

Frequently Asked Questions on Executive Orders 13769 and 13780
Related to Refugee Resettlement and a Travel Ban

What is the current status of the refugee admissions program?

Executive Order (EO) 13780, which seeks to, among other things, temporarily suspend the admission to the United States of refugees and of people from six Muslim-majority countries, was scheduled to go into effect at 12:01 am, March 16, 2017. However, the federal district court of Hawaii issued a nationwide temporary restraining order (TRO) to halt that implementation. Refugees continue to be admitted to the United States. DOS/PRM is detailing soon how they will comply with the new TRO. There could be further court action within 10 days or sooner.

If the courts lift the TRO and permit the refugee portions of EO 13780 to proceed, when will the suspension of refugee admissions go into effect and when will it end?

If the Hawaiian TRO ends in whole or part, a new effective time and date will likely be set for the implementation of EO 13780. Unless contrary to upcoming court decisions, refugees who have formally been scheduled by the Department of State to travel to the U.S. prior to the effective time would be permitted to come. The Secretaries of State and Homeland Security will be able to permit refugees to enter after this time on a case-by-case basis when in the national interest. If EO 13780 is followed the suspension of the resettlement program will last for at least 120 days.

If the courts in the future allow the travel ban to go forward for individuals from the six countries, how long will it last?

The initial ban is set to last for 90 days. However, the President may issue a proclamation further limiting travel from certain countries that do not provide the information deemed necessary for vetting by the Secretary of Homeland Security (in consultation with Secretary of State and the Attorney General).

What did EO 13769 (issued on January 27, 2017) attempt to do?

- A 90-day ban on visas, admission, and other immigration benefits for people from Syria, Iraq, Iran, Somalia, Sudan, Libya, and Yemen;
- A 120-day suspension of the refugee resettlement program;
- An indefinite suspension of the arrival of Syrian refugees;
- A 64% decrease for U.S. refugee arrivals in FY 2017—from 110,000 to 50,000;
- A prioritization of refugees who are religious minorities suffering religious persecution;
- Potential other roles for states and localities, with more say in placement and resettlement of refugees; and
- A mandated review and possibly stricter security vetting procedures for refugees, immigrants, and nonimmigrants.

What happened with the February 3rd temporary restraining order (TRO) against EO 13769 by the Federal District Court of Western Washington, Seattle, and the February 9th Ninth Circuit Court of Appeals' decision upholding the order?

1. The Seattle Federal District Judge decided not to extend the TRO against EO 13769 over EO 13780.
2. That TRO had halted the following provisions of 13769:
 - the 90-day ban of those from 7 countries, including Syria, Iraq, Iran, Sudan, Somalia, Libya, and Yemen (section 3c);
 - the 120-day refugee admission suspension (section 5a);
 - the indefinitely suspended admission of Syrian refugees (section 5c); and
 - the preference for resettlement of religious minorities (section 5b and the part of section 5e related to religious minorities).

2. That TRO had not impacted the following EO 13769 provisions:
 - A reduced number of refugees allowed to enter the U.S. for resettlement in FY 2017—from 110,000 to 50,000; and
 - A new, yet-to-be-determined, state role in resettlement and a new, yet-to-be-determined, but likely stricter vetting process for refugees, immigrants, and nonimmigrants

How does the [March 6 EO 13780](#) impact EO 13769 and the pending Seattle federal court TRO?

Besides rescinding the EO 13769, the new Order also appeared to be responsive to the concerns of the Federal District and Ninth Circuit Court decisions. On March 16th, the Seattle federal court decided not to extend the TRO of 13769 to halt the implementation of EO 13780. As noted above, the federal district court in Hawaii issued a nationwide TRO to halt implementation of EO 13780 sections 2 and 8, on the travel ban and refugee provisions, respectively.

Further, examining the changes that were made with EO 13780:

1. The new EO 13780 rescinds EO 13769 and replaces it with the language of the March 6th EO 13780.
2. The March 6th EO 13780 alters some aspects of EO 13769's policies that were problematic for the Federal District Court of Western Washington and for the Ninth Circuit:
 - A temporary, 90-day visa, entry, and immigration benefits ban remains for people from six of the seven previously designated countries, but the new EO does not impact those from the countries who are lawful permanent residents (LPRs), U.S. citizens, dual citizens (of one of the six countries and a non-designated country), certain diplomats, valid visa holders, asylees, admitted refugees, and those granted withholding of removal, Convention Against Torture (CAT) protection, or advanced parole or other valid entry documents; and
 - The 120-day refugee admissions suspension to review vetting procedures remains in place but the new EO 13780 has no language specifically or indefinitely barring Syrians from resettlement, and no language mandating that religious minorities be favored for resettlement.
3. The March 6th EO 13780 maintains other EO 13769 policies, among others, not addressed by the Federal District Court and Ninth Circuit decisions:
 - A reduced number of refugees allowed to enter U.S. for resettlement in FY 2017—from 110,000 to 50,000;
 - Potential other roles for states and localities in the placing and resettling of refugees; and
 - A mandated review and possibly stricter security vetting procedures for refugees, immigrants, and nonimmigrants.
4. Please note that after the initial EO 13769 was issued on January 27, several dozen federal court cases were filed. As of March 17, the Seattle federal judge decided not to extend the TRO to the new EO 13780.
5. The Hawaii federal district court TRO is more expansive when it comes to halting the refugee provisions. It not only halts the 120 day suspension, but also the reduction in admission numbers to 50,000 and also the mandate to increase state and local involvement in the placement and resettlement of refugees to their region.