



Impact of Old & New Travel Bans and Refugee Bans

Executive Orders 13769,13780,13815

Proclamation 9645

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USCCB

Introduction

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Catholic Social Teaching on Refugees

- Every human being is created in God's image
- All have the right to enjoy conditions worthy of human life in their home country—
"the right not to have to migrate"
- If conditions are not worthy of human life, people have the right to migrate
- Nations should work toward a "globalization of solidarity"
 - Address the root causes of migration
 - Solidary at all stages with those forced to migrate—especially most vulnerable
- Pope Francis--"[20 Action Points](#)" welcome, protect, promote, integrate

A Year in Review: Immigrant Bans and Refugee Bans

- EO [13769](#) (EO-1) 1/27/17 (travel/refugee)
- EO [13780](#) (EO-2) 3/6/17 (travel/refugee)
- Proclamation [9645](#) (EO-3) 9/24/17 (travel)
- EO [13815](#) (EO-4) 10/24/17 (refugee)

Content of EO-1 and EO-2

Executive Order [13769](#) (EO-1) vacated and replaced by [13780](#) (EO-2)

EO-2's major provisions were similar to EO-1, although EO-1 banned immigrants and nonimmigrants from 7 Muslim-majority countries, not 6, and also EO-1 had included a couple of refugee admission rules based on nationality and religion, which were not included in EO-2. EO-2 had, among others, the following provisions:

- *90-day travel ban* for most immigrants/nonimmigrants from 6 Muslim-majority countries (Iran, Libya, Somalia, Sudan, Syria and Yemen [Iraq banned b4 by EO-1; not with EO-2]) to give time to review and develop new vetting procedures for immigrants/nonimmigrants;
- *120-day refugee ban* for most refugees to give time to review and develop new refugee procedures;
- *50,000 cap* for refugee admissions for FY2017.

Over 70 cases were filed in federal courts as part of the challenge to EO-1 and EO-2

US District & US Circuit Courts' EO-2 Cases

Hawaii v Trump

HI U.S. District Court

Nationwide Halt—secs. 2, 6

Upheld by 9th Circuit

IRAP v Trump

MD U.S. District Court

Nationwide Halt—sec. 2c

Upheld by 4th Circuit

US Supreme Court—June 26th Decision

Decision to hear in October the travel and refugee ban cases; combined lead cases
USCCB/Catholic Charities/CLINIC did an amicus brief

Meanwhile, USSC ruled that some would be banned; some would not be banned
If bona fide U.S. based relationships with individuals or entities NOT BANNED
Otherwise only those who receive a waiver could come

Consequent arrivals FY2017 due to EO-2	53,716	greater than	> 50,000
		less than	< 75,000

US Supreme Court– October Decisions

- 9/24/17 END OF TRAVEL BAN + Proclamation 9645 (EO-3)
- 10/10/17 USSC decided to not hear IRAP v Trump; moot; no decision on merits
- 10/24/2017 END OF REFUGEE BAN + Executive Order 13815 (EO-4)
- 10/24/17 USSC decided to not hear Hawaii v Trump; moot; no decision on merits

Proclamation 9645 (EO-3)

Proclamation [9645 \(EO-3\)](#), a set of new admission rules for certain immigrants and nonimmigrants, was issued on September 24, 2017, as the EO-2 90-day travel ban ended. It outlines ongoing bars for immigrants and nonimmigrants (NOT asylum seekers or refugees) from 5 of 6 countries banned by EO-2 and several new ones, still totaling 6 Muslim-majority countries.

Admission bars would be in place for the following people, including children, from:

- Syria and North Korea- all immigrants and nonimmigrants; Somalia- all immigrants;
- Chad, Libya, Yemen- all immigrants; nonimmigrants seeking B-1 business or B-2 tourist visas;
- Iran- all immigrants; all nonimmigrants except those with F or M student or J exchange visas;
- Venezuela- officials responsible for cooperating with U.S. vetting procedures and their immediate family members seeking B-1 business or B-2 tourist visas;
- Case-by-case waivers if undue hardship, in national interest, and not national security threat AND if applicant has U.S. family, business, organizational, professional, or government ties.

