

SHAMING WITHOUT NAMING

The limits of confidential U.S.
visa sanctions for accountability

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Executive Summary

Visa sanctions have become an increasingly popular and, in some cases, quite effective tool in the U.S. government's response to human rights abuse, corruption, and attacks on democracy. Unlike with the Global Magnitsky program or other financial sanctions, though, the U.S. government is often restricted by law from publicly naming the individuals on whom it imposes visa sanctions. Even when it uses visa sanctions tools that do not require confidentiality, it sometimes chooses nonetheless not to name names.

There is a long history of journalists expressing frustration and even mockery to U.S. officials who announce this kind of anonymous sanction, pressing to know if an announced action has "actually had any effect" or quipping sarcastically that "this will be a grand deterrent."¹ Human rights activists and members of Congress have also signaled doubt about the impact or significance of this kind of policy action. Nonetheless, the U.S. government's use of these confidential visa bans has been growing, in a practice that may be constructive but requires much more scrutiny.

Confidential sanctions generally do much less to promote accountability for abuse and corruption than ones that publicly assign blame. They also make it impossible to evaluate the impact or the seriousness of U.S. policy efforts that rely on these tools, or to understand how the U.S. government is enforcing the law that generally bans the entry of abusive or corrupt foreign government officials into the United States.

To address these shortcomings, Congress should ensure the State Department at least has the option to publicly identify the perpetrators it bans from entering the country on these grounds. When the State Department chooses not to name names, it should release aggregate information about whom it has sanctioned to improve oversight and scrutiny of how these tools are used. Greater transparency is needed to ensure that the growing use of this subset of U.S. sanctions tools makes an effective contribution to accountability for abuse and corruption.

¹ See, among others, U.S. Department of State, "Transcript: Daily Press Briefing," [June 20, 2014](#); and U.S. Department of State, "Transcript: Department Press Briefing," [May 24, 2023](#).



How visa sanctions work and why they are used

When a government imposes targeted sanctions on an individual for human rights abuse or corruption, those sanctions typically include financial sanctions (an asset freeze and a ban on transacting with the person) as well as visa sanctions (a ban on entering the sanctioning country).² Uniquely among the major jurisdictions that have Magnitsky-style sanctions programs, the U.S. government sometimes uses its visa sanctions separately.³

Until five years ago, the U.S. government generally did not publicize the names of those whom it had designated *solely* for visa sanctions. While banks need a public list of the individuals who face financial sanctions so that they can enforce the measures, publicity is not necessary for the U.S. government to know whether someone is barred from entering the country. U.S. immigration law also generally requires that visa records be kept confidential⁴ – though Congress has made important exceptions to this principle, and the executive branch has sometimes found ways to publicize at least general information about these sanctions.

However, visa sanctions are imposed, they can have meaningful impacts, albeit fewer than sanctions backed with financial penalties. One consistent impact is that a visa ban keeps the sanctioned person out of the United States, preventing the appearance of a safe haven for people engaged in human rights abuse or other sanctionable acts. How wounding and impactful it is to lose the benefits of travel to the United States will depend on the sanctioned person. A Nigerian human rights activist stressed to us, for example, that many in that country's political elite saw other destinations as appealing alternatives.⁵

A primary source of a sanction's effectiveness is the stigma it carries. When a visa ban is imposed without naming names, it is unlikely to have many of the types of impact that advocates often seek out or have reported in other contexts.⁶ A confidential sanction cannot serve to pressure a government to investigate allegations against a specific person, for example, nor prompt third parties to rethink their ties to that person. It cannot inform local advocacy by civil society groups, nor provide victims the satisfaction of seeing the abuses against them acknowledged. Other Magnitsky jurisdictions that might wish to match and "multilateralize" the sanction may not be able to do so. Even the sanctioned

² The State Department typically refers to such measures as "visa restrictions" or a "suspension of entry," not "visa sanctions." These measures are widely understood to be part of the targeted sanctions toolkit, though, and are referred to accordingly in this report.

³ Under a presidential proclamation from 2011, the State Department now automatically imposes visa sanctions on individuals whom the Treasury Department has placed under financial sanctions. The reverse is not true. See The White House, "Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions," Presidential Proclamation 8693, [July 24, 2011](#).

⁴ See 8 U.S.C. section [1202\(f\)](#) ("The records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States...").

⁵ See also, e.g., the response of Bangladeshi officials to U.S. visa sanctions ("Our voters are also not bothered because they probably are not thinking of going to the US at all"). Faisal Mahmud, "Bangladesh FM says not bothered by US visa curbs, promises free elections," [Al Jazeera, September 23, 2023](#).

⁶ See REDRESS et al., "Evaluating Targeted Sanctions: A Flexible Framework for Impact Analysis," [November 2023](#).



person themselves may only know of the sanction if they actually try to travel or already hold a visa.⁷

It thus may seem irrational for the U.S. government to use confidential visa sanctions instead of other targeted sanctions. The former are not necessarily easier for U.S. officials to impose in terms of the evidence, or the effort required: State Department officials have made clear that, in practice, the type and amount of information required to identify a person and link them to wrongdoing is comparable for visa sanctions and financial sanctions.⁸

Rather, the State Department uses confidential visa sanctions because the legal authorities behind these tools offer greater flexibility over the kind of acts that it can address with sanctions, as well as greater control over how the sanctions are implemented or seen. The State Department can impose visa sanctions by itself, without seeking the concurrence of other agencies or drawing on their limited staff time. It can do so without following the Treasury Department's usual practice of sanctioning people only for acts that have occurred roughly within the last five years. Under one visa sanctions authority, the State Department can define a wide range of acts as sanctionable, including abuses or acts undermining democracy that go beyond those currently covered in legislation or executive orders.⁹

The State Department knows there is value in publicizing the names of those it has sanctioned. When it announced in 2021 a visa sanctions policy that targets individuals involved in transnational repression (the "Khashoggi Ban"), it pledged to consider sanctioning individuals using an authority that allows for the naming of names, as well as one that does not.¹⁰

But confidentiality allows the State Department to impose sanctions without as much diplomatic fuss. Imposing visa bans is sometimes criticized as a placeholder action taken in the absence of political will to act on calls for using something stronger.¹¹ Intentionally or

⁷ See, e.g., the State Department spokesperson's remarks explaining the impact of a visa sanctions policy related to violence in the West Bank: "So anyone who currently – any Israeli citizen [sanctioned under this program] who currently has a visa to enter the United States will be notified that that visa has been revoked. ... Any other Israeli citizen who is designated as a result of this program but does not currently have a visa will not be notified." U.S. Department of State, "Department Press Briefing," [December 5, 2023](#).

