

Myth v. Fact: Trump's Refugee and Immigration Executive Order

On January 27, 2017, President Trump issued an executive order¹ that: 1) Bars Syrian refugees from coming to the United States indefinitely; 2) Bars nationals from seven Muslim-majority countries (Syria, Iraq, Iran, Sudan, Somalia, Libya and Yemen) from coming to the United States for at least 90 days; 3) Cuts the number of refugees who will be resettled in the United States in 2017 by more than half; 4) Suspends the U.S. Refugee Admissions Program (USRAP) entirely for at least 120 days; and 5) Prioritizes admitting "religious minorities," such as Christians in Muslim-majority countries, over Muslim refugees. The order has sparked controversy, confusion, and alarm across the nation—at times making it difficult to separate myth from fact. Some of the prevailing myths are debunked below.

Myth: The executive order is not a “Muslim Ban.”

- ☑ **Fact:** President Trump and others connected to his administration have explicitly stated that their goal is to ban Muslims and give preference to Christians in immigration.² Advisor Rudy Giuliani told *Fox News* that President Trump wanted a “Muslim ban” and asked for a way “to do it legally.”³ The order attempts to achieve that goal indirectly by banning visitors from certain Muslim-majority nations and suspending all refugee resettlement entirely.
- ☑ **Fact:** The ban applies to ordinary people from seven Muslim-majority countries who have lawful visas for living, working, studying, and visiting family members in the United States. The executive order then explicitly provides an

exception for resettling refugees in the United States who are religious minorities. Given the geographic context of the refugee crisis, this would largely exclude Muslim refugees.

- ☑ **Fact:** Once the USRAP is restarted (after at least 120 days), the order directs government agencies to prioritize religious persecution claims from refugees "of a minority religion" in their countries. Given the geographical context of the refugee crisis, this would overwhelmingly prioritize claims from non-Muslims in Muslim-majority countries. It would make it considerably more difficult for Muslim refugees to gain admission to the United States because their persecution is not due to being of a minority religion.

¹ <https://www.whitehouse.gov/the-press-office/2017/01/27/executive-order-protecting-nation-foreign-terrorist-entry-united-states>

² <http://www1.cbn.com/thebrodyfile/archive/2017/01/27/brody-file-exclusive-president-trump-says-persecuted-christians-will-be-given-priority-as-refugees>

³ <https://www.washingtonpost.com/news/the-fix/wp/2017/01/29/trump-asked-for-a-muslim-ban-giuliani-says-and-ordered-a-commission-to-do-it-legally/>

Myth: President Obama did the same thing in 2011.

☑ **Fact:** President Obama never suspended refugee admissions or blocked entry into the country for entire nationalities. In 2011, the Obama Administration imposed more stringent security check procedures for Iraqi special visa applicants and refugee resettlement cases, in response to concerns that there may have been a gap in the security vetting process.⁴ The United States continued to accept Iraqi refugees during this period with Iraqi refugees arriving every month in 2011, albeit at a slower pace. Further, the Obama Administration still allowed Iraqi citizens and green card holders to enter the country.⁵

Myth: Only 109 or so people were impacted by the Executive Order.

☑ **Fact:** The executive order affects over 100,000 people. The Department of Justice reported that it has revoked over 100,000 visas since the order was implemented.⁶ The figure of 109 people who the Trump Administration said were “detained and held for additional questioning”⁷ only refers to people who were en route to the United States when the executive order was

signed. Moreover, it is an old number.⁸ While officials have not responded to requests for updated figures, it has been reported that an additional 200 to 250 people were denied entry to the United States after their planes landed.⁹ The Department of Homeland Security reported that 348 people were prevented from boarding planes to the United States between January 27 and 29.¹⁰ Any visa holders from the seven affected countries who were abroad when the order was implemented or are in the United States and planned to travel would also be prohibited from entering the United States for 90 days. According to the *New York Times*, 89,387 people from the seven banned countries held visas at the time of the ban.¹¹

