

New York Inn of Court February 2017 Program:
IMMIGRATION – IMPACT OF THE ELECTION AND
DONALD TRUMP’S PRESIDENCY

Program Materials

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the WHITE HOUSE PRESIDENT DONALD J. TRUMP



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The White House

Office of the Press Secretary

For Immediate Release

January 25, 2017

Executive Order: Border Security and Immigration Enforcement Improvements

EXECUTIVE ORDER

BORDER SECURITY AND IMMIGRATION ENFORCEMENT IMPROVEMENTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (INA), the Secure Fence Act of 2006 (Public Law 109 367) (Secure Fence Act), and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104 208 Div. C) (IIRIRA), and in order to ensure the safety and territorial integrity of the United States as well as to ensure that the Nation's immigration laws are faithfully executed, I hereby order as follows:

Section 1. Purpose. Border security is critically important to the national security of the United States. Aliens who illegally enter the United States without inspection or admission present a significant threat to national security and public safety. Such aliens have not been identified or inspected by Federal immigration officers to determine their admissibility to the United States. The recent surge of illegal immigration at the southern border with Mexico has placed a significant strain on Federal resources and overwhelmed agencies charged with border security and immigration enforcement, as well as the local communities into which many of the aliens are placed.

Transnational criminal organizations operate sophisticated drug- and human-trafficking networks and smuggling operations on both sides of the southern border, contributing to a significant increase in violent crime and United States deaths from dangerous drugs. Among those who illegally enter are those who seek to harm Americans through acts of terror or criminal conduct. Continued illegal immigration presents a clear and present danger to the interests of the United States.

Federal immigration law both imposes the responsibility and provides the means for the Federal Government, in cooperation with border States, to secure the Nation's southern border. Although Federal immigration law provides a robust framework for Federal-State partnership in enforcing our immigration laws and the Congress has authorized and provided appropriations to secure our borders the Federal Government has failed to discharge this basic sovereign responsibility. The purpose of this order is to direct executive departments and agencies (agencies) to deploy all lawful means to secure the Nation's southern border, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely.

Sec. 2. Policy. It is the policy of the executive branch to:

- (a) secure the southern border of the United States through the immediate construction of a physical wall on the southern border, monitored and supported by adequate personnel so as to prevent illegal immigration, drug and human trafficking, and acts of terrorism;
- (b) detain individuals apprehended on suspicion of violating Federal or State law, including Federal immigration law, pending further proceedings regarding those violations;
- (c) expedite determinations of apprehended individuals' claims of eligibility to remain in the United States;
- (d) remove promptly those individuals whose legal claims to remain in the United States have been lawfully rejected, after any appropriate civil or criminal sanctions have been imposed; and
- (e) cooperate fully with States and local law enforcement in enacting Federal-State partnerships to enforce Federal immigration priorities, as well as State monitoring and detention programs that are consistent with Federal law and do not undermine Federal immigration priorities.

Sec. 3. Definitions. (a) "Asylum officer" has the meaning given the term in section 235(b)(1)(E) of the INA (8 U.S.C. 1225(b)(1)).

(b) "Southern border" shall mean the contiguous land border between the United States and Mexico, including all points of entry.

(c) "Border States" shall mean the States of the United States immediately adjacent to the contiguous land border between the United States and Mexico.

(d) Except as otherwise noted, "the Secretary" shall refer to the Secretary of Homeland Security.

(e) "Wall" shall mean a contiguous, physical wall or other similarly secure, contiguous, and impassable physical barrier.

(f) "Executive department" shall have the meaning given in section 101 of title 5, United States Code.

(g) "Regulations" shall mean any and all Federal rules, regulations, and directives lawfully promulgated by agencies.

(h) "Operational control" shall mean the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

Sec. 4. Physical Security of the Southern Border of the United States. The Secretary shall immediately take the following steps to obtain complete operational control, as determined by the Secretary, of the southern border:

(a) In accordance with existing law, including the Secure Fence Act and IIRIRA, take all appropriate steps to immediately plan, design, and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border;

(b) Identify and, to the extent permitted by law, allocate all sources of Federal funds for the planning, designing, and constructing of a physical wall along the southern border;

(c) Project and develop long-term funding requirements for the wall, including preparing Congressional budget requests for the current and upcoming fiscal years; and

(d) Produce a comprehensive study of the security of the southern border, to be completed within 180 days of this order, that shall include the current state of southern border security, all geophysical and topographical aspects of the southern border, the availability of Federal and State resources necessary to achieve complete operational control of the southern border, and a strategy to obtain and maintain complete operational control of the southern border.

Sec. 5. Detention Facilities. (a) The Secretary shall take all appropriate action and allocate all legally available resources to immediately construct, operate, control, or establish contracts to construct, operate, or control facilities to detain aliens at or near the land border with Mexico.

(b) The Secretary shall take all appropriate action and allocate all legally available resources to immediately assign asylum officers to immigration detention facilities for the purpose of accepting asylum referrals and conducting credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1225(b)(1)) and applicable regulations and reasonable fear determinations pursuant to applicable regulations.

