

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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001. form	I-94 Nonimmigrant Visa Waiver Arrival/Departure Form (partial, DOB, passport no.) (1 page)	00/00/0000	b(6)
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COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Irene Bueno
OA/Box Number: 17173

FOLDER TITLE:

Miscellaneous: Immigration/Mental Health

2017-1120-S
ry2225

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



Record Type: Record

To: Irene Bueno/OPD/EOP@EOP

cc:

Subject: Re: Letter 

Yuck. But oh well, at least they responded..... Do you know how they determine if a mental disorder is a threat versus just having a treatable illness?

Irene Bueno

09/22/99 05:38:12 PM

Record Type: Record

To: Trooper Sanders/OVP@OVP
cc:
bcc: Records Management@EOP
Subject: Re: Letter 

Unknown to the INS person I had been speaking with on this issue, someone else from INS responded to the letter. I will give you a copy. It's not a very good response. I'm sorry this happened. Please let me know if you need anything else.. I could set up a briefing with INS folks to help you better understand the issue, etc. *see attached.*

Trooper Sanders@OVP



Record Type: Record

To: Irene Bueno/OPD/EOP@EOP
cc:
Subject: Re: Letter 

Thank you. We aren't necessarily advocating for anything, but just want to better understand the current situation.

Irene Bueno@EOP

Irene Bueno@EOP

08/12/99 03:42 PM

To: Trooper Sanders/OVP@OVP
cc:
Subject: Letter

I received your letter about the INS situation and will follow up with you after I have had opportunity to discuss with INS. Thanks



***United States Department of Justice
Immigration & Naturalization Service
Office of Policy and Planning***

*425 Eye Street, N.W.
Washington, D.C. 20536
202-514-3242
Fax: 202-305-0134*

Fax Cover Sheet

To:	Irene Bueno	From:	Robert L. Bach
Phone:	456-6558	Phone:	202-514-3242
Fax:	456-5581 7028	Fax:	202-305-0134
Pages:	28 (Includes Cover)	Date:	Sept. 21, 1999

Irene: Attached is a response the INS Congressional Office sent concerning the Mrs. Gore letter. Bob Bach was not aware that this letter had reached INS nor that the Congressional Office prepared a response, via our Inspections Office. Bob said this is not responsive, however. Jackie



U.S. Department of Justice
Immigration and Naturalization Service

HQINS 70/5.8

425 I Street NW
Washington DC 20536

SEP - 3 1999

Ms. Lydia Lewis
Executive Director
National Depressive and
Manic Depressive Association
730 North Franklin Street, Suite 501
Chicago, Illinois 60610

Dear Ms. Lewis:

Your letter of July 15, 1997, to the Vice President's Office was recently forwarded to this office for a formal response. I want to confirm that your issues have been properly addressed. If you have not previously received any communication in response, please accept my sincere apology.

I recognize and understand your opinion of INS practices as being unfair and discriminatory, however, I assure you that the only purpose of the questions on the I-94W, Visa Waiver Pilot Program (VWPP) Arrival-Departure Record, is to assist us in carrying out the law. These questions are solely designed to comply with the requirements of the Immigration and Nationality Act (INA).

First, to clarify, applicants for admission who are Canadian citizens are not required to provide written documentation or to submit Form I-94W. As stated in Section 212.1 of the INA (enclosure 1), **"A visa is not required of a Canadian national in any case. A passport is not required of such national except after a visit outside of the Western Hemisphere."** This is also true for applicants having a common nationality with Canadian nationals (e.g., U.K., Australia) who have residence in Canada.

Ms. Lydia Lewis

Page 2

Since Canadians are exempt documentary requirements I have concluded that several of your delegates were citizens of other countries participating in the VWPP and exempt a visa pursuant to INA 212.1. If this were the case, these applicants must answer several questions, including the questions you cited. If the individuals you referred to were Canadians these questions may have been presented orally.

These forms are intended to assist INS officers when making a determination as to the admissibility of arriving visitors. More specifically, the questions are designed to meet the intent of the law under Sec. 212 (a) (1) (A) of the INA (attachment 3), which states:

In general. -Any alien-

(iii) who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services in consultation with the Attorney General)-

- (I) to have a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others, or**
- (II) to have had a physical or mental disorder and a history of behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or to lead to other harmful behavior, or**

(iv) who is determined (in accordance with the regulations prescribed by the Secretary of Health and Human Services) to be a drug abuser or addict, is inadmissible.

