary level. And it was secretary-to-secretary versus DOS consular affairs and DHS ICE. That was the big that was the big change. Q And so the in Exhibit 22, when it's
2 3 4 5 6 7 8 9 10 11	A That is correct. I believe they were submitted to Baghdad, and they were not issued prior to the litigation. Q When we earlier discussed visa sanctions for Iraq, and we looked at an e-mail that had memos and write-ups proposing those sanctions, do you remember that? A Yes. Q Was the proposal for sanctions made pursuant to the MOU between State and DHS that you just testified about?	2 3 4 5 6 7 8 9 10	essentially, the same information. Q So what was the difference between the MOU in 2011 and the MOU that was executed in 2017? A Nothing earth-shattering. But, essentially, it was signed at the secretary level. And it was secretary-to-secretary versus DOS consular affairs and DHS ICE. That was the big that was the big change. Q And so the in Exhibit 22, when it's talking about the visa sanctions, that was done pursuant to the analysis of the 2011 MOU?
2 3 4 5 6 7 8 9 10 11 12	A That is correct. I believe they were submitted to Baghdad, and they were not issued prior to the litigation. Q When we earlier discussed visa sanctions for Iraq, and we looked at an e-mail that had memos and write-ups proposing those sanctions, do you remember that? A Yes. Q Was the proposal for sanctions made pursuant to the MOU between State and DHS that you just testified about? A Can you rephrase that a little bit?	2 3 4 5 6 7 8 9 10 11	essentially, the same information. Q So what was the difference between the MOU in 2011 and the MOU that was executed in 2017? A Nothing earth-shattering. But, essentially, it was signed at the secretary level. And it was secretary-to-secretary versus DOS consular affairs and DHS ICE. That was the big that was the big change. Q And so the in Exhibit 22, when it's talking about the visa sanctions, that was done pursuant to the analysis of the 2011 MOU? A Yeah. Q Okay. There are the April 2017 flight
2 3 4 5 6 7 8 9 10 11 12 13 14	A That is correct. I believe they were submitted to Baghdad, and they were not issued prior to the litigation. Q When we earlier discussed visa sanctions for Iraq, and we looked at an e-mail that had memos and write-ups proposing those sanctions, do you remember that? A Yes. Q Was the proposal for sanctions made pursuant to the MOU between State and DHS that you just testified about? A Can you rephrase that a little bit? Q Sure. Sure. Let's take a look at the	2 3 4 5 6 7 8 9 10 11 12 13	essentially, the same information. Q So what was the difference between the MOU in 2011 and the MOU that was executed in 2017? A Nothing earth-shattering. But, essentially, it was signed at the secretary level. And it was secretary-to-secretary versus DOS consular affairs and DHS ICE. That was the big that was the big change. Q And so the in Exhibit 22, when it's talking about the visa sanctions, that was done pursuant to the analysis of the 2011 MOU? A Yeah. Q Okay. There are the April 2017 flight had eight people, correct?
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07/	12/2016			rages	231-240
1	when an individual has indicated they do not want	Page 237	1	(send this to Iraq. We no longer need the	Page 239
2	to go back to Iraq?		2	declaration. Yarub did chime in and say, Of	
3	A I don't know specifically if they've		3	(course, if they volunteer, it's much easier for)	
4	issued for people who who have verbalized that		4	(us. That's that's sort of how that)	
5	they do not want to go back.		5	conversation went on on July 2nd.	
6	Q Okay. Is ICE actively planning removal of		6	Q Okay. But did an Iraqi official state,	
7	individuals who received travel documents after		7	"We will issue travel documents for any individual	
8	the May 2018 interviews?		8	(that says they do not want to go back"?)	
9	A Yes.		9	A They did not make that statement.	
10	Q What is your current estimate of the		10	Q Okay.	
11	timing of when those that flight will take		11	MS. SCOTT: I don't have any further	
12	place?		12	questions.	
13	A It would be "flights" because it's		13	MR. SILVIS: I think we're done.	
14	commercial. They wouldn't all go on the same		14	(Whereupon, at 4:40 p.m., the taking of the	
15	commercial flight. And I honestly don't know.		15	instant deposition ceased.)	
16	As I mentioned earlier, depending on		16	instant deposition scased.	
16	as I mentioned earlier, depending on transiting routes, some countries, they want X		16		
18	amount of days for for for clearance to		17		
18			18		
20	allow the deportee to transit. Other times, there's airlines' restrictions where they'll only		20		
21	allow three deportees worldwide on a certain		21		
22	flight. So with limited flights going into Iraq,		22		
23	I I don't have I don't have your answer.		23		
24	Q Okay. Have any government officials		24		
25			25		
25	affirmatively stated that after okay. Let me		25		
		Page 238			Page 240
1	start over.		1	ACKNOWLEDGMENT OF DEPONENT	
2	So, tomorrow, you're expecting the Iraqi		2	I, JOHN AUGUSTIN SCHULTZ, JR., do hereby	
3	Government to issue travel documents for six		3	acknowledge that I have read and examined the	
4	(individuals who expressed that they did not want)		4	foregoing testimony and the same is a true,	
5	(to go back to Iraq, correct?)		5	correct, and complete transcription of the	
6	A Correct.		6	testimony given by me and any corrections appear on	
7	Q Have any Iraqi officials affirmatively		7	the attached errata sheet signed by me.	
8	stated that after the travel documents are issued		8		
9	(for those six individuals, they will issue travel)		9		
10	documents for other individuals who expressed they		10	(SIGNATURE) (DATE)	
11	did not want to go back to Iraq?		11		
12	A From the July 2nd meeting, the		12		
13	(understanding was is that we wouldn't have)		13		
14	any the that declaration, Exhibit 10, is		14		
15	nonmaterial. And the question whether or not an		15		
16	(individual wants to go back won't effect their		16		
17	travel document being issued.		17		
18	Q Okay. Did an Iraqi official government		18		
19	(affirmatively make that statement?)		19		
20	A An Iraqi Government official said that.		20		
	Q And who was that official?		21		
21					
21 22	A It came from the ambassador I believe		22		
			22 23		
22	A It came from the ambassador I believe				
22 23	A It came from the ambassador I believe it was the ambassador, or the DCM. But I'm		23		

