

Stieg, Michael**RELEASED IN FULL**

From: Sidhu, Dilpreet K **REVIEW AUTHORITY: Archie Bolster, Senior Reviewer**
Sent: Thursday, June 06, 2013 9:57 AM
To: Pyatt, Geoffrey R; Ayres, Alyssa; Fennerty, John J; Nair, Jai L; Kromash, Neil S; Powell, Nancy J; Stanley, Julia R; Haas, Peter D; Mustafa, Herro K; Zhu, Ningchuan
Cc: Blake, Robert O
Subject: Modi Meeting with NODEL Members

Importance: High

Members of the recent NODEL requested a meeting with A/S Blake regarding Modi's visa – readout from yesterday's meeting below.

(SBU) Hill Briefing on Modi: A/S Blake briefed Representatives McMorris Rodgers (WA), Schock (IL), and Lummis (WY) on the Modi visa issue (CA, H, and the desk also participated). Shalli Kumar, an Indian American businessman, was present at the outset, despite assurances that the meeting would just include Members and staff. A/S Blake said we could not discuss the visa issue with him in the room so he departed without objection. McMorris Rodgers expressed concern that "everyone else" has changed their policy on Modi except for the United States; that the Indian legal system has not found Modi guilty and to date he has not been named in any court case; and that we engage with and allow travel to the United States by "far worse" political leaders. She posited that the State Department has not abided by "innocent until proven guilty" in the case of Modi's visa determination. Lummis noted that the Indian judicial process is "without an end", asked if there was a statute of limitations to INA a2g, and inquired how "good behavior" in the subsequent years since the 2002 violence would affect Modi's visa issuance. Lummis also doubted whether a religious freedom ineligibility was applicable to the violence, which she called a "riot situation." Schock underscored Gujarat's growth trajectory and popularity among investors, as well as Modi's repeated electability.

(SBU) A/S Blake provided needed clarification that visa decisions do not expire and cannot be changed; he reiterated that Modi is welcome to apply for a visa at any time, at which point his visa application would be reviewed in accordance with U.S. law. He noted that the 2005 visa determination was made in accordance with U.S. law and that other countries may not have similar laws in place. He agreed with Modi's efficacy as an administrator and underscored our support for U.S. companies' investments in Gujarat. He noted the human rights violations that took place in 2002, which have been documented by credible groups like Human Rights Watch and Amnesty International, as well as USCIRF.

(SBU) Both McMorris Rodgers and Schock repeatedly asked for information related to the 2005 ineligibility, which H stated could be provided if the Chair of either the HFAC or Judiciary Committee were to request the visa documentation through a letter to State. The Members stated they remained "unconvinced" that the evidence used to make the determination was sufficient. We can expect a letter from the Hill asking for all documentation related to Modi's visa, as well as a request for a classified briefing on data/information used to make the visa determination.

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