⁸ State Department officials have told us, for example, that they are guided by ensuring their ability to defend a visa sanction from legal challenge in court, not merely with satisfying the potentially lower threshold set in statute. The State Department also requires, e.g., the full name and date of birth of the person being sanctioned.

⁹ This is the Section 212(a)(3)(C) authority. As further noted below, this is not the case for all visa sanctions programs: the Section 7031(c) standard for sanctionable human rights abuses is more constrained than the Global Magnitsky program's.

¹⁰ See below for more on the Khashoggi Ban, which relies on Section 212(a)(3)(C). In announcing the ban, Secretary Blinken stated: "When identifying individuals for purposes of the Khashoggi Ban, we will also review them for designation under Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act of 2020, ... which authorizes the denial of visas to them and their immediate family members as well as their public identification." Antony J. Blinken, "Press Statement: Accountability for the Murder of Jamal Khashoggi," U.S. Department of State, [February 26, 2021](#).

¹¹ See, for example, Cameron Hudson of the Center for Strategic and International Studies (CSIS) on Twitter, regarding an expanded visa-ban policy regarding Sudan, [December 7, 2022](#). In practice, the U.S. government sometimes does take more aggressive actions as a situation deteriorates after initially limiting itself to visa bans. See the Biden administration's visa-ban policy under Section 212(a)(3)(C) on the crisis in Ethiopia's Tigray region, which was followed less than four months later by Executive Order 14046 in [September 2021](#); and the older policy on democracy in Sudan, which was followed by Executive Order 14098 in [May 2023](#).



not, confidential bans also allow the U.S. government to avoid scrutiny for how sanctions are implemented, or for whether they represent a meaningful effort.

As U.S. agencies often rightly stress, using any kind of sanctions is only effective as part of a broader strategy or policy, not as an end in itself.¹² In that context, the State Department has clearly decided in many cases that the downsides of using a confidential visa sanctions program are offset by its flexibility – but the tool’s opacity makes it impossible to evaluate the policy that it is meant to advance.

Two primary visa sanctions programs are used most frequently in a confidential manner for human rights-related ends – the so-called Section 7031(c) program for “Anti-Kleptocracy and Human Rights,” and the foreign policy sanctions authority in Section 212(a)(3)(C) of the INA. They are widely used and have specific strengths and limitations.

“Anti-Kleptocracy and Human Rights” visa sanctions – Section 7031(c) in annual appropriations acts

Each year since 2014, Congress has directed that foreign government officials involved in “significant corruption...or a gross violation of human rights...shall be ineligible for entry into the United States,” along with their immediate family members.¹³ Congress designed this so-called Section 7031(c) ban to be easily triggered, stating that the Secretary of State need only have “credible information” that an alleged perpetrator was either “directly or indirectly” involved in corrupt or abusive acts. By framing this law as a mandatory legal ban with certain exceptions, rather than as a sanctions tool the executive branch could use purely at its discretion, Congress created expectations that it would be applied with some rigor and consistency.

Congress also built into Section 7031(c) the rare option for the executive branch to publicly name names in a visa sanction,¹⁴ an option that the State Department has used extensively since 2018, sometimes to significant effect. This sanctions program is thus effectively a dual one, under which the State Department can choose whether to impose public sanctions or confidential ones.

It is unclear, though, whether and against whom the State Department is actually imposing confidential sanctions. If it is indeed sanctioning abusers or corrupt actors confidentially, it is missing an opportunity to have a more significant impact. And because it does not even provide aggregate information about whom it is sanctioning confidentially – how many, in

¹² See, e.g., U.S. Department of the Treasury, “The Treasury 2021 Sanctions Review,” [October 2021](#) (“Sanctions should be deployed alongside other measures as part of a larger strategy in support of specific policy objectives”).

¹³ State Department practice shows that the ban can apply to former officials as well as current ones. For the full language of the most recent version of this provision, see Section 7031(c) of the appropriations law for [Fiscal Year 2023](#). For more details about Section 7031(c)’s history and implementation, see Human Rights First’s December 2023 [explainer](#).

¹⁴ This flexibility has been available since the Fiscal Year 2015 iteration of Section 7031(c). Congressional Research Service, “FY2020 Foreign Operations Appropriations: Targeting Foreign Corruption and Human Rights Violations,” [April 17, 2020](#). The most recent version of the law provides at paragraph 6 that, for purposes of this ban, “the records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall not be considered confidential.”



what regions, for what kind of acts, and with what exceptions being made – it is unclear how rigorously the overall ban is being enforced.

Publicity increases impact and allows scrutiny

The State Department's ability to say whom it is sanctioning has been an important and welcome feature of this sanctions program. Some sanctions under this authority that have been *publicly* announced with names, not confidentially, have had a significant and constructive impact:

- In December 2022, the State Department barred Pavlo Vovk, a senior Ukrainian judge, from entering the United States for “soliciting bribes in return for interfering in judicial and other public processes.”¹⁵ Days later, Ukraine’s legislature yielded to long-standing pressure from Ukrainian civil society and passed a law reforming the notorious court that Vovk chaired.¹⁶
- In August 2023, the State Department sanctioned three current and former officials of a Congolese conservation agency, citing their corrupt involvement in the trafficking of protected wildlife.¹⁷ According to one Congolese NGO, local judicial authorities responded to the U.S. sanctions by opening an investigation into the alleged corruption, an action that created an opening for the NGO to submit evidence of corruption it had gathered.¹⁸

Using the State Department’s list of the individuals it has publicly sanctioned under Section 7031(c), it is possible to analyze some basic patterns, emphases, and omissions in the public-facing part of the program.¹⁹ Key observations that can be drawn from Human Rights First’s tracker include:²⁰

- As of December 2023, 496 people have been publicly sanctioned. Of these, 54 percent were sanctioned for their own involvement in corruption or human rights violations, and the remainder were their children or spouses.
- Of those who were sanctioned for their own actions, slightly more than half were sanctioned for human rights violations, the remainder for corruption.²¹

¹⁵ U.S. Department of State, “Fact Sheet: Combating Global Corruption and Human Rights Abuses,” [December 9, 2022](#).

¹⁶ Veronika Melkozerova, “Ukraine takes two steps forward, one step back in anti-corruption fight,” *Politico Europe*, [December 26, 2022](#).

¹⁷ U.S. Department of State, “Press Statement: Designation of Democratic Republic of the Congo (DRC) Public Officials for Significant Corruption,” [August 16, 2023](#).