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SCHULTZ, JR., JOHN AUGUSTIN 07/12/2018

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	Page 241	
1	CERTIFICATE OF REPORTER	
2	UNITED STATES OF AMERICA) ss:	
3	DISTRICT OF COLUMBIA)	
4	I, ANGELA K. MCCULLOUGH, RPR, the officer	
5	before whom the foregoing proceedings were taken,	
6	do hereby certify that the foregoing transcript is	
7	a true and correct record of the proceedings; that	
8	said proceedings were taken by me stenographically	
9	to the best of my ability and thereafter reduced to	
10	typewriting under my supervision; and that I am	
11	neither counsel for, related to, nor employed by any	
12	parties to this case and have no interest, financial	
13	or otherwise, in its outcome.	
14	or concruse, in the outcome.	
15		
16	Webser Public in 12.5	
17	Notary Public in and for	
18	The District of Columbia	
19		
20	My commission expires: 01/31/2020	
21		
22		
23		
24		
25		

1	ACKNOWLEDGMENT OF DEPONENT
2	I, JOHN AUGUSTIN SCHULTZ, JR., do hereby
3	acknowledge that I have read and examined the
4	foregoing testimony and the same is a true,
5	correct, and complete transcription of the
6	testimony given by me and any corrections appear on
7	the attached errata sheet signed by me.
8	
9	() A. Shut Je Aug 13 2018
10	(SIGNATURE) (DATE)
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ERRATA SHEET

<u>Page</u>	<u>Line</u>	Change Che Aridio"
19		altor curation
28	16	Charle CVP to CBP
58	21	Charge "Agent " to "AD"
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1	IN THE UNITED STATES D	ISTR	ICT COURT
2	FOR THE EASTERN DISTRIC	T OF	MICHIGAN
3	SOUTHERN DIVI	SION	
4	x		
5	USAMA JAMIL HAMAMA, et al.,	:	
6	PETITIONERS AND	:	
7	PLAINTIFFS,	:	
8	v.	:	Case No.
9	REBECCA ADDUCCI, et al.,	:	2:17-cv-11910
10	DEFENDANTS AND	:	
11	RESPONDENTS.	:	
12		- х	
	/		

VERIFICATION OF DEPONENT

I, having read the foregoing deposition consisting of my testimony at the aforementioned time and place, do hereby attest to the correctness and truthfulness of the transcript.

John Augustin Schultz, Jr.

Dated: Aug 13 2018