(c) The Attorney General shall take all appropriate action and allocate all legally available resources to immediately assign immigration judges to immigration detention facilities operated or controlled by the Secretary, or operated or controlled pursuant to contract by the Secretary, for the purpose of conducting proceedings authorized under title 8, chapter 12, subchapter II, United States Code.

Sec. 6. Detention for Illegal Entry. The Secretary shall immediately take all appropriate actions to ensure the detention of aliens apprehended for violations of immigration law pending the outcome of their removal proceedings or their removal from the country to the extent permitted by law. The Secretary shall issue new policy guidance to all Department of Homeland Security personnel regarding the appropriate and consistent use of lawful detention authority under the INA, including the termination of the practice commonly known as "catch and release," whereby aliens are routinely released in the United States shortly after their apprehension for violations of immigration law.

Sec. 7. Return to Territory. The Secretary shall take appropriate action, consistent with the requirements of section 1232 of title 8, United States Code, to ensure that aliens described in section 235(b)(2)(C) of the INA (8 U.S.C. 1225(b)(2)(C)) are returned to the territory from which they came pending a formal removal proceeding.

Sec. 8. Additional Border Patrol Agents. Subject to available appropriations, the Secretary, through the Commissioner of U.S. Customs and Border Protection, shall take all appropriate action to hire 5,000 additional Border Patrol agents, and all appropriate action to ensure that such agents enter on duty and are assigned to duty stations as soon as is practicable.

Sec. 9. Foreign Aid Reporting Requirements. The head of each executive department and agency shall identify and quantify all sources of direct and indirect Federal aid or assistance to the Government of Mexico on an annual basis over the past five years, including all bilateral and multilateral development aid, economic assistance, humanitarian aid, and military aid. Within 30 days of the date of this order, the head of each executive department and agency shall submit this information to the Secretary of State. Within 60 days of the date of this order, the Secretary shall submit to the President a consolidated report reflecting the levels of such aid and assistance that has been provided annually, over each of the past five years.

Sec. 10. Federal-State Agreements. It is the policy of the executive branch to empower State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law.

(a) In furtherance of this policy, the Secretary shall immediately take appropriate action to engage with the Governors of the States, as well as local officials, for the purpose of preparing to enter into agreements under section 287(g) of the INA (8 U.S.C. 1357(g)).

(b) To the extent permitted by law, and with the consent of State or local officials, as appropriate, the Secretary shall take appropriate action, through agreements under section 287(g) of the INA, or otherwise, to authorize State and local law enforcement officials, as the Secretary determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary. Such authorization shall be in addition to, rather than in place of, Federal performance of these duties.

(c) To the extent permitted by law, the Secretary may structure each agreement under section 287(g) of the INA in the manner that provides the most effective model for enforcing Federal immigration laws and obtaining operational control over the border for that jurisdiction.

Sec. 11. Parole, Asylum, and Removal. It is the policy of the executive branch to end the abuse of parole and asylum provisions currently used to prevent the lawful removal of removable aliens.

(a) The Secretary shall immediately take all appropriate action to ensure that the parole and asylum provisions of Federal immigration law are not illegally exploited to prevent the removal of otherwise removable aliens.

(b) The Secretary shall take all appropriate action, including by promulgating any appropriate regulations, to ensure that asylum referrals and credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1125(b)(1)) and 8 CFR 208.30, and reasonable fear determinations pursuant to 8 CFR 208.31, are conducted in a manner consistent with the plain language of those provisions.

(c) Pursuant to section 235(b)(1)(A)(iii)(I) of the INA, the Secretary shall take appropriate action to apply, in his sole and unreviewable discretion, the provisions

of section 235(b)(1)(A)(i) and (ii) of the INA to the aliens designated under section 235(b)(1)(A)(iii)(II).

(d) The Secretary shall take appropriate action to ensure that parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.

(e) The Secretary shall take appropriate action to require that all Department of Homeland Security personnel are properly trained on the proper application of section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) and section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)), to ensure that unaccompanied alien children are properly processed, receive appropriate care and placement while in the custody of the Department of Homeland Security, and, when appropriate, are safely repatriated in accordance with law.

Sec. 12. Authorization to Enter Federal Lands. The Secretary, in conjunction with the Secretary of the Interior and any other heads of agencies as necessary, shall take all appropriate action to:

(a) permit all officers and employees of the United States, as well as all State and local officers as authorized by the Secretary, to have access to all Federal lands as necessary and appropriate to implement this order; and

(b) enable those officers and employees of the United States, as well as all State and local officers as authorized by the Secretary, to perform such actions on Federal lands as the Secretary deems necessary and appropriate to implement this order.

Sec. 13. Priority Enforcement. The Attorney General shall take all appropriate steps to establish prosecution guidelines and allocate appropriate resources to ensure that Federal prosecutors accord a high priority to prosecutions of offenses having a nexus to the southern border.

Sec. 14. Government Transparency. The Secretary shall, on a monthly basis and in a publicly available way, report statistical data on aliens apprehended at or near the southern border using a uniform method of reporting by all Department of Homeland Security components, in a format that is easily understandable by the public.

Sec. 15. Reporting. Except as otherwise provided in this order, the Secretary, within 90 days of the date of this order, and the Attorney General, within 180 days, shall each submit to the President a report on the progress of the directives contained in this order.