As an agency of the Department of Justice, the INS, through its officers, is charged with enforcing the immigration laws found in the INA. In doing so, INS officers are required to maintain professionalism, courtesy and sensitivity while making a decision based on the information gathered during an inspection. With regard to this particular section of the INA, the U.S. Public Health Service, and not the INS, is charged with making the actual admissibility determination. This is done, in part, by ensuring compliance through a review of the requested information on the immigration forms.

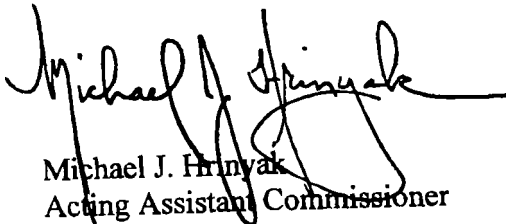
However, if during an admission inspection, a visitor is found ineligible, there are applicable waivers for certain eligibility requirements. Although, depending on the circumstances and details of each case, it may involve some inconvenience in processing time while requesting an application review.

We sincerely apologize that there is a public perception of unfair and/or outdated practices, but the inspection process our officers use to determine the admissibility of all visitors entering the U.S. is a necessity to enforce the immigration laws that have been enacted by Congress.

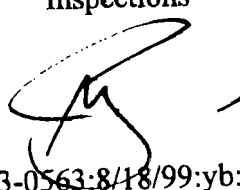
Ms. Lydia Davis
Page 3

I want to thank you for bringing this situation involving your colleagues to our attention. I hope that I have fully addressed your concerns and if I can be of further assistance, please do not hesitate to contact this office.

Sincerely,



Michael J. Hrinak
Acting Assistant Commissioner
Inspections

CC: OFFICIAL FILE 
READING FILE: RIGERMAIN:3-0563:8/18/99:yb:9/3/1999
FILE NAME: VWPPREPLY.DOC 

Service Law Books

Sec. 212.1 Documentary requirements for nonimmigrants.

A valid unexpired visa and an unexpired passport, valid for the period set forth in section 212(a)(26) of the Act, shall be presented by each arriving nonimmigrant alien except that the passport validity period for an applicant for admission who is a member of a class described in section 102 of the Act is not required to extend beyond the date of his application for admission if so admitted, and except as otherwise provided in the Act, this chapter, and for the following classes:

(a) Canadian nationals, and aliens having a common nationality with nationals of Canada or with British subjects in Bermuda, Bahamian nationals or British subjects resident in Bahamas, Cayman Islands, and Turks and Caicos Islands. A visa is not required of a Canadian national in any case. A passport is not required of such national except after a visit outside of the Western Hemisphere. A visa is not required of an alien having a common nationality with Canadian nationals or with British subjects in Bermuda, who has his or her residence in Canada or Bermuda. A passport is not required of such alien except after a visit outside of the Western Hemisphere. A visa and a passport are required of a Bahamian national or a British subject who has his residence in the Bahamas except that a visa is not required of such an alien who, prior to or at the time of embarkation for the United States on a vessel or aircraft, satisfied the examining U.S. immigration officer at the Bahamas, that he is clearly and beyond a doubt entitled to admission in all other respects. A visa is not required of a British subject who has his residence in, and arrives directly from, the Cayman Islands or the Turks and Caicos Islands and who presents a current certificate from the Clerk of Court of the Cayman Islands or the Turks and Caicos Islands indicating no criminal record.

Service Law Books

INA: ACT 217 - VISA WAIVER PILOT PROGRAM FOR CERTAIN VISITORS

Sec. 217. 1/ [8 U.S.C. 1187]

(a) Establishment of Pilot Program.-The Attorney General and the Secretary of State are authorized to establish a pilot program (hereinafter in this section referred to as the "pilot program") under which the requirement of paragraph (7)(B)(i)(II) of section 212(a) may be waived by the Attorney General, in consultation with the Secretary of State,^{2/} and in accordance with this section, in the case of an alien who meets the following requirements:

(1) Seeking entry as tourist for 90 days or less.-The alien is applying for admission during the pilot program period (as defined in subsection (e)) as a nonimmigrant - visitor (described in section 101(a)(15)(B)) for a period not exceeding 90 days.

(2) National of pilot program country.-The alien is a national of, and presents a passport issued by, a country which-

(A) extends (or agrees to extend) reciprocal privileges to citizens and nationals of the United States, and

(B) is designated as a pilot program country under subsection (c).