¹⁸ Alerte Congolaise pour l’Environnement et les Droits de l’Homme, “Déclaration: Sanctions pour corruption et trafic des espèces sauvages en RDC: le Département d’Etat des USA mérite un soutien inébranlable, la justice congolaise doit vite mener des enquêtes,” August 25, 2023, on file with Human Rights First.

¹⁹ A central State Department [webpage](#) on Section 7031(c) links to separate pages organized by fiscal year of the individuals who have been publicly sanctioned. Unlike the Treasury Department’s [Sanctions List Search](#) of those facing financial sanctions, the Section 7031(c) page is not easily searchable.

²⁰ See “United States: Visa Restrictions under Section 7031(c)” under the “How Sanctions Have Been Implemented” section at Human Rights First’s “Targeted Human Rights and Anti-Corruption Sanctions Resources” [webpage](#).

²¹ Of the 270 individuals sanctioned for their own acts (i.e., not immediately family members) as of December 2023, 143 were sanctioned for human rights violations, 125 for corruption, and two for both.



- The program has been used on a similar scale as the Treasury Department's Global Magnitsky program, which as of December 2023 had targeted 532 total individuals or entities for abuses or corruption. Like that program, Section 7031(c) saw a reduction in use over the last year.²²
- Officials from countries in the South/Central Asia and East Asia/Pacific regions have been the least frequently targeted, and those from the Western Hemisphere and Europe/Eurasia the most frequent.²³

As in other U.S. sanctions programs, abusive or corrupt officials from many – though not all – U.S. partner governments have not had any officials publicly sanctioned under Section 7031(c).²⁴ NGOs have advocated publicly and through confidential recommendations to the State Department for such gaps to be filled. The opaque decision-making process that follows civil society's submissions under Section 7031(c) is familiar from other sanctions programs, but more frustrating in the context of a program that at least on paper is not discretionary but can be automatically triggered by credible reports.

Confidentiality and waivers blunt the impact and obscure implementation

It is possible that the confidential side of the Section 7031(c) program partly addresses some of its apparent selectivity, since sanctions against officials from partner governments are those the State Department would be most inclined to keep hidden. But outside observers simply do not know anything about this part of the program – not just who exactly is sanctioned under it, but how many, where, for what, and with which exceptions.

If the State Department has imposed any confidential sanctions under Section 7031(c), keeping them secret has blunted the political impact they might have had. State Department officials have made clear that even sanctioned persons themselves likely would not become aware of a confidential sanction applied to them unless they already held a visa or later applied for one.²⁵

It is also possible that there simply are no confidential sanctions. Congress made several exceptions to the general visa ban in Section 7031(c). The State Department can allow officials credibly linked to abuse or corruption to enter the United States if doing so would “further important United States law enforcement objectives,” for example, or by finding that such a person's entry “would serve a compelling national interest.”²⁶

²² On Global Magnitsky, see Human Rights First, “Slow Progress: U.S. Global Magnitsky Sanctions in their Sixth Year,” [December 7, 2023](#). In 2023, 88 individuals were sanctioned under Section 7031(c), compared to 100 and 104 in 2021 and 2022 respectively.

²³ Since 2018, 37 and 28 percent of those sanctioned under the program were from a Western Hemisphere or Europe/Eurasian country, compared to four and six percent from South/Central Asia or East Asia/Pacific countries.

²⁴ On this same pattern in the Global Magnitsky sanctions program, see Human Rights First, “Friends Like These: U.S. Security Partners and Selectivity in the Global Magnitsky Sanctions Program,” [November 2022](#). That report included case studies on five U.S. partner countries from which no officials had been sanctioned under Global Magnitsky; four of the five also appear to be absent from the Section 7031(c) program, though a former Mexican official has been sanctioned for human rights violations under it.

²⁵ See footnote 7.

²⁶ The ban also does not apply when individuals are seeking to visit the United Nations under the terms of the UN's headquarters agreement with the United States. It can also be waived if the Secretary of State finds that “the circumstances which caused the individual to be ineligible have changed sufficiently.” For these exceptions and waivers in fiscal year 2023, see [Section 7031\(c\)\(2\) and \(3\)](#).



When it uses one of these exceptions to avoid banning someone's entry, the State Department must report the decision to Congress,²⁷ but the details are classified, and the public (and the alleged perpetrator) is unaware. Outside observers can only guess how and against whom the confidential part of Section 7031(c) – and thus the program as a whole – is being implemented.

Recent visits to the United States suggest that the Section 7031(c) ban is a porous one in practice. Equatorial Guinea's President Teodoro Obiang has presided for decades over an infamous kleptocracy, yet he attended the December 2022 U.S.-Africa Leaders' Summit in Washington.²⁸ A Bahraini prince alleged to have personally tortured protesters in the country's 2011 uprising participated this September in the signing of a bilateral defense agreement at the State Department.²⁹

Some exceptions to the ban are to be expected. While the program is not discretionary, it would clearly be impractical for the U.S. government to evaluate every foreign government official in the world against Section 7031(c)'s standards, or even the thousands who visit the United States in a given year. Sufficient evidence of an official's reported abuse or corruption may not always be available to assemble a legally sound visa ban. The State Department may believe that a corrupt or abusive official's visit "would serve a compelling national interest" by advancing some diplomatic aim.

Releasing aggregate information would clarify how the program is used

Acknowledging that implementing Section 7031(c) is a challenge, though, should not excuse how little is known about how the State Department is handling this challenge. It is unclear what conclusions can be drawn from the visits of abusive or corrupt officials and other apparent omissions. Possibilities include:

- *Too few reviews.* If few individuals are being reviewed against the Section 7031(c) criteria, the State Department's procedures for triggering scrutiny may not be well designed, or its efforts not sufficiently resourced to make the entry ban credible as a mandatory effort. (See text box.)
- *Too high a standard.* If few individuals are found to meet the criteria when they are reviewed, the State Department may be applying a higher threshold than Congress mandated. State Department officials have told us that ensuring they can defend a visa sanction against legal challenge has led them to set a higher bar for a person's involvement in sanctionable acts and a higher threshold of evidence than the Section 7031(c) statute would seem to require.

²⁷ For the congressional reporting requirement in fiscal year 2023, see [Section 7031\(c\)\(4\)](#).

²⁸ Robbie Gramer, Amy Mackinnon, and Jack Detsch, "Biden Plays Nice With Equatorial Guinea to Spoil China's Atlantic Ambitions," *Foreign Policy*, [December 12, 2022](#).