Sec. 16. Hiring. The Office of Personnel Management shall take appropriate action as may be necessary to facilitate hiring personnel to implement this order.

Sec. 17. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
January 25, 2017.



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For Immediate Release

January 25, 2017

Executive Order: Enhancing Public Safety in the Interior of the United States

EXECUTIVE ORDER

ENHANCING PUBLIC SAFETY IN THE INTERIOR OF THE UNITED STATES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (INA) (8 U.S.C. 1101 et seq.), and in order to ensure the public safety of the American people in communities across the United States as well as to ensure that our Nation's immigration laws are faithfully executed, I hereby declare the policy of the executive branch to be, and order, as follows:

Section 1. Purpose. Interior enforcement of our Nation's immigration laws is critically important to the national security and public safety of the United States. Many aliens who illegally enter the United States and those who overstay or otherwise violate the terms of their visas present a significant threat to national security and public safety. This is particularly so for aliens who engage in criminal conduct in the United States.

Sanctuary jurisdictions across the United States willfully violate Federal law in an attempt to shield aliens from removal from the United States. These jurisdictions have caused immeasurable harm to the American people and to the very fabric of our Republic.

Tens of thousands of removable aliens have been released into communities across the country, solely because their home countries refuse to accept their repatriation. Many of these aliens are criminals who have served time in our Federal, State, and local jails. The presence of such individuals in the United States, and the practices of foreign nations that refuse the repatriation of their nationals, are contrary to the national interest.

Although Federal immigration law provides a framework for Federal-State partnerships in enforcing our immigration laws to ensure the removal of aliens who have no right to be in the United States, the Federal Government has failed to discharge this basic sovereign responsibility. We cannot faithfully execute the immigration laws of the United States if we exempt classes or categories of removable aliens from potential enforcement. The purpose of this order is to direct executive departments and agencies (agencies) to employ all lawful means to enforce the immigration laws of the United States.

Sec. 2. Policy. It is the policy of the executive branch to:

- (a) Ensure the faithful execution of the immigration laws of the United States, including the INA, against all removable aliens, consistent with Article II, Section 3 of the United States Constitution and section 3331 of title 5, United States Code;
- (b) Make use of all available systems and resources to ensure the efficient and faithful execution of the immigration laws of the United States;
- (c) Ensure that jurisdictions that fail to comply with applicable Federal law do not receive Federal funds, except as mandated by law;
- (d) Ensure that aliens ordered removed from the United States are promptly removed; and
- (e) Support victims, and the families of victims, of crimes committed by removable aliens.

Sec. 3. Definitions. The terms of this order, where applicable, shall have the meaning provided by section 1101 of title 8, United States Code.

Sec. 4. Enforcement of the Immigration Laws in the Interior of the United States. In furtherance of the policy described in section 2 of this order, I hereby direct agencies to employ all lawful means to ensure the faithful execution of the immigration laws of the United States against all removable aliens.

Sec. 5. Enforcement Priorities. In executing faithfully the immigration laws of the United States, the Secretary of Homeland Security (Secretary) shall prioritize for removal those aliens described by the Congress in sections 212(a)(2), (a)(3), and (a)(6)(C), 235, and 237(a)(2) and (4) of the INA (8 U.S.C. 1182(a)(2), (a)(3), and (a)(6)(C), 1225, and 1227(a)(2) and (4)), as well as removable aliens who:

- (a) Have been convicted of any criminal offense;
- (b) Have been charged with any criminal offense, where such charge has not been resolved;
- (c) Have committed acts that constitute a chargeable criminal offense;
- (d) Have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency;
- (e) Have abused any program related to receipt of public benefits;

(f) Are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or

(g) In the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

Sec. 6. Civil Fines and Penalties. As soon as practicable, and by no later than one year after the date of this order, the Secretary shall issue guidance and promulgate regulations, where required by law, to ensure the assessment and collection of all fines and penalties that the Secretary is authorized under the law to assess and collect from aliens unlawfully present in the United States and from those who facilitate their presence in the United States.

Sec. 7. Additional Enforcement and Removal Officers. The Secretary, through the Director of U.S. Immigration and Customs Enforcement, shall, to the extent permitted by law and subject to the availability of appropriations, take all appropriate action to hire 10,000 additional immigration officers, who shall complete relevant training and be authorized to perform the law enforcement functions described in section 287 of the INA (8 U.S.C. 1357).

Sec. 8. Federal-State Agreements. It is the policy of the executive branch to empower State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law.

(a) In furtherance of this policy, the Secretary shall immediately take appropriate action to engage with the Governors of the States, as well as local officials, for the purpose of preparing to enter into agreements under section 287(g) of the INA (8 U.S.C. 1357(g)).

(b) To the extent permitted by law and with the consent of State or local officials, as appropriate, the Secretary shall take appropriate action, through agreements under section 287(g) of the INA, or otherwise, to authorize State and local law enforcement officials, as the Secretary determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the Secretary. Such authorization shall be in addition to, rather than in place of, Federal performance of these duties.

(c) To the extent permitted by law, the Secretary may structure each agreement under

section 287(g) of the INA in a manner that provides the most effective model for enforcing Federal immigration laws for that jurisdiction.

