

WHAT YOU SHOULD KNOW ABOUT THE PRESIDENT'S TWO EXECUTIVE ORDERS ON RESETTLEMENT AND A TEMPORARY TRAVEL BAN

On March 6, 2017, President Trump issued Executive Order (EO) 13780 to rescind and replace EO 13769. Both would temporarily suspend the entry of refugees and of people from numerous Muslim-majority countries. After EO 13769 was issued on January 27th, several dozen federal law suits were filed in response to the order. On February 3, a Seattle federal district court judge issued a nationwide, temporary restraining order (TRO) halting several major provisions of EO 13769. On February 9, the Ninth Circuit upheld that TRO against EO 13769. There is now further litigation in federal court against the new EO 13780. So far, the Seattle federal district judge has decided not to extend the prior TRO halting EO 13769 to the new EO 13780. However, a federal district court judge in Hawaii did issue a nationwide, temporary restraining order halting implementation of sections 2 and 6 of EO 13780, which pertain to the travel ban and the refugee program, respectively. Also, a federal district court judge in Maryland issued a preliminary injunction halting subsection 2c of EO 13780, which mandate the 90-day travel ban.

The [EO 13780, issued March 6th, related to resettlement and a temporary travel ban](#) seeks to do the following

- Suspend for 120 days the travel of refugees and decisions on applications for refugee status (allowing some exemptions, while removing the policy that mandates preferences of categories besides vulnerability);*
- Lower the number of new refugees entering the U.S. in Fiscal Year (FY) 2017 from 110,000 to 50,000;*
- Mandate that the Department of State propose ways for state and local jurisdictions to have a greater involvement in determining the placement or resettlement of refugees in their jurisdictions;*
- Mandate new, yet-to-be determined vetting procedures be developed;*
- Suspend for 90 days the entry of nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen (subject to certain waivers and exceptions);* but direct that Iraqi nationals not be subjected to the 90-day ban; and.*
- Require that their applications for visa, admission, or other immigration benefits be thoroughly reviewed. (NOTE: Items marked with an asterisk (*) are temporarily halted by Hawaii TRO).

The Presidential Memorandum issued with EO 13780 on March 6, 2017, does the following:

- Allows that new vetting procedures can be issued “as soon as practicable”;
- Mandates existing inadmissibility laws be “rigorously” enforced at entry and after admission;
- Adds more “transparency” reports related to admissions, including within six months a report about the cost of the U.S. Refugee Admissions Program and how to curtail the cost.

Welcomed improvements in March 6 EO 13780 from the January 27 EO 13769:

- Iraq was taken off the list of countries whose nationals will be temporarily barred;
- The following categories of people from the six countries are not subject to the temporary bar: lawful permanent residents (LPRs), US 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;
- No explicit resettlement ban on Syrians; and
- A person’s access to asylum, withholding of removal, or CAT protection is not limited by the EO.

Unwelcomed Continuations of Policy from the January 27 EO 13769

- Continues the reduction of refugees admitted for 2017 from 110,000 to 50,000;
- Continues a travel ban on 6 countries: Iran, Libya, Somalia, Sudan, Syria, and Yemen; and
- Continues the 120-day pause on U.S. resettlement admissions.

Uncertain, Yet-to-be-Determined Outcomes from Review Processes Initiated by the March 6 EO

- Calling for revised Vetting Procedures for refugees, immigrants, and nonimmigrants;
- Calling for increased State and Local Involvement in Refugee Placement and Resettlement; and
- Calling for cost review and recommended changes of the resettlement process (March 6, 2017 Memo).

Ongoing federal litigation will determine whether EO 13780 will be implemented in whole or part.

What You Should Know About Executive Orders Related to Resettlement and a Travel Ban 3/17/2017