



# NATIONAL IMMIGRATION FORUM

Summary of President Trump Executive Order on

[Restricting Refugee Resettlement and Visa Processing](#)

Issued January 27, 2017

- **Suspends entry to the U.S. for those from Iran, Iraq, Libya, Somalia, Sudan, Syria, Yemen, and potentially other countries for 90 days.** During these 90 days, the secretary of the Department of Homeland Security (DHS) is to determine what information DHS needs to adjudicate visas and other immigration benefits, identify countries not currently providing such information, and give countries time to provide such information before individuals from those countries are banned from entry. Nationals of the banned countries must already obtain a visa from the U.S., for which they are extensively vetted through multiple government databases designed to spot individuals who potentially could do us harm. This 90-day ban impacts thousands of individuals currently permitted to be in the country. Many businesses, tourists, students in American universities, and scholars will be affected by this ban. In 2015, there were almost 60,000 non-immigrant visitors from these four countries. DHS has clarified that the order [does not apply](#) to valid green card holders (lawful permanent residents), dual nationals presenting a travel document from a non-banned country (including U.S. citizens with dual nationality) and Iraqi nationals with a valid Special Immigrant Visa.
- **Implements uniform screening standards aimed at detecting potential fraud and national security threats.** It is unclear how this program will increase public safety and will not duplicate current government efforts. Currently, all persons seeking to enter the United States are screened against multiple government databases that are designed to track potential security threats and that record previous attempts of anyone who has tried to enter fraudulently or who has been rejected for a visa. The government has an agency, the Fraud Detection and National Security Directorate — part of U.S. Citizenship and Immigration Services — that is designed to “determine whether individuals or organizations filing for immigration benefits pose a threat to national security, public safety, or the integrity of the nation’s legal immigration system.”
- **Halts the U.S. refugee program for 120 days, with an indefinite suspension of admission of refugees from Syria, to examine what additional screening should be implemented.** In conjunction with other provisions, this provision acts to ban individuals from certain Muslim countries that could be expanded to additional countries. Nothing about being a refugee justifies a complete suspension of the refugee program. Delaying critical protections to refugees for 120 days can be life-threatening. Refugees are already subject to the highest level of security checks of any category of traveler to the United States. International organizations such as the United Nations refugee agency conduct an initial screening. The federal government conducts extensive screening of each refugee, involving the State Department, intelligence agencies and the Department of Homeland Security. Refugees are interviewed by specially trained interviewers, and fingerprints are checked against government databases. Overall, nearly [48 percent](#) of refugees who arrived to the U.S. in 2015 were female and about 40 percent were children under age of 17. Syrian refugees already receive enhanced screening from

the Department of Homeland Security. While the United States [resettled](#) about 12,500 Syrian refugees in 2016, another [13.5 million](#) Syrians are estimated to be in need of humanitarian assistance. In prior years, we have resettled far fewer Syrian refugees: almost [1,700](#) in 2015 and only about [100](#) in 2014. Refugees considered to be “in transit,” or scheduled to arrive in the United States on the week this order went into effect, were processed in accordance with the order by assessing each traveler on a case-by-case basis. DHS may also accept refugees by providing exemptions from the order on a case-by-case basis.

- **Cuts the refugee program in half to 50,000 and reprioritizes who is protected.** The United States currently resettles a tiny fraction of those who have fled their country. In 2016, we admitted about [85,000](#) refugees out of [65 million](#) people currently displaced worldwide. Between 2006 and 2016, the U.S. resettled more than 700,000 refugees across the nation. Once acclimated to their new lives in the United States, refugees make positive contributions to the U.S. economy. Businesses across America recognize the value of the refugee workforce, which contributes across a wide range of sectors in the U.S. economy, including hospitality and the food service industry, teaching, and the fields of engineering, nursing and medicine. By prioritizing the claims of those facing religious persecution once the refugee program is restarted, we send a message that we place less value on people who are persecuted on the basis of race, membership in a particular social group or political opinion. Since its founding the United States has welcomed persons fleeing religious intolerance and we have also been a beacon of hope for those fighting for democracy and human rights. For many Americans, it is their religious belief and liberty to aid and resettle any refugee fleeing violence, regardless of that refugee’s religious belief. Also, many believe that it is just as important to help resettle those being persecuted for political opinion such as Chinese human rights activists or those who oppose communism.
- **The Secretaries of State and Homeland Security and the Attorney General will consider rescinding exemptions granted to some accused of terrorism-related grounds of [inadmissibility](#).** Under expanded grounds of inadmissibility enacted more than a decade ago, [thousands of refugees and their family members](#) had their cases held up unjustly because of overly broad definitions of terrorist-related activity. The INA allows the Secretaries of State and Homeland Security to create an exemption where warranted. Because the INA provisions do not contain an exception for “freedom fighters,” rebel groups fighting against an authoritarian regime would be considered to be engaging in a terrorist activity. Rescinding this exemption could punish those who are not actually terrorists.
- **Directs the Homeland Security secretary to “expedite the completion and implementation” of a biometric entry-exit System.** The government already collects biometric data on individuals entering the U.S. In addition, Customs and Border Protection is already on track to start implementing a biometric exit program at the highest-volume airports in 2018. A biometric exit program in all air, sea and land ports of entry must not slow down traveler mobility or commerce and should be compatible with the existing infrastructure at all ports of entry to ensure that the costs of a biometric exit system are not prohibitive. The executive order also directs the DHS secretary to submit to the president periodic reports on the progress of completing and implementing a biometric entry-exit system.
- **Suspends the Visa Interview Waiver Program and expands the Consular Fellows Program.** The Visa Interview Waiver Program exempts certain repeat travelers from having to go through repeated interviews with a consular officer to obtain a nonimmigrant visa to enter the U.S. The Consular Fellows Program is being expanded to mitigate the additional workload that will result from requiring all applicants for nonimmigrant visas to be interviewed each time they travel to the U.S.

- **Requires a review of nonimmigrant visa reciprocity.** The Secretary of State is directed to review all nonimmigrant visa reciprocity agreements to ensure they are truly reciprocal, so that for each visa classification (for each country), fees and length of validity of the visa are comparable to what the U.S. offers. If they are not, the Secretary of State is directed to adjust the visa terms to match a foreign country's visa terms for U.S. nationals.
- **Requires the collection of certain data.** The Secretary of Homeland Security is required to collect data and publish reports every 180 days on numbers of foreign-born individuals charged with terrorism and radicalized after entry to the U.S., and number and types of gender-based violence against women by foreign-born individuals. It is unclear how this information will be collected.

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