☑ **Fact:** Those who had their visas revoked are not the only people affected by the order. People who are currently being vetted through the now-suspended USRAP would also be impacted. The order also affects U.S. citizens and other lawful residents who are seeking to reunite with their families. Some examples include a Sudanese permanent resident seeking to bring his Sudanese wife (who has never lived in Sudan) to the United States, whose citizenship application has been halted,¹² and a Syrian permanent resident who has filed a petition to bring her sixteen-year-old son to Seattle from Syria.¹³

⁴ https://www.washingtonpost.com/news/fact-checker/wp/2017/01/29/trumps-facile-claim-that-his-refugee-policy-is-similar-to-obama-in-2011/?utm_term=.43e6055919c9

⁵ *Id.*

⁶ <http://www.nbcnews.com/news/us-news/over-100-000-visas-have-been-revoked-immigration-ban-justice-n716121>

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<https://twitter.com/realDonaldTrump/status/826041397232943104>

⁸ <https://www.washingtonpost.com/news/fact-checker/wp/2017/01/30/the-number-of-people-affected-by-trumps-travel-ban-about-90000/>

⁹ <http://www.thedailybeast.com/articles/2017/01/30/white-house-lowballs-impact-of-trump-ban.html>

¹⁰ *Id.*

¹¹ For breakdown of visas by country, see <https://www.washingtonpost.com/news/fact-checker/wp/2017/01/30/the-number-of-people-affected-by-trumps-travel-ban-about-90000/>

¹² <http://www.thedailybeast.com/articles/2017/01/30/biggest-lawsuit-yet-filed-against-donald-trump-s-immigration-order.html>

¹³ <http://www.king5.com/news/local/class-action-lawsuit-challenges-immigration-order-on-behalf-of-families/395762293>

☑ **Fact:** The ban also severely impacts up to 800 people in need of urgent medical care who have been barred from entry to the United States.¹⁴ This includes a four-month-old Iranian baby girl, who was prevented from traveling to the United States for heart surgery.¹⁵ She and her family were prohibited from attending their consulate appointment to obtain their visa. A one-year-old Syrian refugee girl, born with one eye, was prohibited from entering the United States to undergo an operation, despite her family having already cleared all security checks.¹⁶ A six-year-old Syrian refugee boy with Ewing Sarcoma, a type of bone/soft tissue cancer, has also been barred from entry. According to the American oncologist who reviewed the boy's file, "Without getting additional therapy, he is going to die."¹⁷

Myth: The order helps protect Americans from another terrorist attack.

☑ **Fact:** As former Secretary of Defense and CIA Director Leon Panetta said, the order *increases* the likelihood of another terrorist attack against Americans.¹⁸ Senators John McCain and Lindsey Graham called the order a "self-inflicted wound in the fight against terrorism," noting that it "sends a signal...that America does not want Muslims coming into our country," and "may do more to help terrorist recruitment than improve

our security."¹⁹ Even if it was not the intent of the order, a blanket ban on seven Muslim-majority nations sends a message that America views Islam and Muslims as the enemy. This message fuels terrorist propaganda and recruiting efforts, which exploit the false claim that the West is at war with Islam.²⁰

☑ **Fact:** U.S. counterterrorism and military operations abroad depend on the support of locals. By turning our backs on those who have risked their lives to help us, the order discourages local populations from assisting the United States, jeopardizing the mission and putting our troops at greater risk.

Myth: Refugees are not properly vetted. Their resettlement needs to be suspended while more "extreme vetting" is implemented.

