



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

February 9, 2021

MEMORANDUM FOR CHARANYA KRISHNASWAMI

FROM: Robert Fairweather (b)(6)  
Acting Director, Office of Management and Budget

SUBJECT: Limited Waiver of Executive Order 13989 for Charanya  
Krishnaswami

Pursuant to Section 3 of Executive Order 13989 (January 20, 2021) (“Executive Order”), and for the reasons stated below, I hereby grant a limited waiver of the requirements of Section 1, Paragraph 3 of the Executive Order for Ms. Charanya Krishnaswami. I have determined this waiver is necessary and it is in the public interest to grant this waiver to enable Ms. Krishnaswami to effectively carry out her duties as Senior Counselor to the Secretary for Immigration at the U.S. Department of Homeland Security (“the Department”).

Ms. Krishnaswami is expected to advise and counsel the Secretary on immigration matters of national and international importance. Absent this waiver, Ms. Krishnaswami would be restricted for two years following her appointment from participating in any particular matter on which she lobbied for her former employer, Amnesty International, in the two years before her appointment, or from participating in the specific issue area in which that particular matter falls. Managing an ongoing recusal for Ms. Krishnaswami will impact several of the Department’s important missions. The successful accomplishment of these missions relies on extensive, open, and collaborative communications within the Department, including between the Secretary and Senior Counselors to the Secretary for Immigration. Without this waiver, the adjustments that would be necessary to maintain Ms. Krishnaswami’s recusal are anticipated to result in serious limitations and inefficiencies in the Department.

Background

After graduating from Yale Law School, Ms. Krishnaswami has demonstrated expertise in migration and asylum issues, immigration litigation, congressional advocacy and policymaking, and international refugee protection. She has held multiple positions related to immigration, including working at the United Nations High Commissioner for Refugees, the Rocky Mountain Immigrant Advocacy Network, and serving as a Public Counsel in Los Angeles, California, in which she advocated for protections for immigrant children through appellate litigation.

In her most recent position, Ms. Krishnaswami served as Americas Advocacy Director for Amnesty International USA in Washington, DC from February 2019 to January 2021.

This position involved directing Amnesty International's U.S.-based advocacy on human rights in the Americas, with a focus on U.S. asylum and migration policy and human rights in technology. In this capacity, Ms. Krishnaswami conducted policy research, analysis, and development, as well as aspects of advocacy and public outreach.

As part of these efforts, Ms. Krishnaswami registered as a federal lobbyist, and engaged in lobbying activities for Amnesty International, which is a non-profit organization. During this time, Ms. Krishnaswami exclusively lobbied Congress on a broad variety of human rights priorities. She did not lobby the Department or any other executive branch agencies. Ms. Krishnaswami also did not lobby on behalf of any paying clients, and she did not receive any contributions on behalf of any political action committees. Indeed, Ms. Krishnaswami was not paid any additional fees beyond her salary for her lobbying activities. Despite the breadth of her lobbying topics, Ms. Krishnaswami calculated that less than 5% of her hours at Amnesty International were hours she spent lobbying.

### Analysis

In accordance with Section 3 of Executive Order, it is in the public interest to grant Ms. Krishnaswami a limited waiver of the of the requirements of Section 1, Paragraph 3 of the Executive Order to enable her to effectively carry out her duties as Senior Counselor to the Secretary for Immigration.

In making this assessment, I have considered the factors set forth in Section 3 of the Executive Order, which include: (i) the government's need for the individual's services, including the existence of special circumstances related to national security, the economy, public health, or the environment; (ii) the uniqueness of the individual's qualifications to meet the government's needs; (iii) the scope and nature of the individual's prior lobbying activities, including whether such activities were de minimis or rendered on behalf of a nonprofit organization; and (iv) the extent to which the purposes of the restriction may be satisfied through other limitations on the individual's services.

Here, these factors demonstrate that it is in the public interest to grant a limited waiver to Ms. Krishnaswami. The government has a critical need for Ms. Krishnaswami's services as Senior Counselor to the Secretary for Immigration. This position impacts several of the Department's important national security and related missions. Ms. Krishnaswami is also uniquely qualified to meet the government's needs. She has vital expertise in domestic and international migration and asylum issues and extensive experience in immigration litigation, congressional advocacy and policymaking, and international refugee protection. Additionally, Ms. Krishnaswami's prior lobbying activities were rendered on behalf of a nonprofit organization, she did not lobby on behalf of any paying clients, and she exclusively worked with Congress on human rights priorities. Finally, the adjustments that would be necessary to maintain other limitations on Ms. Krishnaswami's services are anticipated to result in serious limitations and inefficiencies in the Department, and she would be unable to capably perform the duties of the position.

Simply put, this waiver is supported by the government's critical need, Ms. Krishnaswami's specialized experience, the deleterious impact of other limitations, and the fact that Ms. Krishnaswami only conducted limited lobbying activity for a non-profit organization.

## Conclusion

The significant public interest in the ability of the Department to accomplish its missions requires that Ms. Krishnaswami be able to fully advise and counsel the Secretary on immigration matters of national and international importance. Due to the scope of Section 1, paragraph 3, of the Executive Order, a broad application of this prohibition would be detrimental to the Department. Without a waiver, Ms. Krishnaswami would be precluded from engaging with the Secretary, other United States officials, and members of the international community on a broad range of immigration matters. Further, Ms. Krishnaswami's limited lobbying activity on human rights priorities for a non-profit organization is not the type of business-oriented, prior client relationship that the Executive Order intended to reach in protecting the public trust.

For the foregoing reasons, I grant Ms. Krishnaswami a limited waiver of the restrictions in Section 1, paragraph 3 of the Executive Order to enable her to effectively carry out her duties as Senior Counselor to the Secretary for Immigration.

Pursuant to this waiver, Ms. Krishnaswami may participate in any particular matter on which she lobbied for Amnesty International within the two years before her appointment, and in the specific issue area in which that particular matter falls. This waiver does not otherwise affect Ms. Krishnaswami's obligation to comply with all other applicable government ethics rules and provisions of the Executive Order. Specifically, this waiver does not permit Ms. Krishnaswami to participate in any party-specific matters directly affecting the financial interests of Amnesty International, including but not limited to contracts or grants.

CC: Dana Remus, Counsel to the President, Office of the White House Counsel  
Joseph Maher, Designated Agency Ethics Official, U.S. Department of Homeland Security