²⁹ Ahmed Aboulenein, "Bahrain prince does not enjoy immunity over torture claims, UK court rules," Reuters, [October 7, 2014](#); U.S. Department of State, "Remarks: Secretary Antony J. Blinken And Bahraini Crown Prince and Prime Minister Salman bin Hamad Al Khalifa At a Security Integration and Prosperity Agreement Signing Ceremony," [September 13, 2023](#).



- *Too quick to waive.* If a large share of the individuals who are found to be involved in abuse or corruption are having sanctions waived, the State Department may be stretching the intended scope of the exceptions or otherwise gutting the intent of the law.³⁰ The State Department's annual visa tables suggest that many of those who actually applied for a visa but fell afoul of the Section 7031(c) criteria have nonetheless been allowed to enter.³¹
- *Too reliant on confidentiality.* Finally, if the State Department is making extensive use of the option to impose a required sanction confidentially, it may be missing opportunities for impact. State Department officials have told Human Rights First that the default practice is to publicize a sanction, but they have also noted rationales for making exceptions that range from protecting vulnerable sources to avoiding diplomatic offense.

Congress presumably already has the information it would need to answer these questions, because the State Department is required to provide periodic reports at the case-by-case level to the foreign affairs, appropriations, and judiciary committees in both houses.³² It is not clear to what extent these committees have practiced meaningful oversight of the overall program and sought to hold the State Department to account for its implementation.³³

³⁰ This would especially be the case for exceptions being made on grounds other than compliance with the UN headquarters agreement, a matter on which the U.S. government has little flexibility.

³¹ Over Fiscal Years 2020, 2021, and 2022, the State Department reported that 31 individuals applying for a visa were found ineligible to enter based on Section 7031(c), and that 21 ineligibilities on these grounds were "overcome" in an unspecified manner in the same timeframe. See the annual "Report of the Visa Office" for the respective fiscal years at U.S. Department of State, "[Visa Statistics](#)."

³² By law, these reports must include a description of the evidence of corruption or human rights violations for all individuals sanctioned or determined to be exempt from sanctions on law enforcement or UN headquarters grounds, as well as a list and justification of the waivers issued on national interest grounds or due to changes of circumstance. For Fiscal Year 2023, see Section 7031(c)(4).

³³ The Congressional Research Service has produced a useful analysis of the public aspects of Section 7031(c). See "FY2020 Foreign Operations Appropriations: Targeting Foreign Corruption and Human Rights Violations," [April 17, 2020](#).



Procedures for implementing Section 7031(c) sanctions are not well understood

The seemingly relevant portion of the State Department's Foreign Affairs Manual contains no information on how Section 7031(c) sanctions are implemented.³⁴ We know this much:

- Offices within the State Department are able to nominate individuals for sanctions. More formally, the bureaus that administer the Section 7031(c) program periodically ask U.S. embassies to recommend corrupt or abusive officials in their host countries for consideration.³⁵
- Civil society groups also make recommendations for Section 7031(c) sanctions. The State Department has acted on some of these recommendations, though the review process is opaque.
- The U.S. government's own knowledge of a foreign official's imminent visit does not appear to automatically trigger a review. State Department officials have privately said in specific cases that they did not believe a visiting official known to face allegations of abuse had been reviewed against the Section 7031(c) standard before their visit

“Foreign Policy” Visa Sanctions – Section 212(a)(3)(C) of the INA

The State Department also imposes visa sanctions under Section 212(a)(3)(C) of the Immigration and Nationality Act – often described as “3(C),” or the foreign policy sanctions authority. The Biden administration has used this authority more than its predecessors – sometimes creatively – to stigmatize and discourage harmful acts such as transnational repression or undermining democracy that may not be covered by human rights-focused sanctions programs.

This visa ban authority gives the State Department far greater flexibility in determining what acts it can sanction, but it is entirely opaque at the individual level: by law, it cannot be used to publicly name names at all. The State Department has sometimes described in general terms the sanctions it has imposed, such as by stating the number or types of individuals it has sanctioned under this program. Activists have nonetheless described the U.S.

³⁴ U.S. Department of State, “Ineligibility Based on Human Rights Violations - INA 212(A)(2)(G), INA 212(A)(3)(E), INA 212(A)(3)(G), and PP 8697,” 9 FAM 302.7, revised [August 1, 2023](#).

³⁵ These are the Bureaus of Economic and Business Affairs (EB); Democracy, Human Rights, and Labor (DRL), for human rights allegations; and International Narcotics and Law Enforcement Affairs (INL), for corruption allegations; along with the Office of the Sanctions Coordinator.



government's inability to name names under this program as gutting the impact of its actions.

The opaqueness also leaves room for doubt about the significance of the actions that are announced. And as with other discretionary sanctions programs, the State Department appears to have been selective in the situations where it has chosen to use this program, overlooking the abuses or other bad acts linked to many friendly governments.

Potential for Abuse

A Cold War-era version of the foreign-policy visa ban authority was misused to exclude from the United States immigrants and visitors on the basis of alleged Communist affiliations.³⁶ As a result, the current version prevents the State Department from barring entry on the basis of a person's "past, current, or expected beliefs, statements, or associations, if such...would be lawful within the United States."³⁷

In practice, the State Department still enjoys vast latitude with this authority. The potential for continued misuse can be seen in the Trump administration's March 2019 visa sanctions against the International Criminal Court's prosecutor, which it imposed in retaliation for the possibility that the court would investigate post-9/11 U.S. torture in ICC member states.³⁸

An increasingly frequent response to abuses and other bad acts

The "foreign policy" sanctions authority offers broader coverage than any of the sanctions tools that focus specifically on human rights abuse or corruption. While the State Department is under no legislative mandate to use this program for human rights-related ends, it often does.

The foreign policy authority allows the Secretary of State to bar from the country any foreign person, not just a government official, "whose entry or proposed activities in the United States...would have potentially serious adverse foreign policy consequences for the United States." When the State Department chooses to publicly announce this type of sanctions, it typically states that it has put in place "a new visa restriction policy" under Section 212(a)(3)(C) and describes the activity that will make a person sanctionable under that policy.³⁹

³⁶ See, e.g., David Cole, "McCarran-Walter Act reborn?," *Washington Post*, [November 18, 1990](#).

³⁷ Under the statute, the State Department can override this constraint and bar someone's entry based on their "beliefs, statements, or associations," if the person is not a government official and their "admission [into the country] would compromise a compelling United States foreign policy interest." See subsections (ii) and (iii) of INA section 212(a)(3)(C).

³⁸ U.S. Department of State, letter to member of Congress, June 11, 2019, on file with Human Rights First.