Impact of Proclamation 9645—on Hold

In *IRAP v Trump* and *Hawaii v Trump*, federal district court judges halted PP 9645 for similar reasons given in previous cases by the same names

PP 9645 cases were appealed to 4th Circuit & 9th Circuit, respectively

9th Circuit limited HI Court's preliminary injunction to protect only immigrants/nonimmigrants with bona fide relationship to US-based person or entity

Hearings scheduled: 4th Circuit on December 8; 9th Circuit on December 6

Executive Order 13815 (EO-4)

[Executive Order 13815](#) (EO-4), an order that begins a new, temporary, *de facto* refugee ban and also implements some ongoing refugee vetting and admission rules and procedures, was issued on October 24, 2017, as the 120-day EO-2 refugee ban ended. Among others, provisions from EO-4 include:

- ***A de facto 90-day refugee admission ban*** and mandate for yet-to-be determined admission/vetting rules for stateless Palestinians, and for most refugees from 11 countries, 9 of which are Muslim-majority countries, including Egypt, Iran, Iraq, Libya, Mali, Somalia, Sudan, Syria, Yemen; North Korea and South Sudan (not Muslim-majority); also more countries may be subject to future rules.
 - ***Case-by case exceptions*** may be made during 90 days for refugees from 11 countries if admissions are in the national interest and if they do not threaten the security and welfare of the United States;
- ***Exhaustive information requirement for all refugees***, including extensive biographical information going back 10 years, and detailed contact information for all family members;
- ***Yet-to-be-determined following-to-join security protocols required for all such family members***; and
- ***Report in 6 months on resettlement's impact on national security, public safety, and general welfare.***

Impact of Executive Order 13815 (EO-4)

Major Refugee Nationalities Excluded-Over 44% of the refugees admitted in FY2017 are from the 11 now-banned countries (and an estimated 60% of pending refugee cases are said to be from the 11 now-banned countries);

- Besides Muslims, Christian and other religious minorities from 11 countries are also banned;
- Iraqi refugees, who supported the U.S. mission in Iraq, are also now banned;

Longer vetting process

- 90-day ban (with unknown results of how many from banned countries will be admitted);
- All refugees already approved subject to added information gathering;
- Following-to-Join wait unspecified waiting time for new security protocols;
- Following-to-join wait to be subject to yet to be determined protocols;
- With the factors above, many previously approved checks will likely time out and have to be redone;
- With above factors, even with non-banned refugees prioritized, it will be challenge to admit 45,000 in FY18.

There is not yet a federal court decision halting EO 13815

EOs & PD Impact on Refugees & USRAP

FY17 Ceiling:	110,000	-v-	50,000
FY17 Arrivals:	75,000 funded	-v-	53,716 arrived
FY18 PD:	45,000 = all time low		
Infrastructure Lost:	National and Local Layoffs; lost expertise, commitment, institutional memory		
Others suffer:	50% lower Match Grant despite other total populations still being high		
FY18 Arrivals:	With EO-4, reaching 45,000 will be a challenge Further infrastructure loss is highly possible		

Unknowns about EO-3 and EO-4

Will USRAP ultimately allow refugees from 11 countries to access resettlement? If so, in what numbers?

Will new information gathering rules and other changes create a “culture of no”?

Will the federal courts find that the Administration has overstepped its authority in EO-3 or EO-4?

Can we find ways to protect 45,000 this year through resettlement and increase PD to protect greater number of refugees in the near future?

Questions?

ACTION STEPS

Watch the JFI website for advocacy efforts around the refugee program: •

<https://JusticeforImmigrants.org>

Join the “Share the Journey Campaign”

Join Pope Francis and become an active participant in the

[“Share the Journey Campaign”](#)

Host an Educational Event:

Especially plan for a presentation related to National Migration Week.

See **[National Migration Week 2018 Toolkit](#)**.