

**Frequently Asked Questions (FAQs) on President Trump's Refugee Executive Order**

**For Affiliates and Partners**

**Last Updated: March 29, 2017**

**NOTE: This document is not legal advice but instead provides the best answers that we can provide at this time. It is subject to change as additional guidance is released from the U.S. Government. Additionally, the legality of the actions in the President's Executive Order are subject to judicial review. Please be aware that certain aspects of the order may be contested for its constitutionality.**

**This document is being updated on a regular basis as more information becomes available.**

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Latest Update on Executive Order 13780

**UPDATE:** On Wednesday, March 15, a United States District Judge Derrick Watson of the United States District Court for the District of Hawaii issued a temporary restraining order (TRO) preventing the federal government from implementing executive order 13780, including the 90-day suspension of arrivals of immigrants and non-immigrants from 6 countries, the 120-day suspension of refugee arrivals through the U.S. refugee resettlement program, and the lowering of admissions from 110,000 in FY17 to 50,000. On Wednesday, March 29 U.S. District Judge Derrick Watson granted the motion to convert that TRO to a preliminary injunction on executive order 13780. This ruling means that the federal government is prevented from implementing the executive order while the lawsuit continues.

Guidance from The Department of State, Bureau of Population, Refugees, and Migration (PRM) and International Organization for Migration (IOM) on arrivals and next steps is forthcoming.

Many other lawsuits have been and continue to be filed around the country and a Supreme Court decision may be the ultimate resolution. The court proceedings are subject to sudden developments with changing results, and travelers should carefully consult counsel before relying on any court orders for actions.

## General FAQ on the Executive Order 13780 (EO 2.0) 3.16.17

**NOTE:** As of March 15, 2017 this executive order will not be implemented. The below information includes details on what was included in the executive order as it was issued. Please read the first page of this document for recent information on implementation.

### **How long is the stop to the refugee resettlement program and for whom?**

The U.S. Refugee Admissions Program (USRAP) is being suspended for 120 days for all populations starting March 16, 2017 at 12:01 AM ET. During this time period, “the Secretary of State, in conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall review the USRAP application and adjudication processes” in order to determine what additional measures should be put in place so that refugees “do not pose a threat to the security and welfare of the United States.”

A complete halt of the USRAP for such a length of time is unprecedented. After 9/11, the program was suspended for less than three months.

### **Are there exceptions to the 120-day stop for refugee resettlement?**

Yes. The executive order provides that the Secretary of State and Secretary of Homeland Security may determine to admit individuals on a case-by-case basis if the refugee is in the national interest and does not pose a threat to the security of welfare of the U.S.

The ban will not apply to refugee applicants who are “formally scheduled for transit” prior to the effective date of the order on March 16, 2017 and can arrive before March 30, 2017.

### **When will the USRAP resume?**

The program may resume on July 3, 2017, which is 120 days from the implementation of the executive order on March 16, 2017. At that point, the program shall only resume for certain countries if the Secretary of State, Secretary of DHS, and the Director of National Intelligence determine there are sufficient safeguards in place.

### **What else does the order do?**

The order further bans residents of six countries: Syria, Iran, Libya, Somalia, Yemen, and Sudan from visiting or entering the U.S. for 90 days. Other countries may be added to the list, as determined by the Secretaries for the Department of State (DOS) and the Department of Homeland Security (DHS). Adjudications of other immigration benefits could be impacted.

### **Are there exceptions to the 90-day stop for the six countries?**

Yes, the 90-day country ban exempts the following populations from suspension of entry:

- Legal Permanent Residents of the U.S.
- Anyone who is admitted to or paroled into the US as of March 16th or afterward
- Anyone who has a non-visa document (valid on or after March 16th) that would permit him/her to seek admission into the US (e.g., advance parole)
- Diplomatic or “diplomatic type” visas (Note: See [22 CFR 41.26\(c\)](#) for the full list of diplomatic type visas; most diplomatic type visas fall into 22 CFR 41.26(c)(1), which are listed in the comment to the right. You must have a diplomatic passport to get a diplomatic type visa.)
- North Atlantic Treaty Organization visas (incl NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO-6)
- C-2 transit visa for travel to the United Nations HQ in NY (plus e.g., U.N. officials passing through the U.S. to another foreign country). Note - the C-2 visa recipient may stay in the U.S. for a maximum period of 29 days; C-2 period cannot be extended; cannot apply for a change of status.
- G-1 - International Organization Staff (e.g., representatives of recognized foreign governments entering the U.S. to work for such an international organization as United Nations, International Monetary Fund, Organization of American States, Organization of African Unity or an International Mission)
- G-2 - International Organization Staff (e.g., military officers assisting the UN with peacekeeping matters; “other” representatives of international organizations, staff for representatives of foreign governments)
- G-3 - International Organization Staff (e.g., those from non-member countries of an international organization, or representatives from a government without “de jure” recognition from the U.S.)
- G-4 - International Organization Staff (e.g., officers and employees of international organizations)
- Asylees (already granted asylum)
- Refugees already admitted into the US
- Those granted withholding of removal
- Those granted advance parole,
- Those granted protection under the Convention Against Torture (CAT)