³⁹ See, for a recent example, U.S. Department of State, "Press Statement: Visa Restriction Policy on Undermining Democracy in Liberia," [September 27, 2023](#) ("Today, I am announcing a new visa restriction policy under Section 212(a)(3)(C) of the Immigration and Nationality Act for those undermining democracy in Liberia").



The Biden administration has made much greater public use of this program than its predecessors. Since President Biden took office, the State Department has created and announced 22 new visa-ban policies using this program,⁴⁰ including seven just since June, compared with 12 in the Trump administration's full term. These policies have covered a wide range of sanctionable acts, most of them related to human rights concerns. Most distinctively, Biden's State Department has made relatively novel use of this authority to create standing global sanctions policies on specific thematic problems.

- Six policies target some set of abusive acts more expansive than would be covered under typical definitions of human rights abuse (e.g., transnational repression).
- Eight focus on the undermining of democracy in specific countries.
- Six of the policies are framed as covering various acts against peace or stability in specific countries, though some of these also include an emphasis on human rights abuses.
- The remaining policies focus on individuals who help foreign nationals evade justice in the United States, and people who operate charter flights facilitating irregular migration into the country.
- The State Department has also announced new sanctions actions that appear to rely on visa-ban policies that the Trump administration established, including on undermining democracy in Sudan and wildlife and timber trafficking.

Congress has imposed no particular mandate to use Section 212(a)(3)(C) for addressing human rights abuse, corruption, or attacks on democracy. If the executive branch intends to keep doing so, though, the credibility and impact of these visa sanctions will depend in part on whether they are applied with any consistency across the spectrum of countries with friendly or hostile governments.

The Biden administration has arguably been less selective in using this authority than its predecessors. Biden-era policies under this program have targeted individuals in several partner countries – from Bangladesh and Guatemala to Nigeria and Uganda – as well as Russia, China, and other adversaries. The Trump administration's policies focused heavily on China and Cuba.⁴¹ Still, the Biden administration has not explained why it has not also deployed these sanctions against individuals in other countries where, for example, democratic institutions and the rule of law have come under serious threat.

⁴⁰ Some of these policies have been announced without specifically invoking Section 212(a)(3)(C), or making clear whether the announcement reflects a new or existing policy. This report and the underlying database have categorized these announcements based on what appears most likely to be the case given the language used and the context.

⁴¹ Seven of the 12 known policies that the Trump administration issued under Section 212(a)(3)(C) focused on Chinese or Cuban officials or Chinese companies. The remainder focused on wildlife traffickers generally, threats to democracy in Sudan or Cambodia, threats to the peace process in South Sudan, and officials of the International Criminal Court.



Biden Administration Policies Announced under Section 212(a)(3)(C)

The 22 new visa-ban policies that the Biden administration has announced under this authority are listed here by rough categories:

- Abusive acts broadly defined: Transnational repression under the “Khashoggi Ban;” suppressing dissent in Russia; abuses or corruption in Ukraine by Russia or its proxies; various forms of repression of women and girls by the Taliban; various ways of denying Iranians their rights to protest; and the coercive assimilation of Tibetan children in China.
- Undermining democracy in specific countries: Somalia, Nigeria, Bangladesh, Uganda, Sierra Leone, Liberia, Zimbabwe, and the three countries of Central America’s “Northern Triangle.” Some of these policies have additional scope or emphasis, such as the Uganda policy’s reference to the abuse of LGBTQI people’s human rights.
- Acts against peace or stability: Undermining the resolution of the crisis in Cameroon’s Anglophone regions; undermining resolution of the crisis in Ethiopia’s Tigray region; oligarchs supporting Russia’s destabilizing foreign policy; undermining Ukraine’s sovereignty and independence; participating in Haitian street gangs and criminal organizations; and undermining peace, security, or stability in the West Bank.
- Others: Helping foreign nationals evade justice in the United States (the “Fallon Smart policy”); and facilitating irregular migration through charter flights to Nicaragua.

The Biden administration has sometimes announced confidential visa sanctions using presidential proclamations under Section 212(f) of the Immigration and Nationality Act. These include a 2021 proclamation on threats to democracy in Nicaragua⁴² and much older proclamations on Cuban officials and democracy in Belarus.⁴³

President Biden also issued a new proclamation focused on the enablers of corruption in early December 2023.⁴⁴ Older proclamations concerning corruption and human rights violations are also still in effect,⁴⁵ though this administration has not publicly announced sanctions under them and they may in practice have been effectively replaced by Section 7031(c).

⁴² Presidential Proclamation 10309, “Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Policies or Actions That Threaten Democracy in Nicaragua,” [November 16, 2021](#).

⁴³ Presidential Proclamation 5377, “Suspension of Entry as Nonimmigrants by Officers or Employees of the Government of Cuba or the Communist Party of Cuba,” [October 4, 1985](#); and Presidential Proclamation 8015, “Suspension of Entry as Immigrants and Nonimmigrants of Persons Responsible for Policies or Actions That Threaten the Transition to Democracy in Belarus,” [May 12, 2006](#).

⁴⁴ Presidential Proclamation 10685, “Suspension of Entry as Immigrants and Nonimmigrants of Persons Enabling Corruption,” [December 11, 2023](#).

⁴⁵ Presidential Proclamation 7750, “To Suspend Entry as Immigrants or Nonimmigrants of Persons Engaged In or Benefiting From Corruption,” [January 12, 2004](#); and Presidential Proclamation 8697, “Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Participate in Serious Human Rights and Humanitarian Law Violations and Other Abuses,” [August 4, 2011](#).



An opaque tool sometimes used more opaquely than necessary

Because this sanctions program is governed by traditional rules of visa confidentiality, the State Department cannot name names when using it. Sometimes, though, the State Department chooses to publicize its actions in general terms, finding a middle ground of transparency in which – either in the initial announcement or a follow-up action – it provides a general description of the type or number of people it has sanctioned.

- When the State Department announced a follow-up action in October 2023 focused on attacks on democracy in Guatemala, it specified that it had sanctioned “over a dozen individuals” and that the group included “Public Ministry officials and other public and private sector actors....”
- In the Biden administration’s most sweeping action under this authority, it stated in May 2022 that “2,596 members of the Russian Federation military and 13 Belarusian military officials” had been sanctioned for threatening Ukraine.⁴⁶

While the State Department can publicize the contours of visa-ban actions under Section 212(a)(3)(C), it has not done so consistently, for unclear reasons.