Sec. 9. Sanctuary Jurisdictions. It is the policy of the executive branch to ensure, to the fullest extent of the law, that a State, or a political subdivision of a State, shall comply with 8 U.S.C. 1373.

(a) In furtherance of this policy, the Attorney General and the Secretary, in their discretion and to the extent consistent with law, shall ensure that jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary. The Secretary has the authority to designate, in his discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction. The Attorney General shall take appropriate enforcement action against any entity that violates 8 U.S.C. 1373, or which has in effect a statute, policy, or practice that prevents or hinders the enforcement of Federal law.

(b) To better inform the public regarding the public safety threats associated with sanctuary jurisdictions, the Secretary shall utilize the Declined Detainer Outcome Report or its equivalent and, on a weekly basis, make public a comprehensive list of criminal actions committed by aliens and any jurisdiction that ignored or otherwise failed to honor any detainers with respect to such aliens.

(c) The Director of the Office of Management and Budget is directed to obtain and provide relevant and responsive information on all Federal grant money that currently is received by any sanctuary jurisdiction.

Sec. 10. Review of Previous Immigration Actions and Policies. (a) The Secretary shall immediately take all appropriate action to terminate the Priority Enforcement Program (PEP) described in the memorandum issued by the Secretary on November 20, 2014, and to reinstitute the immigration program known as "Secure Communities" referenced in that memorandum.

(b) The Secretary shall review agency regulations, policies, and procedures for consistency with this order and, if required, publish for notice and comment proposed regulations rescinding or revising any regulations inconsistent with this order and shall consider whether to withdraw or modify any inconsistent policies and procedures, as appropriate and consistent with the law.

(c) To protect our communities and better facilitate the identification, detention, and

removal of criminal aliens within constitutional and statutory parameters, the Secretary shall consolidate and revise any applicable forms to more effectively communicate with recipient law enforcement agencies.

Sec. 11. Department of Justice Prosecutions of Immigration Violators. The Attorney General and the Secretary shall work together to develop and implement a program that ensures that adequate resources are devoted to the prosecution of criminal immigration offenses in the United States, and to develop cooperative strategies to reduce violent crime and the reach of transnational criminal organizations into the United States.

Sec. 12. Recalcitrant Countries. The Secretary of Homeland Security and the Secretary of State shall cooperate to effectively implement the sanctions provided by section 243(d) of the INA (8 U.S.C. 1253(d)), as appropriate. The Secretary of State shall, to the maximum extent permitted by law, ensure that diplomatic efforts and negotiations with foreign states include as a condition precedent the acceptance by those foreign states of their nationals who are subject to removal from the United States.

Sec. 13. Office for Victims of Crimes Committed by Removable Aliens. The Secretary shall direct the Director of U.S. Immigration and Customs Enforcement to take all appropriate and lawful action to establish within U.S. Immigration and Customs Enforcement an office to provide proactive, timely, adequate, and professional services to victims of crimes committed by removable aliens and the family members of such victims. This office shall provide quarterly reports studying the effects of the victimization by criminal aliens present in the United States.

Sec. 14. Privacy Act. Agencies shall, to the extent consistent with applicable law, ensure that their privacy policies exclude persons who are not United States citizens or lawful permanent residents from the protections of the Privacy Act regarding personally identifiable information.

Sec. 15. Reporting. Except as otherwise provided in this order, the Secretary and the Attorney General shall each submit to the President a report on the progress of the directives contained in this order within 90 days of the date of this order and again within 180 days of the date of this order.

Sec. 16. Transparency. To promote the transparency and situational awareness of criminal aliens in the United States, the Secretary and the Attorney General are hereby directed to collect relevant data and provide quarterly reports on the following:

- (a) the immigration status of all aliens incarcerated under the supervision of the Federal Bureau of Prisons;
- (b) the immigration status of all aliens incarcerated as Federal pretrial detainees under the supervision of the United States Marshals Service; and
- (c) the immigration status of all convicted aliens incarcerated in State prisons and local detention centers throughout the United States.

Sec. 17. Personnel Actions. The Office of Personnel Management shall take appropriate and lawful action to facilitate hiring personnel to implement this order.

Sec. 18. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
January 25, 2017.



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Protecting The Nation From Foreign Terrorist Entry To The United States

Release Date: January 29, 2017

The Executive Order signed on January 27, 2017 allows for the proper review and establishment of standards to prevent terrorist or criminal infiltration by foreign nationals. The United States has the world's most generous immigration system, yet it has been repeatedly exploited by terrorists and other malicious actors who seek to do us harm. In order to ensure that the United States government can conduct a thorough and comprehensive analysis of the national security risks posed from our immigration system, it imposes a 90-day suspension on entry to the United States of nationals of certain designated countries—countries that were designated by Congress and the Obama Administration as posing national security risks in the Visa Waiver Program.

In order to protect Americans, and to advance the national interest, the United States must ensure that those entering this country will not harm the American people subsequent to their entry, and that they do not bear n\malicious intent toward the United States and its people. The Executive Order protects the United States from countries compromised by terrorism and ensures a more rigorous vetting process. This Executive Order ensures that we have a functional immigration system that safeguards our national security.

