



NATIONAL IMMIGRATION FORUM

Summary of President Trump's Executive Order

[Banning Travel and Restricting Refugees](#)

Issued March 6, 2017
Effective March 16, 2017

- This executive order revokes the previous [executive order](#) on this subject, issued on Jan. 27, 2017.
- **Suspends entry for 90 days to the U.S. for people from six Muslim-majority countries (Iran, Libya, Somalia, Sudan, Syria, Yemen)** who do not have a valid visa as of March 16, 2017, and did not have a valid visa at 5 p.m. Eastern Standard Time on Jan. 27, 2017. The order does not impact people from Iraq. During this time period, 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. After this time period countries could be added to or removed from the list of banned countries. The policy does not apply to green card holders, dual nationals with a passport issued by a country that is not banned, anyone with a current valid visa to travel to the U.S., individuals with a diplomatic visa, and those already granted asylum or refugee status in the U.S. before the effective date of the order. DHS also may accept immigrants from the affected six countries by providing exemptions from the order on a case-by-case basis.

This ban does not improve national security. [Research](#) shows that most foreign-born violent extremists in the U.S. are radicalized years after they enter the country and that country of citizenship is [unlikely](#) to be an indicator of potential terrorist activity. Individuals from the banned countries already must 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. The ban also likely will be disruptive to many American businesses, universities and other organizations. It will interrupt the work and contributions of many immigrants who have family in the six restricted countries, and it will prevent organizations and institutions from accepting employees, students and scholars. In 2015, there were more than 45,000 nonimmigrant visitors from these six countries.

- **Implements uniform screening standards aimed at detecting potential fraud and national security threats.** It is unclear how this program will increase public safety and 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, to examine what additional screening should be implemented.** 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. The executive order does not apply to refugees the State Department already has formally scheduled for travel. DHS also may accept refugees by providing exemptions from the order on a case-by-case basis.
- **Cuts the refugee program in half to 50,000 per year.** The United States currently resettles a tiny fraction of people 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.
- **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 Immigration and Nationality Act (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 terrorist activity. Rescinding this exemption could punish people 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 such a program are not prohibitive.
- **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.