☑ **Fact:** Extreme vetting of refugees already exists.²¹ Many Americans support strict vetting requirements without realizing that such procedures have already been implemented by the United States. In fact, the United States screens and vets refugees more stringently than any other group allowed to enter the United States, using biometric data and thorough

¹⁴ <http://europe.newsweek.com/donald-trump-travel-ban-immigration-terrorism-550340>

¹⁵ <http://nbc4i.com/2017/02/01/iranian-family-forced-to-put-lifesaving-surgery-for-4-month-old-on-hold-after-travel-ban/>

¹⁶ <https://www.nytimes.com/2017/02/01/world/europe/trump-travel-ban-syria-refugees.html>

¹⁷ <http://europe.newsweek.com/donald-trump-travel-ban-immigration-terrorism-550340>

¹⁸ <http://www.cnn.com/2017/01/31/politics/panetta-trump-amanpour/>

¹⁹ <http://thehill.com/business-a-lobbying/316762-mccain-graham-trump-order-may-become-self-inflicted-wound-in-terrorism>

²⁰ <http://www.miamiherald.com/opinion/op-ed/article88582362.html>; <https://www.wsj.com/articles/mistrusting-obama-on-isisand-refugees-1447803738>; <http://www.humanrightsfirst.org/sites/default/files/FormerNatSecOfficialsLetterRefugees.pdf>

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<https://www.humanrightsfirst.org/sites/default/files/SyrianRefugeeSVettingFacts.pdf>

background checks.²² The process often takes years, and involves in-person interviews by trained officers with the U.S. Department of Homeland Security, information gathering and interviews conducted by Department of State contractors, and a barrage of security clearances and checks against a multitude of U.S. and international law enforcement and intelligence databases.²³ According to the Department of Homeland Security, “A refugee applicant is not approved for travel until the results of all required security checks have been obtained and cleared.”²⁴

- ☑ **Fact:** Security clearance and vetting processes are regularly reviewed and enhancements are regularly implemented and integrated. Implementing any necessary improvements does not require a dramatic halt in visas and refugee resettlement.

Myth: We don’t need to worry about Iraqi interpreters who helped save American lives because the order already allows for case-by-case exceptions.

- ☑ **Fact:** The Department of Homeland Security has not issued guidance to airlines on how to handle Iraqi Special Immigrant Visa (SIV) holders (those who were employed directly by the U.S. military or government in Iraq). As a result, SIV holders have been prevented from boarding flights.²⁵ Moreover, the ban suspends

the issuance of new visas, which means that individuals who have been waiting for their processing to be completed and their visas to be issued will be impacted. While the Departments of State and Homeland Security can make exceptions in the national interest, those must be made on a case-by-case basis, and no guidance has been issued on whether and how SIVs can be assured their cases will move ahead.

- ☑ **Fact:** There are less than 1,000 SIVs available to issue and the deadline to apply for the program was September 30, 2014. As such, most Iraqis who are at risk due to their work with the United States would have applied for resettlement through the direct action program to the USRAP created by Congress through the Refugee Crisis in Iraq Act. These brave Iraqis risked their lives to help Americans, and their protection has now been severely delayed because the executive order suspends the entire refugee admissions program for at least 120 days.

Myth: The order doesn’t violate the Constitution because foreigners outside the United States don’t have any constitutional rights.

- ☑ **Fact:** The First Amendment of the Constitution prohibits the government from privileging or burdening one religion over another, period—regardless of whether non-citizens are the target

²² <http://time.com/4116619/syrian-refugees-screening-process/>; <https://www.washingtonpost.com/posteverything/wp/2017/02/01/refugees-are-already-vigorously-vetted-i-know-because-i-vetted-them/>

²³ <http://www.humanrightsfirst.org/resource/refugee-resettlement-security-screening-information>; <https://www.nytimes.com/interactive/2017/01/29/us/refugee-vetting-process.html>

²⁴ <https://www.dhs.gov/news/2015/10/01/written-testimony-uscis-senate-judiciary-subcommittee-immigration-and-national>

²⁵ https://www.washingtonpost.com/world/middle_east/immigration-ban-sows-panic-anguish-and-confusion-at-airports-around-the-globe/2017/01/28/363093fc-e568-11e6-a419-eefe8eff0835_story.html

of the policy. In addition, the Constitution protects the rights of U.S. citizens who are impacted by the order, including those who have family or business connections abroad that cannot enter the United States. Many constitutional rights also apply to lawful permanent residents, nonresidents with substantial connections to the United States, and others with statutory rights to enter the United States—such as work or student visas. Such rights may not be taken away without due process, which includes the right to equal protection under the law.