This Executive Order, as well as the two issued earlier in the week, provide the Department with additional resources, tools and personnel to carry out the critical work of securing our borders, enforcing the immigration laws of our nation, and ensuring that individuals who pose a threat to national security or public safety cannot enter or remain in our country. Protecting the American people is the highest priority of our government and this Department.

The Department of Homeland Security will faithfully execute the immigration laws and the President's Executive Order, and we will treat all of those we encounter humanely and with professionalism.

Authorities

The Congress provided the President of the United States, in section 212(f) of the Immigration and Nationality Act (INA), with the authority to suspend the entry of any class of aliens the president deems detrimental to the national interest. This authority has been exercised by nearly every president since President Carter, and has been a component of immigration laws since the enactment of the INA in 1952.

Action

For the next 90 days, nearly all travelers, except U.S. citizens, traveling on passports from Iraq, Syria, Sudan, Iran, Somalia, Libya, and Yemen will be temporarily suspended from entry to the United States. The 90 day period will allow for proper review and establishment of standards to prevent terrorist or criminal infiltration by foreign nationals.

Importantly, however, Lawful Permanent Residents of the United States traveling on a valid I-551 will be allowed to board U.S. bound aircraft and will be assessed for exceptions at arrival ports of entry, as appropriate. The entry of these individuals, subject to national security checks, is in the national interest. Therefore, we expect swift entry for these individuals.

In the first 30 days, DHS will perform a global country-by-country review of the information each country provides when their citizens apply for a U.S. visa or immigration benefit. Countries will then have 60 days to comply with any requests from the U.S. government to update or improve the quality of the information they provide.

DHS and the Department of State have the authority, on a case-by-case basis, to issue visas or allow the entry of nationals of these countries into the United States when it serves the national interest. These seven countries were designated by Congress and the Obama Administration as posing a significant enough security risk to warrant additional scrutiny in the visa waiver context.

The Refugee Admissions Program will be temporarily suspended for the next 120 days while DHS and

interagency partners review screening procedures to ensure refugees admitted in the future do not pose a security risk to citizens of the United States.

The Executive Order does not prohibit entry of, or visa issuance to, travelers with diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas.

The Department of Homeland Security along with the Department of State, the Office of the Director of National Intelligence, and the Federal Bureau of Investigation will develop uniform screening standards for all immigration programs government-wide.

Upon resumption of the U.S. Refugee Admissions Program, refugee admissions to the United States will not exceed 50,000 for fiscal year 2017.

The Secretary of Homeland Security will expedite the completion and implementation of a biometric entry-exit tracking system of all travelers into the United States.

Federal Government

As part of a broader set of government actions, the Secretary of State will review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal.

The Department of State will restrict the Visa Interview Waiver Program and require additional nonimmigrant visa applicants to undergo an in-person interview.

Transparency

The Department of Homeland Security, in order to be more transparent with the American people, and to more effectively implement policies and practices that serve the national interest will make information available to the public every 180 days. In coordination with the Department of Justice, DHS will provide information regarding the number of foreign nationals charged with terrorism-related offense or gender-based violence against women while in the United States.

Topics: [International \(/topics/international\)](/topics/international), [Transportation Security \(/topics/transportation-security\)](/topics/transportation-security)

Keywords: [terrorist travel \(/keywords/terrorist-travel\)](/keywords/terrorist-travel), [travel security \(/keywords/travel-security\)](/keywords/travel-security), [countering terrorism \(/keywords/countering-terrorism\)](/keywords/countering-terrorism), [terrorism prevention \(/keywords/terrorism-prevention\)](/keywords/terrorism-prevention)

Last Published Date: January 30, 2017

Read leaked drafts of 4 White House executive orders on Muslim ban, end to DREAMer program, and more

Apparent Trump administration drafts suggest a harsh crackdown on immigrants.

Updated by Matthew Yglesias and Dara Lind | Jan 25, 2017, 5:43pm EST



Photo by Shawn Thew-Pool/Getty Images

On Tuesday, Vox was given six documents that purported to be draft executive orders under consideration by the Trump administration. The source noted that “all of these documents are still going through formal review” in the Executive Office of the President and “have not yet been cleared by [the Department of Justice or the Office of Legal Counsel].”

We were not, at the time, able to verify the authenticity of the documents and did

not feel it would be reasonable to publish or report on them.

But on Wednesday afternoon, Trump signed two executive orders on immigration that word-for-word matched the drafts we'd received. Given that our source had early access to two documents that were proven accurate, and that all the orders closely align with Trump's stated policies on the campaign trail, we are reporting on the remaining four.

The source cautioned that "there are substantive comments on several of these drafts from multiple elements of NSC staff" and "if previous processes remain the norm, there [are] likely to be some substantive revisions." It is possible these orders will emerge with substantial changes, or even be scrapped altogether.

We sent the White House PDFs of the documents and left voicemails with aides, but did not receive a response.

The two orders **released today** by the Trump administration, and delivered yesterday by our source, start the process of building President Trump's famous "wall," and make it easier for immigration agents to arrest, detain, and deport unauthorized immigrants at the border and in the US. Those policies are **explained in detail here**.