### **If refugees are in the pipeline, will they be able to be resettled during the 120 days?**

Refugees who were “formally scheduled for transit by the Department of State” before March 16, 2017 are able to enter. All other refugees currently in the pipeline may be admitted after the 120 day pause and after they complete additional screening processes that will be devised by the Secretary of State and Secretary of DHS. The executive order does not specifically mention what

these requirements will be or when they will be implemented. After the pause is lifted, the ceiling on admissions will remain at 50,000, as determined under this executive order.

The executive order provides that the Secretary of State and Secretary of Homeland Security may determine to admit individuals on a case-by-case basis if the refugee is in the national interest and does not pose a threat to the security of welfare of the U.S.

It is important to note that during the 120-day period, security and medical clearances for previously travel-ready refugees may expire and that these security checks and medicals will need to be re-requested. This is in addition to other requirements that may be implemented.

As of March 1, 2017, there are currently 61,467 refugees approved by DHS to come to the US who will be impacted. This includes 7879 Syrians, 13302 Somalis, 1666 Sudanese, 28 Yemenis, 597 Iranians.

#### **Once the USRAP pause is lifted, will the program be the same?**

No, the executive order has placed several guidelines that will shape the purpose and function of the program. They include:

- The President has essentially amended the previous Presidential Determination for Refugee Admissions for Fiscal Year 2017, which had allowed for the admission of up to 110,000 refugees, to an amended maximum number of 50,000 refugees.
- After the ban is lifted, refugee travel to the United States should resume, but applications for refugee status will only be considered for national of countries for which State, DHS, and the Director of National Intelligence have jointly determined that the additional measures that were added during the ban will ensure the “security and welfare” of the United States.
- The executive order directs the Secretary of DHS to examine existing law to determine if the executive could provide more determinative power to state and local governments resettling refugees. **Given current efforts to stop resettlement in certain states and localities, this makes it more important than ever for us to lift up support for resettlement among communities and state and local policy makers.**

#### **Are Syrians excluded from resettlement indefinitely?**

No, this executive order does not include an indefinite pause on the resettlement of Syrian nationals.

**Which nationalities are specifically impacted by this executive order?**

There is a full suspension of all refugees for a period of 120 days while the Secretaries of State and DHS review the program. The executive order allows for exceptions for admission on a case-by-case basis and for religious minorities. Immigrants and nonimmigrants from Syria, Sudan, Iran, Somalia, Yemen, and Libya are suspended from entry for 90 days as of March 16, 2017.

**If I am a foreign national from Syria, Iran, Yemen, Sudan, Somalia, can I travel outside the U.S.?**

As of now, it is advised that no one from one of the listed countries should travel outside of the United States unless they are a naturalized U.S. Citizen. This includes a recommendation that Lawful Permanent Residents should not travel outside the United States. Foreign nationals of these countries are encouraged to make a free appointment at U.S. Citizenship and Immigration Service (USCIS) by visiting <https://my.uscis.gov/appointment> or consult an accredited representative or lawyer who specializes in immigration law. This website provides a national mapping of immigration lawyers: <https://www.immigrationlawhelp.org/>. (See also: <https://www.uscis.gov/avoid-scams>).

**What kind of changes will happen in the screening process for refugees?**

During the 120-day period, the Secretary of State, in conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall review the USRAP application and adjudication processes to determine what additional procedures should be used to ensure that individuals seeking admission as refugees do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. At this time, it is unclear what those additional processes might entail.

**What if I am a Syrian and currently present in the U.S. claiming asylum or here under Temporary Protected Status?**

As of yet it remains unclear whether the new screening process will impact recipients of Temporary Protected Status (TPS) or any group of migrants including Syrians. Some applicants and visa holder may be required to go through additional screening.

**Will services to refugees who have arrived in the U.S. on or before the date of the executive order continue?**

As of now, yes. The executive order did not include any restrictions to services to refugees. Funding for resettlement services is dependent upon Congress, and appropriations have already been allocated through April 28, 2017. However, further funds must be appropriated for these

accounts on or before April 28, 2017 when the current continuing resolution ends. **We will have to make our voices heard to Members of Congress to ensure that this funding is robust.**

**What about refugees who were supposed to arrive in the coming week(s)?**

Beginning on March 16, 2017, all refugee travel will be cancelled until further notice. Further guidance will be issued by the State Department as soon as possible.