Myth: The limit on refugee admission in the executive order is about the same as it was under the Obama and Bush Administrations, so there is no need to adjust it.

☑ **Fact:** A strong resettlement initiative advances U.S. national security interests, including by supporting the stability of key allies like Jordan who are hosting the bulk of the world’s refugees. The brunt of the global refugee crisis is being handled by 10 countries in the Middle East, Africa, and South Asia, many of which are important national security partners for the United States.²⁶ The crisis is straining these countries’ resources and capacity, and threatening their stability. By leading a stronger—rather than weaker—resettlement initiative, the United States would help encourage other countries to increase their own resettlement initiatives. This would help maintain the stability of the countries taking the most refugees and safeguard U.S. strategic and

national security interests. As former U.S. Ambassador Ryan Crocker notes, “The infrastructure—water, sewage, medical care and education—of these states is overwhelmed. A major resettlement and aid initiative can relieve the strain,” adding that this would reduce regional instability and potential for conflict and terrorism.²⁷

Myth: An exception for religious minorities is needed to ensure that Christian refugees aren’t disproportionately excluded.

☑ **Fact:** The United States has resettled many Christian refugees over the years. In fact, 31 percent of the Iraqi refugees resettled by the United States over the last eight years have been Christians.²⁸ In terms of Syrians, however, some Syrian Christians have remained in Syria in areas controlled by the Assad regime and some have ties to or support the regime. Others have fled to Lebanon, given its geographic proximity to several important Christian settlements within Syria and the existence of a significant Christian community in Lebanon. Some of these refugees wish to remain in the region with family or communities in Lebanon. But the United States should certainly increase resettlement from Lebanon for *all* vulnerable refugees and address space limitations at the U.S. Embassy in Beirut that have restricted resettlement from Lebanon.

²⁶ <http://www.aljazeera.com/news/2016/10/ten-countries-host-world-refugees-report-161004042014076.html>

²⁷ <https://www.wsj.com/articles/the-case-for-accepting-syrian-refugees-1447803302>

²⁸ Data extracted from the Worldwide Refugee Admissions Processing System (WRAPS). From January 20, 2009 to January 19, 2017, 121,270 refugees from Iraq were resettled in the United States. 37,998 of them were Christians (i.e. 31.3 percent).

Myth: There is nothing discriminatory about giving priority to minority religions because the law already takes such religious considerations into account.

☑ **Fact:** U.S. law allows people who have been persecuted or who have a well-founded fear of persecution based on their religion to seek protection in the United States.²⁹ The five grounds for persecution are race, religion, nationality, membership in a social group, and political opinion. The protection from religious persecution applies equally to all faiths, including Christians, and it is a longstanding tradition that resettlement is decided based on the refugee's vulnerability, not just whether someone is a minority.³⁰ Given the current context of the global refugee crisis, over half of the world's refugees come from three countries: Syria, Somalia, and Afghanistan. By giving priority to refugees who face religious persecution only if their religion is a minority in their country of origin, the order is designed to direct the prioritization of Christian and other non-Muslim refugees facing persecution over Muslims facing persecution—achieving President Trump's stated purpose of prioritizing Christian refugees over Muslim refugees.

²⁹ <https://www.justice.gov/eoir/immigration-judge-benchbook-section-241b>

³⁰ In the fiscal year 2016 the highest number of refugees resettled in the United States came from the Democratic Republic of

Congo, followed by Syria, Burma, Iraq, and Somalia. For more information, see <http://www.pewresearch.org/fact-tank/2017/01/30/key-facts-about-refugees-to-the-u-s/>