The four remaining draft orders obtained by Vox focus on immigration, terrorism, and refugee policy. They wouldn't ban all Muslim immigration to the US, breaking a Trump promise from early in his campaign, but they would temporarily ban entries from **seven majority-Muslim countries** and bar all refugees from coming to the US for several months. They would make it harder for immigrants to come to the US to work, make it easier to deport them if they use public services, and put an end to the Obama administration program that protected young "DREAMer" immigrants from deportation.

In all, the combined documents would represent one of the harshest crackdowns on immigrants — both those here and those who want to come here — in memory.

The “Muslim ban”: “Protecting the Nation From Terrorist Attacks by Foreign Nationals”

The draft executive order limiting immigration from certain Muslim-majority countries, formally titled, "Protecting the Nation From Terrorist Attacks by Foreign Nationals," suspends entry into the United States from selected countries starting 30 days after the executive order's issuance.

On the campaign trail, Trump made comments about banning Muslims from the United States. This order is reminiscent of that promise but falls far short of it, as most Muslim-majority countries, including the most populous ones (Indonesia, Bangladesh, and Pakistan), are not included on the list of barred countries.

The countries in question are those included in the State Department's list of terrorism-sponsoring countries (Iran, Sudan, and Syria), those designated by the Department of Homeland Security as countries of concern (Libya, Somalia, and Yemen), and Iraq, which is specially designated in the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, the law from which the executive order gets its list of barred countries. (Syria is specially designated too, but it's already banned due to the terrorism list.)

That law simply limited travel from countries whose residents normally don't need a visa to visit the US (which tend to be rich countries like the UK, France, and Germany) if they had previously traveled to a country of concern, like Iran or Yemen or Iraq. Trump's executive order uses that list and bars all immigration from those countries outright.

As this ban is being implemented, the secretary of homeland security, along with the

secretary of state and director of national intelligence, is instructed to evaluate which countries do and don't provide enough information about visa applicants for the US to vet them for terrorism risk. Any countries that don't provide enough information, according to the secretary of homeland security, will be given 60 days to start doing so. After those 60 days, the secretary of homeland security will provide to the president a list of any countries still judged to not be providing enough information. The president will then issue a proclamation prohibiting nationals of those countries from entering the United States. This list will replace the one based on the 2015 law.

The order also suspends all refugee admissions into the United States for 120 days, as the secretary of state reviews refugee application procedures to ensure they guarantee no admitted refugees jeopardize national security. All refugee applications will be placed on hold for this 120-day period, and resumed once the secretary has issued revised procedures — except for applications from members of “religious minorities” who are being persecuted (which, in practice, will probably mean Christians in the Middle East).

Refugees will continue to be barred from countries that don't have adequate safeguards, as determined by the secretaries of state and homeland security and the director of national intelligence. Refugee claims “on the basis of religious-based persecution” will be given priority, and all admissions of Syrian refugees will be suspended until President Trump determines they can begin again. The total number of refugees allowed in fiscal year 2017 will be reduced from 110,000 to 50,000, and preference will continue to go to “religious minorities.”

The order instructs the secretary of state to provide “safe areas” in Syria and surrounding areas where Syrian nationals who have been displaced can reside. It also instructs the secretary of homeland security to speed implementation of a

biometric entry-exit tracking system. Finally, the order instructs the secretary of state to "immediately suspend the Visa Interview Waiver Program," and requires interviews of all non-immigrant visa seekers.

Read the full draft order here.

DREAMer program: "Ending unconstitutional executive amnesties"

Another apparent order draft, titled "Ending unconstitutional executive amnesties," would end a major Obama program that has effectively protected **more than 740,000 unauthorized immigrants** from deportation since 2012.

This **program** — Deferred Action for Childhood Arrivals, or DACA — was aimed at people who came to the US when they were younger than 16 years old, who either had pursued or were pursuing education and had no felony convictions, among other conditions. It let them get temporary protection from deportation and permits to work in the US.

But the order would end the DACA program. Now, it says that work permits already issued under the program will remain valid. However, these permits are all already set to expire at some point in the next two years, and once they expire, they will not be renewed, according to the order. Starting very soon, a trickle of immigrants would start to lose their DACA protections — and by January 2019, barring a policy reversal or an act of Congress, all of them would.

Even while still protected by DACA, the order says, the government will not grant them "advance parole." That means that should they leave the country, they would not be allowed to return.

Finally, this draft order would also put the nail in the coffin of Obama's 2014 attempt to extend that program to cover a broader group of unauthorized immigrants — DAPA — which had already **been blocked in court**. All in all, if implemented, the

order would roll back President Obama's most significant legacy on immigration.

Read the full draft order here.

Limiting legal immigration: "Protecting American Jobs and Workers by Strengthening the Integrity of Foreign Worker Visa Programs"

A sweeping proposed order would, essentially, operate across a number of channels to reduce the scope of legal immigration to the United States. It also begins to lay the administrative and policy groundwork for further legislation altering the scope of legal immigration into one that, in the words of the cover memo, "prioritizes the interests of American workers and — to the maximum degree possible — the jobs, wages, and well-being of those workers."