- In half of the 51 announcements relating to this type of sanctions that the Biden administration appears to have made, the State Department gave no indication of how many, if any, people it had sanctioned.⁴⁷
- In a handful of these cases, such as the May 2023 announcement of a policy regarding attacks on democracy in Bangladesh, this clearly reflected a deliberate choice to issue a threat of future action.⁴⁸ In the others, though, the State Department’s language was simply ambiguous.
- A visa sanctions policy was a key plank of the U.S. response to Uganda’s adoption in May 2023 of a bigoted law criminalizing same-sex relationships, for example, but the State Department’s language left unclear whether anyone had actually been sanctioned.⁴⁹ This remains unclear even after a December 2023 follow-up announcement expanding the policy.⁵⁰

⁴⁶ U.S. Department of State, “Fact Sheet: State Department Actions to Promote Accountability and Impose Costs on the Russian Government for Putin’s Aggression against Ukraine,” [May 8, 2022](#).

⁴⁷ Of the 51 announcements that Human Rights First has identified, 26 contained no apparent indication of how many individuals had actually been sanctioned, even as an approximate matter.

⁴⁸ U.S. Department of State, “Press Statement: Announcement of Visa Policy to Promote Democratic Elections in Bangladesh,” [May 24, 2023](#) (“Under this policy, the United States *will be able* to restrict the issuance of visas for any Bangladeshi individual, believed to be responsible for, or complicit in, undermining the democratic election process in Bangladesh,” emphasis added). See also the State Department’s announcement on Sudan in December 2022.

⁴⁹ U.S. Department of State, Press Statement: Visa Restrictions for Undermining the Democratic Process in Uganda, [June 16, 2023](#) (“...the Department of State announces that it is taking steps to impose visa restrictions under Section 212(a)(3)(C) of the Immigration and Nationality Act on Ugandan individuals believed to be responsible for, or complicit in, undermining the democratic process in Uganda”).

⁵⁰ U.S. Department of State, “Taking Steps to Impose Visa Restrictions for Undermining Democracy And for Repression in Uganda,” [December 4, 2023](#).



- In some cases, the State Department has never publicly followed up at all after an opaque initial announcement of sanctions.⁵¹ It remains unclear, for example, whether anyone has ever been sanctioned under the Fallon Smart policy, or the June 2021 policy targeting individuals undermining the resolution of the crisis in Cameroon’s Anglophone regions.

Opaqueness weakens the impact of these sanctions

While a detailed survey of the impact of confidential visa bans imposed under Section 212(a)(3)(C) is beyond the scope of this report, human rights activists and other observers have been critical of the limited impact of many of these sanctions.

- **Nigeria.** Regarding the two announcements in 2023 of visa bans on individuals undermining Nigerian democracy, a Nigerian human rights activist told us that, “without arming groups, journalists, and citizens with any information [on who was sanctioned], it will have no impact on the political influence or activities of these individuals....” The activist saw “no evidence of any significant impact” of either announcement, noting that the coverage and public engagement about the bans was “mostly channeling frustration about the lack of information.”⁵²
- **Sudan.** Regarding several sets of U.S. visa bans imposed on Sudanese individuals since 2020, the Sudanese activist Mutasim Ali told us that “these visa bans are not noticed at all and therefore I am not entirely sure about their impact.” Noting that few of the likely targets care about visiting the United States, Ali said, “what makes the ban impactful in such situations is its reputational ramifications, stigma, etc.,” as well as the possibility that other sanctioning jurisdictions would be spurred to match the ban. Ali compared the “toothless if not meaningless” bans with a publicly announced ban in 2019 under Section 7031(c) against a former Sudanese intelligence chief, which “was impactful because it was public and also because [he] used to visit the U.S. with his family quite often.”⁵³
- **Congo.** The Congolese NGO that praised the more recent, publicly announced Section 7031(c) sanctions on three named Congolese wildlife traffickers (see above) was not even aware of a similar set of 3(C) visa sanctions imposed on an anonymous set of Congolese traffickers in 2021.⁵⁴ “The difference is enormous,” the NGO’s co-founder Olivier Ndoole Bahemuke told us. “The sanctions with names...are more dissuasive and educational than the anonymous ones.”

⁵¹ Of the 22 new policies the Biden administration has announced, 12 have been the subject of follow-up announcements. Of the remaining ten, five of are quite new, having only been announced in the last four months; but the remaining five are older, and three of them specified no sanctions when they were initially announced, giving the impression that they may still be policies under which no action has been taken.

⁵² Interview with Human Rights First, September 2023.

⁵³ Interview with Human Rights First, October 2023. On the Sudanese intelligence official, see U.S. Department of State, “Press Statement: Public Designation of Sudan’s Salah Gosh under Section 7031(c),” [August 14, 2019](#).

⁵⁴ Interview with Human Rights First, September 2023. See U.S. Department of State, “Press Statement: U.S. Imposes Visa Restrictions on Wildlife Traffickers in the Democratic Republic of Congo (DRC),” [December 13, 2021](#).



- **Russia.** While noting the difficulty of measuring the effects of one type of sanctions when so many have been imposed on Russian figures, a Russian human rights activist told us that the “current personal and visa sanctions have limited impact.” This was more “due to the lack of scale” relative to the overall size of the Russian political class, though, than to the sanctions’ confidentiality.
- **Guatemala.** Guatemalan activists who spoke with a Human Rights First partner organization generally welcomed the U.S. announcement on December 11 of visa bans on 300 additional individuals for undermining democracy, following continued efforts to overturn President-Elect Arevalo’s electoral win. They stressed, though, that the anonymous, wholesale approach to the sanctions reduced their impact and made it easier for critics to dismiss them as unfounded.

The picture is not an entirely negative one. A U.S. official told Human Rights First that they believed the September 2023 visa-ban policy on undermining democracy in Liberia, for example, had a welcome deterrent effect in advance of the country’s November elections.⁵⁵ Several U.S. officials have told us that the ambiguity of a 3(C) announcement can be useful in creating a broader sense of alarm among a class of potential wrongdoers than a more specific and transparent one would, especially in countries where ties to the United States are common.

Even knowing this authority’s limitations, some NGOs have found it worthwhile to advocate for U.S. sanctions under it. Activists in Kyrgyzstan, for example, recently urged U.S. visa sanctions on “undermining democracy” grounds against Kyrgyz legislators who have introduced a restrictive bill targeting civil society groups.⁵⁶ Many NGOs, including Human Rights First, generally welcomed the “Khashoggi Ban” – a 3(C) policy – as a useful effort to combat transnational repression, and have submitted case files to the State Department recommending sanctions under it.⁵⁷

The policy significance of these sanctions may be overstated

Beyond doubting the impact of these visa sanctions, observers have been skeptical in some cases that they actually represent a significant policy effort. Some recent examples highlight how the potential gap between the public impression and the private reality of these sanctions presents a problem for both credibility and oversight.