(3) Executes immigration forms.-The alien before the time of such admission completes such immigration form as the Attorney General shall establish.

(4) Entry into the United States.-If arriving by sea or air, the alien arrives at the port of entry into the United States on a carrier which has entered into an agreement with the Service to guarantee transport of the alien out of the United States if the alien is found inadmissible or deportable by an immigration officer.

(5) Not a safety threat.-The alien has been determined not to represent a threat to the welfare, health, safety, or security of the United States.

(6) No previous violation.-If the alien previously was admitted without a visa under this section, the alien must not have failed to comply with the conditions of any previous admission as such a nonimmigrant.

(7) Round-trip ticket.-The alien is in possession of a round-trip transportation ticket (unless this requirement is waived by the Attorney General under regulations).

(b) Waiver of Rights.-An alien may not be provided a waiver under the pilot program unless the alien has waived any right-

(1) to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States, or

(2) to contest, other than on the basis of an application for asylum, any action for removal of the alien.

(c) Designation of Pilot Program Countries.-

Service Law Books**INA: ACT 212 - GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND INELIGIBLE FOR ADMISSION; WAIVERS OF INADMISSIBILITY**

Sec. 212. [8 U.S.C. 1182]

(a) Classes of Aliens Ineligible for Visas or Admission.-Except as otherwise provided in this Act, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States:

(1) Health-related grounds.-

(A) In general.-Any alien-

(i) who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to have a communicable disease of public health significance, which shall include infection with the etiologic agent for acquired immune deficiency syndrome,

(ii) 1/ except as provided in subparagraph (C) 1a/ who seeks admission as an immigrant, or who seeks adjustment of status to the status of an alien lawfully admitted for permanent residence, and who has failed to present documentation of having received vaccination against vaccine-preventable diseases, which shall include at least the following diseases: mumps, measles, rubella, polio, tetanus and diphtheria toxoids, pertussis, influenza type B and hepatitis B, and any other vaccinations against vaccine-preventable diseases recommended by the Advisory Committee for Immunization Practices,

(iii) who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services in consultation with the Attorney General)-

(I) to have a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others, or

(II) to have had a physical or mental disorder and a history of behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or to lead to other harmful behavior, or

(iv) who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to be a drug abuser or addict, is inadmissible.

(B) Waiver authorized.-For provision authorizing waiver of certain clauses of subparagraph (A), see subsection (g).



JUL 17 1997

July 15, 1997

Mrs. Tipper Gore
Office of the Vice President
Old Executive Office Building
Washington, DC 20500

Dear Mrs. Gore:

I want to call your attention to a blatantly discriminatory practice by the U.S. Immigration and Naturalization Service. I first discovered this incredible policy at our annual Convention in Pittsburgh last month. A group of our Canadian members were detained at the border because they made the mistake of answering a question on the immigration form honestly.

 The question states, "Do you have a communicable disease; physical or mental disorder; or are you a drug abuser or addict?"

If a person with any mental disorder answers this honestly, he or she may not be admitted to the U.S. without a special waiver which takes several days and the professional attention of a doctor. If immigration officials rule the history of mental illness is too severe, the waiver is not granted.

One of our well-connected Scientific Advisory Board Members was able to reach the right people in Washington so that our Canadian members could enter the country after a several hour delay. Of course not everyone has a politically connected doctor to go to bat for them.

I am writing you because I don't have to explain to you how unfair and discriminatory this outdated immigration practice is. On behalf of our 275 U.S. chapters and our chapters in Canada; on behalf of our more than 30,000 U.S. constituents; on behalf of all who suffer from disorders of the brain, I ask you to use your considerable influence to urge the U.S. Department of Justice to bring an end to the immigration policies that discriminate against people who happen to have mental illness.

Sincerely,

A handwritten signature in cursive script that reads "Lydia Lewis".

Lydia Lewis
Executive Director

Enclosure

National Depressive and Manic-Depressive Association

730 North Franklin Street Suite 501 Chicago, Illinois 60610

312 • 642 • 0049 Fax 312 • 642 • 7243

Withdrawal/Redaction Marker

Clinton Library

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Clinton Presidential Records
Domestic Policy Council
Irene Bueno
OA/Box Number: 17173

FOLDER TITLE:

Miscellaneous: Immigration/Mental Health

2017-1120-S
ry2225

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Welcome to the United States

I-94W Nonimmigrant Visa Waiver Arrival/Departure Form

Instructions

This form must be completed by every nonimmigrant visitor not in possession of a visitor's visa, who is a national of one of the countries enumerated in 8 CFR 217. The airline can provide you with the current list of eligible countries.