The order itself contains a variety of provisions. One would reverse Obama's extension of the **duration of Optional Practical Training work visas** and decision to allow the **spouses of H-1B guest workers to also have work permits**. Another would undo relief Obama has granted to people eligible for green cards but unable to apply for them due to what's known as the **"three- and ten-year bars."**

Another provision calls on the Department of Homeland Security to begin "site visits" at places that employ guest workers with L-1 visas and then to expand the site-visit program to cover *all* employment-based visa programs within two years.

Other provisions are less clear in their impact. The order directs the secretary of homeland security to promulgate a regulation that would "restore the integrity of employment-based nonimmigrant worker programs" and to "consider ways" to alter the H-1B program (for technical guest workers) to be "more efficient and ensure that beneficiaries of the program are the best and the brightest." The H-1B program, which is often used by outsourcing firms, has come under recent criticism from both Trumpist Republicans and pro-labor Democrats, and the Trump administration is

reportedly **looking at another way** to determine which of the hundreds of thousands of H-1B applicants get visas (instead of the current lottery system).

Another directs DHS to “improve monitoring of foreign students” and to “reform practical training programs for foreign students to prevent the disadvantaging of US students in the workforce.” Another calls for the promulgation of a new regulation to “clarify comprehensively” that people on tourist visas may not perform skilled or unskilled labor. Another directs the secretary of state to “reform the J-1 Summer Work Travel program to improve protections of US workers.”

Another provision calls on DHS to do what it can to incentivize more employers to participate in the E-Verify system.

Last but by no means least, the order attempts to build momentum toward a larger revision of American immigration policy. It calls on the secretary of labor to commission a report investigating “the extent of any injury to US workers” caused by the employment of foreign workers, and on DHS to report regularly on the number of foreigners working in the United States and to “immediately restart work on regular benefit fraud assessments for all immigration benefits categories.”

Read the full draft order here.

Limiting social services: “Protecting Taxpayer Resources by Ensuring Our Immigration Laws Promote Accountability and Responsibility”

Libertarians sometimes suggest “building a wall around the welfare state” instead of the country — restricting access to public benefits to US citizens. This executive order proposes that President Trump, who’s already building a wall around the country, build one around the welfare state as well.

Legal immigrants currently get access to some public benefits in some circumstances. But the federal government can bar someone from coming to the

US, or from becoming a permanent resident, if there's any evidence he or she will become a "public charge."

Currently, the federal government looks at use of cash benefits (like Temporary Assistance for Needy Families) when it's making "public charge" decisions, but not in-kind benefits like Medicaid and the Children's Health Insurance Program. This executive action, though, would ask the Department of Homeland Security to issue a rule saying that an immigrant can't be admitted to the US if he's likely to get *any* benefit "determined in any way on the basis of income, resources, or financial need." Furthermore, people who use any of those benefits and are in the US on visas would be subject to deportation.

The order would require the person who sponsored an immigrant into the US to reimburse the federal government for any benefits the immigrant used. It would direct the government to publish regular reports on the benefits used by immigrants in the US — and how that money could be "reinvested" in the inner cities, something Trump proposed as a candidate.

One of the reports requested in the order would be a report on the cost of the entire Refugee Assistance Program — the program by which the US helps refugees get settled, obtain jobs, and learn English. Refugees are responsible for much of immigrant welfare use in the US, because they're not selected for their high earning potential — they're selected because of their humanitarian need. But consistent with the forthcoming order restricting refugee admissions entirely, this memo sees refugees as a drain on the public coffers.

Unauthorized immigrants aren't spared by the order: It would prevent families from getting the child tax credit if the parents are unauthorized (even if the children are US citizens), and it would prevent an unauthorized immigrant from being eligible for Social Security during the time he was unauthorized (even if he was paying into the

system, as many do, using a fake Social Security number). But for the most part, this order doesn't crack down on unauthorized immigrants to protect legal immigrants; it cracks down on immigrants, and their US citizen children, for the sake of the native-born.

Read the full draft order here.

—Dylan Matthews, Andrew Prokop, Dara Lind, and Sarah Kliff contributed to this report.

Watch: The racist history of US immigration policy

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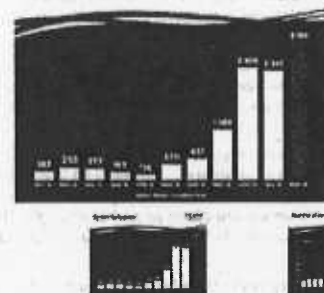
DONALD J. TRUMP'S VISION

- Prioritize the jobs, wages and security of the American people.
- Establish new immigration controls to boost wages and to ensure that open jobs are offered to American workers first.
- Protect the economic well-being of the lawful immigrants already living here by curbing uncontrolled foreign worker admissions
 - Select immigrants based on their likelihood of success in the U.S. and their ability to be financially self-sufficient.
 - Vet applicants to ensure they support America's values, institutions and people, and temporarily suspend immigration from regions that export terrorism and where safe vetting cannot presently be ensured.
 - Enforce the immigration laws of the United States and restore the Constitutional rule of law upon which America's prosperity and security depend.

