

Dear [Company],

NomoGaia is a non-profit research organization working in the field of business and human rights. See www.nomogaia.org. We are making this inquiry as part of our ongoing work.

President Trump's Executive Orderⁱ dated January 27, 2017 (the "Travel Ban") has been determined to be a violation of International Human Rights.ⁱⁱ Its primary government actor is the US Department of Homeland Security, to which [Company] is an important contractor.

A private company's actions assisting in the implementation of the Travel Ban may constitute complicity in human rights violations. Therefore, [Company] has a responsibility to conduct human rights due diligence in accordance with the United Nations Guiding Principle on Business and Human Rights (the "UN Guiding Principles").ⁱⁱⁱ If that due diligence shows that [Company] may be complicit in human rights violations, its responsibility to respect human rights requires it to prevent or mitigate those violations.^{iv} [[These responsibilities have been further embraced by [Company]'s own policies and codes.]]

In light of these obligations and commitments, we request the following information:

1. Is it [Company]'s position that the Travel Ban does not violate International Human Rights?

If your response is an unqualified "Yes, the Travel Ban does not violate International Human Rights," please state the basis of your position. Otherwise please answer the questions below.

2. Please describe the human rights due diligence [Company] is conducting or will conduct on this issue, including (a) the processes that will be used, (b) the identity of the outside expert, if any, Company XXX will use, and (c) when the human rights due diligence is expected to be completed; and
3. Please provide the findings, results and conclusions of [Company]'s human rights due diligence.

We request the answers to Questions 1 and 2 by February 27, 2017 and the answer to Question 3 as soon as it is available. We will publicly report on your initial response by March 3, 2017.

Thank you.

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ⁱ "Protecting the Nation from Foreign Terrorist Entry into the United States"

ⁱⁱ See, e.g. the International Covenant on Civil and Political Rights. See also the comments of the United Nations Commissioner for Human Rights that the Travel Ban is illegal under international law, as reported broadly, including by Reuters at <http://in.reuters.com/article/usa-trump-immigration-un-idINKBN15E1SV>. See also the

conclusions of the UN Special Rapporteurs: “US travel ban: ‘New policy breaches Washington’s human rights obligations”” <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21136&LangID=E>

iii “In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence . . . Human rights due diligence . . . should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships . . . UN Guiding Principles. Principle 17. http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

iv “The responsibility to respect human rights requires that business enterprises: . . . (b) seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.” UN Guiding Principles, Principle 13. “For the purposes of these Guiding Principles a business enterprise’s “activities” are understood to include both actions and omissions; and its ‘business relationships’ are understood to include relationships with business partners, entities in its value chain, and any other non-State or State entity directly linked to its business operations, products or services.” UN Guiding Principles, Commentary to Principle 13.