- **The Khashoggi Ban (transnational repression).** Shortly after taking office, the Biden administration announced the Khashoggi Ban as part of a broader set of steps it was taking to “recalibrate” U.S. ties with Saudi Arabia after the October 2018 murder of Jamal Khashoggi.⁵⁸ The State Department described the ban as a 3(C) policy covering individuals involved in “serious, extraterritorial counter-

⁵⁵ Discussion with Human Rights First, October 2023. U.S. Department of State, “Press Statement: Visa Restriction Policy on Undermining Democracy in Liberia,” [September 27, 2023](#).

⁵⁶ Darya Podolskaya, “Foreign agents bill: Why initiators may end up on ‘gray’ list,” 24.kg news agency, [October 16, 2023](#).

⁵⁷ See Democracy for the Arab World Now, “Khashoggi Ban Working Group Aims to Make it Harder for Repressive Regimes to Harass Activists Abroad,” [August 1, 2021](#).

⁵⁸ U.S. Department of State, “Remarks: Secretary Antony J. Blinken at a Press Availability,” [February 26, 2021](#).



dissident activities” anywhere in the world. It identified the first set of people sanctioned under the ban as “76 Saudi individuals believed to have been engaged in threatening dissidents overseas, including but not limited to the Khashoggi killing.”⁵⁹

While the Saudi crown prince was known to be excluded from these and other sanctions, many advocates welcomed the ban as a show of support for Jamal Khashoggi and a potentially valuable global initiative.⁶⁰ In the spring of 2022, the State Department announced it had applied the ban to individuals engaging in transnational repression for Belarus, Russia, and possibly China.⁶¹ It does not appear to have publicly used the ban since then, though members of Congress and advocates have urged the ban be used with respect to, e.g. Rwandan officials.⁶²

In practice, the ban’s actual coverage and seriousness have been impossible to gauge, even with respect to Saudi officials. Another Saudi prince who reportedly played a role in luring Khashoggi to his murder in Istanbul, for example, visited the United States in 2021 and 2022.⁶³ When two members of Congress asked why that prince had not been banned, administration officials invoked visa confidentiality and gave no substantive response.⁶⁴ Moreover, when Biden administration officials faced criticism in 2022 for pursuing a rapprochement with the Saudi government, they relied heavily on exaggerated references to the Khashoggi Ban as evidence that human rights remained a meaningful focus of U.S. policy toward the abusive regime.⁶⁵

- ***The Fallon Smart policy (consular assistance to evade U.S. justice).*** A teenage girl in Oregon named Fallon Smart was killed in 2016 in a hit-and-run car accident in which a Saudi national was charged with manslaughter. The Saudi man fled the United States before his trial with the assistance of U.S.-based Saudi consular officials.⁶⁶ Dissatisfied with the Trump and Biden administrations’ handling of the Saudi actions, Oregon’s senior U.S. Senator Ron Wyden in 2022 blocked

⁵⁹ U.S. Department of State, “Press Statement: Accountability for the Murder of Jamal Khashoggi,” [February 26, 2021](#).

⁶⁰ See, e.g., “POMED, Human Rights First, PEN America, Committee to Protect Journalists Respond to ODNI Report on the Murder of Jamal Khashoggi,” [February 26, 2021](#).

⁶¹ These actions were taken in the spring of 2022. One focused on Belarusians involved in [repressing](#) that country’s athletes abroad, and another on individuals involved in [attacks](#) on Chechen dissidents in Europe on Russia’s behalf. A visa restriction announcement that focused on transnational [repression](#) by Chinese officials against religious minorities abroad did not explicitly reference the Khashoggi Ban but used similar language.

⁶² See U.S. Department of State, “Secretary Antony J. Blinken and Rwandan Foreign Minister Vincent Biruta at a Joint Press Availability,” [August 11, 2022](#).

⁶³ See, e.g., Ellen Knickmeyer, Matthew Lee, and Lolita C. Baldor, “US hosts high-level Saudi visit after Khashoggi killing,” Associated Press, [July 6, 2021](#).

⁶⁴ Elizabeth Hagedorn, “Lawmakers question Khashoggi Ban as Saudi prince visits US,” *Al-Monitor*, [May 18, 2022](#).

⁶⁵ When criticized for President Biden’s plan to meet with the Saudi crown prince in June 2022, Secretary Blinken and the Department’s spokesperson defended the action in significant part by stressing the Khashoggi Ban and the number of times it had been used (“We’ve used that ban something like 70 times since we put it forward”; “We’ve implemented the Khashoggi Ban dozens of times”). In context, this was a misleading way of describing the single action in February 2021 when the State Department imposed the ban on 76 unidentified Saudi officials. U.S. Department of State, “Interview: Secretary Antony J. Blinken With Jake Tapper of State of the Union with Jake Tapper on CNN,” [June 26, 2022](#); U.S. Department of State, “Transcript: Department Press Briefing,” [June 14, 2022](#).

⁶⁶ Shane Dixon Kavanaugh, “He was accused of killing a Portland teen. Feds believe the Saudis helped him escape,” *The Oregonian*, [December 23, 2018](#).



the confirmation of the nominee for U.S. ambassador to Saudi Arabia. He relented only when the State Department committed to adopting a new 3(C) visa restriction policy relevant to Smart's case and named for her.

Announced in June 2023, the policy states that the State Department may ban the entry of foreign government officials who take certain steps "to assist fugitives accused or convicted of serious crimes to evade the U.S. justice system."⁶⁷ The State Department has given no indication as to whether it has yet applied these sanctions to anyone, in the Smart case or otherwise. Senator Wyden has understandably noted his intent to "watchdog the State Department's implementation of the new policy,"⁶⁸ but any meaningful oversight of the policy will require some measure of disclosure from the State Department.