While additional guidance for case-by-case exceptions may be forthcoming from the State Department, we do not anticipate large numbers of refugees being admitted through the USRAP during the pause, despite the possibility of exceptions. Thus, we do not recommend moving forward with securing leases, putting down security deposits, or otherwise preparing homes for arrivals for any clients expected to arrive after March 30, 2017.

Assurances will not be requested during the 120-day pause in the program, and allocations meetings will be suspended during this time.

The U.S. Department of Homeland Security (DHS) has temporarily halted all USCIS circuit rides to interview refugees. Resettlement Support Centers are still staffed around the world and will be providing information to clients in the coming days.

The International Organization for Migration (IOM) is not making any additional bookings for refugees or SIVs after March 16, 2017 as arrivals have been suspended for the next 120 days.

**What does the executive order mean for Afghan and Iraqi SIVs?**

SIV holders from Afghanistan and Iraq do not appear to be immediately affected by this executive order. Family members joining their Afghan or Iraqi SIV holder family member go through a SIV follow-to-join process that comes from the same SIV statute so any family members of an SIV holder will fall under same restrictions (or not) as the anchor.

Even though Iraq was removed from the barred countries, the minimum 120-day moratorium on the entire U.S. Refugee Admissions Program will apply to Iraqi allies that access the USRAP through the P2 program. The Special Immigrant Visa program, while vital, is not the primary method of protecting vulnerable Iraqi allies. The majority of these individuals enter through the U.S. Refugee Admissions Program. Under the bipartisan Refugee Crisis in Iraq Act, Iraqis that served with the U.S. government, media, or non-governmental organizations were given a direct access pipeline to enter the refugee admissions program. This population includes interpreters and translators that served with combat troops but missed the cutoff to apply for a special immigrant visa.

### **If I am refugee in the U.S., how will this executive order affect me?**

The executive order may require additional screening for certain individuals already present in the United States. At this time, it is unclear what that may be, but we will provide more information on this as it becomes available. It remains to be seen what--*if any*--impact it might have on your legal status or your ability to further adjust your status when you are eligible to do so. This executive order may limit your ability to file for family reunification in the immediate future, depending on how the executive order is implemented.

### **What do we know now about changes to refugee processing?**

- The Department of State, Bureau of Consular Affairs will issue separate guidance regarding the continuation or suspension of Visas 93 cases.
- For P-3 cases, AOR prescreening may continue but USCIS circuit rides are suspended, as is travel and related out-processing activities.

### **What happened to the previous executive order?**

The previous order (Executive Order Executive Order 13769) is rescinded and replaced with this executive order. Its directives are replaced in entirety by this new executive order.

## **Additional Resources for Refugees and Advocates**

### **Resources from Refugee Center Online (<https://therefugeecenter.org/>):**

[English](#)

[Amharic](#)

[Arabic](#)

[Chinese](#)

[French](#)

[Karen](#)

[Kurdish](#)

[Nepali](#)

[Russian](#)

[Spanish](#)

[Turkish](#)

[Vietnamese](#)

[Dari](#)

[Kiswahili](#)

[Farsi \(Persian\)](#)

**Order Granting Motion to Convert Temporary Restraining Order to a Preliminary Injunction, March 29, 2017**

[http://www.hid.uscourts.gov/docs/orders/DKW\\_order.pdf](http://www.hid.uscourts.gov/docs/orders/DKW_order.pdf)

**National Immigration Law Center FAQ on What the Federal Courts Said About President Trump's Refugee and Muslim Ban 2.0**

<https://www.nilc.org/issues/immigration-enforcement/federal-court-rulings-on-refugee-muslim-ban2/>

**National Immigration Law Center Updated FAQ on Executive Order Impacting Refugees**

<https://www.nilc.org/issues/immigration-enforcement/faq-exec-order-targeting-refugees-and-muslims/>

**Webpage tracking litigation challenging the executive order**

<https://www.clearinghouse.net/featuredCase.php?id=40>

**American Immigration Council site offering resources and practice tips for attorneys whose clients are affected by it, and outlines legal challenges that have been filed to date**

[https://www.americanimmigrationcouncil.org/practice\\_advisory/challenging-president-trumps-ban-entry](https://www.americanimmigrationcouncil.org/practice_advisory/challenging-president-trumps-ban-entry)

**U.S Customs and Border Protection (CBP) Page on the "Protecting the Nation from Foreign Terrorist Entry into the United States" executive order**

<https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states>

**Migration Policy Institute: Trump Executive Order on Refugees and Travel Ban: A Brief Review**

<http://www.migrationpolicy.org/research/trump-executive-order-refugees-and-travel-ban-brief-review>