Jewish Family Services
of silicon valley

Frequently Asked Questions (FAQs)
On President Trump's Refugee Executive Order
January 28, 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.

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. Additionally, Syrian refugees have an indefinite bar on being resettled, until such time that the President determines that sufficient changes have been made to the USRAP. The executive order does not specify what sufficient changes need to look like. The Department of State, Bureau of Population, Refugees, and Migration (PRM) has cancelled all travel for Iraqi, Iranian, Syrian, Somali, Sudanese, Yemeni, and Libyan nationalities in the USRAP, with no exceptions. This includes refugees, SIVs (Special Immigrant Visas), visa 93s, and parolees. It also includes those who may be considered a religious minority in their country of nationality. Please note – this does not include Afghan SIVs who may book their own travel (see further guidance later in this document). Further guidance on other nationalities traveling January 30 – February 2, 2017 will be issued by PRM as soon as possible. Beginning on February 3, 2017, all refugee travel will be cancelled until further notice.

The State Department is working with other parts of the U.S. government to confirm which cases may be subject to an exception to this pause. The State Department does not yet have the authority to permit any exceptions.

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.

What else does the order do?

The order further bans residents of seven countries, including green card holders from Syria, Iran, Libya, Somalia, Yemen, Iraq 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. On a case-by-case basis, and when in the national interest, Secretaries for the Department of State (DOS) and the Department of Homeland Security (DHS) may issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.

Are there exceptions to the 120-day stop for refugee resettlement?
Yes, but only on a case-by-case exception as determined by the Secretary of State and Secretary of Homeland Security. Exceptions can be made on a case-by-case basis by the Administration if it is in the national interest, the person would not pose a risk, the person is a religious minority facing religious persecution, the admission of the person is required to conform U.S. conduct to an international agreement, or when a person is already in transit and denying admission would cause undue hardship. It is unclear at this time how the Administration may implement such exceptions.

When will the USRAP resume?
The program may resume on May 27, 2017, which is 120 days from the signing of the Executive Order on January 27, 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.

If refugees are in the pipeline, will they be able to be resettled during the 120 days?
Refugees currently in the pipeline may be admitted 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, but it is possible that refugees currently in the pipeline may begin to be admitted after certain processes are in place. 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.

After the pause is lifted, the ceiling on admissions will remain at 50,000, as determined under this executive order.

As of January 27, 2017 there were 67,689 refugees in the U.S. pipeline (approved by DHS). This includes 13,928 Somalis, 10,680 Iraqis, 8,886 Syrians, 1,805 Sudanese, 983 Iranians, and 29 Yemenis.

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.
- The executive order directs that when the program resumes, the program should prioritize the resettlement of religious-based persecution claims of religious minorities.
- This executive order ceases resettlement for Syrians until such time that vetting procedures for Syrians are deemed “consistent with the national interest” by the President.
- 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?
Yes, the executive order directs an indefinite pause on the resettlement of Syrian nationals until the President can ensure the resettlement of Syrians is “consistent with the national interest.” At this time, it is unclear what those stipulations are and what specific factors define “national interest.”

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 Iraq, Syria, Sudan, Iran, Somalia, Yemen, and Libya are suspended from entry for 90 days as of January 27, 2017. Syrians are suspended from resettlement indefinitely, pending review.

If I am a foreign national from Iraq, 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?
The executive order directs that the screening process for all refugees and immigrants should include a process to "evaluate the applicant's likelihood of becoming a positive contributing member of society and the applicant's ability to make contributions to the national interest." As of today, USCIS circuit rides are suspended, but other processing activities, with the exception of travel and related out-processing activities, continue. The Department of State, Bureau of Consular Affairs will issue separate guidance regarding the continuation or suspension of visa processing.

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 holders 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)?
The Department of State, Bureau of Population, Refugees, and Migration has cancelled all travel for Iraqi, Iranian, Syrian, Somali, Sudanese, Yemeni, and Libyan nationalities in the USRAP, with no exceptions. This includes refugees, SIVs, visa 93s, and parolees. It also includes those who may be considered a religious minority in their country of nationality. Further guidance on other nationalities traveling January 30 – February 2, 2017 will be issued by the State Department as soon as possible. Beginning on February 3, 2017, all refugee travel will be cancelled until further notice.

We do not recommend that Iraqi SIVs self-book flights during the 90-day ban and until further guidance is released from the U.S. government. It is recommended that Afghan SIVs seek legal guidance before moving forward with self-booking until further guidance is released from the U.S. government.

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 February 2, 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 as arrivals have been suspended for the next 120 days. There are thousands of refugees and SIVs booked for travel between February and March 2017; these individuals will likely be removed from travel; however, save for Iraqi, Iranian, Syrian, Somali, Sudanese, Yemeni, and Libyan nationalities, this has not yet occurred.

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

All nationals from Iraq, including Special Immigrant Visa (SIV) holders from Iraq, are banned completely from entering the U.S. for a period of 90 days from January 27, 2017. SIV holders from Afghanistan do not appear to be immediately affected by this executive order. Family members joining their Afghan 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. We are awaiting further guidance from DHS and the State Department on how this executive order will affect this population. We do not recommend that Iraqi SIVs self-book flights during the 90-day ban and until further guidance is released from the U.S. government. We recommend that Afghan SIVs seek legal guidance before moving forward with self-booking their flight until further guidance is released from the U.S. government.

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

The executive order does require additional screening for certain individuals already present in the United States. 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.
- On January 24, 2017, the Government of Austria electronically cancelled the D visas of all applicants who had not yet traveled to Austria. The Government of Austria has asked D visa holders to go to the Austrian Embassy in Tehran to have the visa physically cancelled. No appointment is required. Those with D visas who attempt to travel to Austria regardless of the cancellation of the D visa will not be allowed entry into Austria and will not be eligible for any future visas to Austria. The RSC Austria registration appointments for these applicants have been cancelled. RSC Austria has put these cases on hold until further notice.