- **West Bank.** A similar dynamic may emerge with the visa sanctions the Biden administration just imposed on extremist Israeli settlers and others in the West Bank as part of the broader U.S. response to what President Biden described as "the challenge of Putin and Hamas."⁶⁹ Acting under Section 212(a)(3)(C) in early December, the State Department announced a visa ban policy on individuals "undermining peace, security, or stability in the West Bank, including through committing acts of violence or taking other actions that unduly restrict civilians' access to essential services and basic necessities."⁷⁰

The State Department's announcement of these visa bans offered some detail about implementation. It specified that it had imposed some sanctions already and that more would follow, ultimately impacting "dozens of individuals and their family members."⁷¹ While the visa ban policy was framed in more expansive terms of peace and security than President Biden's initial threat of action against "extremists attacking civilians in the West Bank," the State Department in announcing the policy called for accountability for violence by extremist Israeli settlers and, when

⁶⁷ The State Department's full description of the individuals sanctionable under this policy is: "...foreign government officials and agents who have intervened in a manner beyond the reasonable provision of consular services to assist fugitives accused or convicted of serious crimes to evade the U.S. justice system." See U.S. Department of State, "Announcing the Fallon Smart Policy: Visa Restrictions on Foreign Government Officials Who Have Assisted Fugitives in Evading the U.S. Justice System," [June 21, 2023](#).

⁶⁸ U.S. Senator Ron Wyden, "Wyden Remarks on the Fallon Smart Rule and Accountability for Foreign Officials Who Undermine U.S. Justice," [March 16, 2023](#).

⁶⁹ Biden previewed these visa sanctions in his op-ed, "The U.S. won't back down from the challenge of Putin and Hamas," [Washington Post, November 18, 2023](#). In parallel, the U.S. maintains and has repeatedly added to an extensive and public set of financial sanctions targeting Hamas under counterterrorism authorities, including after the October 7 massacres and abductions. See, e.g., U.S. Department of the Treasury, "United States and United Kingdom Take Coordinated Action Against Hamas Leaders and Financiers," [November 14, 2023](#); "Treasury Targets Additional Sources of Support and Financing to Hamas," [October 27, 2023](#); "Following Terrorist Attack on Israel, Treasury Sanctions Hamas Operatives and Financial Facilitators," [October 18, 2023](#); and "Treasury Targets Covert Hamas Investment Network and Finance Official," [May 24, 2022](#).

⁷⁰ U.S. Department of State, "Press Statement: Announcement of Visa Restriction Policy to Promote Peace, Security, and Stability in the West Bank," [December 5, 2023](#).

⁷¹ U.S. Department of State, "Transcript: Department Press Briefing," [December 5, 2023](#).



asked, signaled that those it had sanctioned included individuals who met that description.⁷²

The U.S. government should impose consequences for abusive acts even – or especially – when they have been committed by individuals with ties to the government of a close U.S. partner country. Still, it is impossible to tell whom the State Department has sanctioned under this new policy, and thus how consequential this action actually is relative to other U.S. actions and signals.

Recommendations

Especially as the Biden administration has made such a dramatic increase in the use of visa sanctions programs, greater transparency is needed to increase their impact on accountability for human rights abuse and corruption – and to ensure that the U.S. government itself can be held accountable for how it uses these tools.

Section 7031(c) on human rights violations and corruption

- The State Department should publicly and periodically release aggregate statistics about the sanctions it has imposed confidentially under Section 7031(c). These should include how many people have been sanctioned; in what regions; for what kind of acts; and how many of which exceptions or waivers have been used.
- If necessary, one of Congress's committees of jurisdiction should ask the State Department to make the above disclosures. Even if such a release is not forthcoming, Congress should scrutinize the reports it already receives on Section 7031(c) sanctions and press administration officials to explain how the program is implemented.
- When using this sanctions program, the State Department should have a strong bias toward imposing sanctions publicly and refraining from the use of national interest waivers.
- Key State Department bureaus should establish policies to ensure that Section 7031(c) functions not just as a discretionary sanctions tool, but as a mandatory screen for visiting foreign officials who face credible allegations of abuse or corruption. If resourcing more rigorous procedures is not practical, the Department should say so and explain the choices it is making in implementation.

⁷² On the initial threat, see Biden, [November 18, 2023](#); and Alexander Ward, "Biden orders top aides to prepare reprimands for violent Israeli settlers in West Bank," [POLITICO, November 18, 2023](#). For the State Department's comments on targeting, see "Transcript: Department Press Briefing," [December 5, 2023](#) ("Correct me if I'm wrong, but this is the first time the U.S. is sanctioning extremist settlers in many years." "You're not wrong").



- The State Department should provide a searchable, aggregate list of those publicly sanctioned under Section 7031(c), in addition to its separate annual reports.
- To ensure the continuity and consistency of the Section 7031(c) authority, Congress should codify it, rather than extending it one year at a time in annual appropriations laws.

“Foreign policy” sanctions under Section 212(a)(3)(C)

- When the State Department announces a new visa restriction policy under Section 212(a)(3)(C), it should provide as much information as possible about those being sanctioned – and whether the announcement is simply a threat or anyone has actually been sanctioned.
- It should also make aggregate disclosures about the sanctions it imposes under these policies, especially high-profile initiatives like the Khashoggi Ban.
- Congress should pass legislation – such as the [REVEAL Act](#) or the Khashoggi Act⁷³ – to give the State Department the option to publicize the names of those sanctioned under a Section 212(a)(3)(C) policy like the Khashoggi Ban.

Other recommendations

- Given the number of situations in which the State Department is creating standalone visa sanctions policies to respond to attacks on democracy, the White House should consider issuing an overarching executive order on the topic to provide the option of financial sanctions. This could be framed narrowly around coups and the unconstitutional transfer or retention of power, or more broadly on acts undermining democratic government.
- Where sufficient evidence and legal authority exists, the U.S. government should impose targeted sanctions for human rights abuse and corruption using authorities that allow for public designations rather than confidential ones.
- To reduce some of the risks of misuse of U.S. sanctions tools, Congress should pass legislation like the Castro-McGovern Multilateral Leadership Act of 2022 that would generally prevent the executive branch from imposing financial sanctions on certain multilateral bodies and their officials.⁷⁴

⁷³ See, e.g., Rep. Steve Cohen, “Cardin, Cohen, Rubio and Chabot Introduce REVEAL Act,” [July 20, 2021](#); and Rep. Adam Schiff, “Rep. Adam Schiff Introduces the Jamal Khashoggi Protection of Activists and Press Freedom Act of 2023,” [October 2, 2023](#).

⁷⁴ Rep. Joaquin Castro, “Reps. Castro, McGovern Introduce Bill to Protect Multilateral Institutions from Coercive U.S. Sanctions,” [July 14, 2022](#).



Mission Statement

Human Rights First works to create a just world in which every person's intrinsic human rights are respected and protected, to build societies that value and invest in all their people. To reach that goal demands assisting victims of injustice, bringing perpetrators of abuse to justice, and building institutions that ensure universal rights.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in Los Angeles, New York, and Washington D.C.

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