Donald J. Trump's 10 Point Plan to Put America First

1. Begin working on an impenetrable physical wall on the southern border, on day one. Mexico will pay for the wall.
2. End catch-and-release. Under a Trump administration, anyone who illegally crosses the border will be detained until they are removed out of our country.
3. Move criminal aliens out day one, in joint operations with local, state, and federal law enforcement. We will terminate the Obama administration's deadly, non-enforcement policies that allow thousands of criminal aliens to freely roam our streets.
4. End sanctuary cities.
5. Immediately terminate President Obama's two illegal executive amnesties. All immigration laws will be enforced - we will triple the number of ICE agents. Anyone who enters the U.S. illegally is subject to deportation. That is what it means to have laws and to have a country.
6. Suspend the issuance of visas to any place where adequate screening cannot occur, until proven and effective vetting mechanisms can be put into place.
7. Ensure that other countries take their people back when we order them deported.
8. Ensure that a biometric entry-exit visa tracking system is fully implemented at all land, air, and sea ports.

Syrian Refugees:



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VIDEO

Donald J. Trump Remarks On Immigration
Phoenix, Arizona
August 31, 2016



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REMARKS

DONALD J. TRUMP: ADDRESS ON IMMIGRATION

9. Turn off the jobs and benefits magnet. Many immigrants come to the U.S. illegally in search of jobs, even though federal law prohibits the employment of illegal immigrants.

10. Reform legal immigration to serve the best interests of America and its workers, keeping immigration levels within historic norms.

Read More on Donald J. Trump's 10 Point Plan to Put America First, here.

Read Mr. Trump's Remarks in Phoenix, Arizona, in Mexico City, and at the Remembrance Project Luncheon.

KEY ISSUES

- Illegal immigrants and other non-citizens in our prisons and jails together had around 25,000 homicide arrests to their names. [United States Government Accountability Office, March 2011]
- Current immigration policy costs taxpayers \$300 billion a year [National Review, Sept. 22, 2016]
- There are at least 2 million convicted criminal aliens now inside the country. [Center for Immigration Studies, Oct. 2013]
- Since 2013 alone, the Obama Administration has allowed 300,000 criminal aliens to return back into U.S. communities.
- Between 9/11 and the end of 2014, at least 380 foreign-born individuals were convicted in terror cases inside the United States. [U.S. Senate Immigration Subcommittee, June 22, 2016]
- In the last five years, we've admitted nearly 100,000 immigrants from Iraq and Afghanistan - in these two countries, according to Pew research, a majority of residents say that the barbaric practice of honor killings against women are often or sometimes justified. [U.S. Department of Homeland Security, August 2016], [Pew Research Center, July 22, 2016]
- From the year 2008 through 2014, nearly 13,000 criminal aliens were released back into U.S. communities because their home countries would not take them back. [The Boston Globe, June 4, 2016]
- 62 percent of households headed by illegal immigrants used some form of cash or non-cash welfare programs, like food stamps or housing assistance. [Center for Immigration Studies, Sept. 2015]
- Nearly 1 million illegal immigrants, including nearly 200,000 with criminal convictions, had been ordered deported but remain at large. [Washington Examiner, July 1, 2015]
- Between 2013 and 2015, the Obama Administration released over 86,000 criminal aliens from custody. In 2015 alone, ICE freed 19,723 criminal aliens, who had 64,197 convictions among them. These included 8,234 violent convictions and 208 homicide convictions. [Homeland Security Committee, Nov. 19, 2015]

CONTRAST WITH HILLARY CLINTON

- Hillary will bring in 620,000 new refugees in a four-year term at a lifetime cost of over \$400 billion. [U.S. Senate Immigration Subcommittee, June 27, 2016]
- Hillary Clinton has pledged amnesty in her first 100 days, and her plan will provide Obamacare, Social Security and Medicare for illegal immigrants - breaking the federal budget. On top of that, she promises uncontrolled low-skilled immigration that continues to reduce jobs and wages for American workers, especially African-American and Hispanic workers.
- Hillary Clinton will give citizenship to illegal immigrants who compete directly against vulnerable American workers for the right to high-paying jobs, safe housing and good schools. [Donald J. Trump Press Release, July 28, 2016]
- Hillary Clinton will protect and expand President Obama's illegal and unconstitutional DACA and DAPA executive actions that give millions of

Thank you, Phoenix. I am so glad to be back in Arizona, a state that has a very special place in my heart.

I love the people of Arizona and, together, we are going to win the White House in November.

Tonight is not going to be a normal rally speech.

Instead, I am going to deliver a detailed policy address on one of the greatest challenges facing our country today: immigration.

I have just landed having returned from a very important and special meeting with the President of Mexico - a man I like and respect very much, and a man who truly loves his country. Just like I am a man who loves the United States.

We agreed on the importance of ending the illegal flow of drugs, cash, guns and people across our border, and to put the cartels out of business. [Read More](#)

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illegal immigrants social security numbers, work authorization, travel authorization, eligibility for benefits, and tax credits in violation of the United States law.

- Hillary Clinton supports making illegal immigrants eligible for Obamacare, which will force American taxpayers to further subsidize illegal immigration.
- Hillary Clinton supports sanctuary cities, the catch-and-release program at the border, visa overstays, and the release of dangerous criminals from detention.
- Hillary Clinton has no plan to secure the border. The ICE agents call her plan "the most radical immigration proposal in U.S. history."