Type or print legibly with pen in ALL CAPITAL LETTERS. USE ENGLISH

This form is in two parts. Please complete both the Arrival Record, items 1 through 11 and the Departure Record, items 14 through 17. The reverse side of this form must be signed and dated. Children under the age of fourteen must have their form signed by a parent/guardian.

Item 7 - If you are entering the United States by land, enter LAND in this space. If you are entering the United States by ship, enter SEA in this space.

Admission Number

229541135 06

Immigration and Naturalization Service
Form I-94W (05-29-91) - Arrival Record

VISA WAIVER

1. Family Name

B.O.S.

2. First (Given) Name

F.R.E.D.E.R.I.K.

3. Birth Date (day/month/yr)

(b)(6)

4. Country of Citizenship

(b)(6)

5. Sex (male or female)

M, A, L, E

6. Passport Number

1, 0

7. Airline and Flight Number

8. Country where you live

9. City Where you boarded

10. Address While in the United States (Number and Street)

11. City and State

Government Use Only

12.

13.

Departure Number

229541135 06

Immigration and Naturalization Service
Form I-94W (05-29-91) - Departure Record

VISA WAIVER

14. Family Name

15. First (Given) Name

16. Birth Date (day/month/yr)

17. Country of Citizenship

See Other Side

Staple Here

Do any of the following apply to you? (Answer Yes or No)

- A. Do you have a communicable disease; physical or mental disorder; or are you a drug abuser or addict? ☐ Yes ☐ No
- B. Have you ever been arrested or convicted for an offense or crime involving moral turpitude or a violation related to a controlled substance; or been arrested or convicted for two or more offenses for which the aggregate sentence to confinement was five years or more; or been a controlled substance trafficker; or are you seeking entry to engage in criminal or immoral activities? ☐ Yes ☐ No
- C. Have you ever been or are you now involved in espionage or sabotage; or in terrorist activities; or genocide; or between 1933 and 1945 were you involved, in any way, in persecutions associated with Nazi Germany or its allies? ☐ Yes ☐ No
- D. Are you seeking to work in the U.S.; or have you ever been excluded and deported; or been previously removed from the United States; or procured or attempted to procure a visa or entry into the U.S. by fraud or misrepresentation? ☐ Yes ☐ No
- E. Have you ever detained, retained or withheld custody of a child from a U.S. citizen granted custody of the child? ☐ Yes ☐ No
- F. Have you ever been denied a U.S. visa or entry into the U.S. or had a U.S. visa canceled? If yes, when? _____ where? _____ ☐ Yes ☐ No
- G. Have you ever asserted immunity from prosecution? ☐ Yes ☐ No

IMPORTANT: If you answered "Yes" to any of the above, please contact the American Embassy **BEFORE** you travel to the U.S. since you may be refused admission into the United States.

Family Name (Please Print)

First Name

Country of Citizenship

Date of Birth

WAIVER OF RIGHTS: I hereby waive any rights to review or appeal of an immigration officer's determination as to my admissibility, or to contest, other than on the basis of an application for asylum, any action in deportation.

CERTIFICATION: I certify that I have read and understand all the questions and statements on this form. The answers I have furnished are true and correct to the best of my knowledge and belief.

Signature

Date

Public Reporting Burden - The burden for this collection is computed as follows: (1) Learning about the form 2 minutes; (2) completing the form 4 minutes for an estimated average of 6 minutes per response. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to INS, 425 I Street, N.W., Rm. 5304, Washington, D.C. 20536; and the Office of Management and Budget, Paperwork Reduction Project, OMB No. 1115-0148, Washington, D.C. 20503.

Departure Record

Important - Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future.

You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from Immigration authorities, is a violation of the law.

Surrender this permit when you leave the U.S.:

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official;
- Across the Mexican border, to a U.S. Official.

WARNING: You may not accept unauthorized employment; or attend school; or represent the foreign information media during your visit under this program. You are authorized to stay in the U.S. for 90 days or less. You may not apply for: 1) a change of nonimmigrant status; 2) adjustment of status to temporary or permanent resident, unless eligible under section 201(b) of the INA; or 3) an extension of stay. Violation of these terms will subject you to deportation.

Port:

Date:

Carrier:

Flight #/Ship Name: