

Q&A for Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States

February 2, 2017

1. When did enforcement of the Executive Order start?

The Executive Order became effective on January 27, 2017.

2. Does this affect travelers at all ports of entry?

Yes, this Executive Order applies to nearly all travelers, except U.S. citizens, traveling on passports from Iraq, Syria, Sudan, Iran, Somalia, Libya, and Yemen who are applying for entry to the United States at any port of entry—air, land or sea.

3. How many people are currently detained at Ports of Entry as a result of the Executive Order?

CBP is not currently holding in its custody any individual solely based on the Executive Order. However, at any given time there may be a number of people going through inspection who fall within the scope of the Executive Order. All individuals who arrive in the United States are subject to inspection.

4. What do the two exemptions in the Executive Order mean? How are they applied to individual cases?

DHS and State can review individual cases and grant waivers on a case-by-case basis if that individual's admission to the United States is deemed to be in the national interest and if they do not pose a national security threat.

5. What is the process for considering an individual for an exemption under the Executive Order?

Senior DHS personnel can review individual cases and grant exemptions on a case-by-case basis if that individual's admission to the United States falls within the parameters of the Executive Order. CBP is processing exemptions consistent with the Secretary's guidance.

6. Does “from one of the seven countries” mean citizen, national or born in?

Travelers are being treated according to the travel document they present.

7. How does the lawsuit/stay affect DHS operations in implementing this executive order?

The Department of Homeland Security will continue to enforce all of President Trump's Executive Orders in a manner that ensures the safety and security of the American people. President Trump's Executive Orders remain in place—prohibited travel will remain prohibited, and the U.S. government retains its right to revoke visas at any time if required for national security or public safety. President Trump's Executive Order affects a minor portion of international travelers, and is a first step towards reestablishing control over America's borders and national security.

Approximately 80 million international travelers enter the United States every year. Less than one percent of the more than 325,000 international air travelers who arrive every day were inconvenienced after the Executive Order was signed while enhanced security measures were implemented. These individuals went through enhanced security screenings and were processed for entry to the United States, consistent with our immigration laws and judicial orders.

The Department of Homeland Security will faithfully execute the immigration laws, and we will treat all of those we encounter humanely and with professionalism. No foreign national in a foreign land, without ties to the United States, has any unfettered right to demand entry into the United States or to demand immigration benefits in the United States.

The Department of Homeland Security will comply with judicial orders; faithfully enforce our immigration laws, and implement President Trump's Executive Orders to ensure that those entering the United States do not pose a threat to our country or the American people.

8. Does this Executive Order apply to green card holders from one of the seven countries listed?

Under the recent guidance from the White House, we will continue to ensure that lawful permanent residents are processed through our borders efficiently. Under that guidance, the Executive Order issued January 27, 2017, does not apply to their entry to the United States. U.S. Customs and Border Protection will continue to execute its mission to protect the homeland in its processing of all individuals at ports of entry.

9. Will nationals of restricted countries with valid green cards (LPRs) be allowed to return to the United States?

Under the recent guidance from the White House, CBP will continue to ensure that LPRs are processed through our borders efficiently. Under that guidance, the Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" does not apply to LPRs' entry to the United States. Prior to this guidance, and as of February 1, 2017, CBP processed 1,610 waivers for LPRs to re-enter the United States.

10. How many Lawful Permanent Residents have not been allowed to enter pursuant to the exception to the Executive Order?

Two. One, who was entered into proceedings based on a criminal record. Another individual chose to return to Canada and withdrew their request for entry.

11. Has CBP been pressuring detainees to either withdraw their applications for admission into the country or sign documents rescinding their green cards? There are reports that CBP is confiscating green cards.

CBP is committed to following the law. Any withdrawal of an application for admission must be voluntary. The withdrawal process is not new and CBP officers are well trained to ensure that individuals make voluntary decisions.

12. Does this Executive Order apply to dual nationals of the seven countries who want to enter the United States? If they apply for entry based on their citizenship from one of the countries NOT on the list, will they be allowed entry?

Travelers are being processed and, when eligible, admitted according to the travel document they present.

13. Can a dual national traveling with a passport from an unrestricted country travel to the United States?

Dual nationals with a valid immigrant or nonimmigrant visa in a passport issued by any country not restricted under the Executive Order will be permitted to apply for admission to the United States.

14. Can a dual national who holds nationality with a restricted country and is currently overseas, apply for an immigrant or nonimmigrant visa to the United States?

Department of State's Posts are allowed to process visa applications and issue nonimmigrant and immigrant visas to otherwise eligible visa applicants who apply with a passport from an unrestricted country, even if they hold dual nationality from a restricted country. Please contact the Department of State with any questions related to the issuance of visas.

15. How does the Executive Order affect college students from the seven countries, such as F1/J1/M1 visa holders? Are they included in the Executive Order? What kind of guidance is being given to foreign students from these countries legally in the U.S.?

F1/J1/M1 visas are currently provisionally revoked due to the Executive Order.

Individuals who were in the U.S. at the time of the signing of the executive order are not affected by the order. However, individuals who were out of the country at the time of the signing, or who travel out of the country and attempt to return will not be allowed to return for this temporary period because of a lack of valid travel documents. The Department is evaluating whether those who are precluded from returning as a result of the Executive Order will be considered to have maintained their status as F1 or M1 students.

16. Can USCIS continue refugee interviews of religious minorities and for countries with which we have an agreement?

DHS and DOS continue to review the Executive Order and will conduct interviews as appropriate and consistent with the Executive Order.

17. Will the U.S. accept emergency requests to process a refugee who will then travel?

DHS and DOS will coordinate the processing of individual refugee cases which may be appropriate for travel consistent with the Executive Order.

18. Can the exception for refugee admission be used in I-730 cases (family members following to join) for the petition of refugee/asylee relatives?

These cases will be evaluated on a case-by-case basis.

19. What about refugees who are considered to be “in transit?”

There are currently 872 refugees who are considered to be in transit who are scheduled to arrive in the United States this week. The Secretaries of State and DHS have coordinated and will process the 872 individuals consistent with the terms of the Executive Order, which we’ve operationalized by assessing each traveler on a case-by-case basis.

20. Does the Executive Order apply to those currently being adjudicated for naturalization?

No. USCIS will continue to adjudicate N-400 applications for naturalization and administer the oath of citizenship consistent with prior practices.

21. Will Canadian immigrants affected by the Executive Order be eligible for entry to the United States?

Landed immigrants of Canada (not including refugees) who hold passports of a restricted country can apply for admission to the United States, if the individual presents that passport with a valid immigrant or nonimmigrant visa and proof of their landed immigrant status, and only if the travel both originates in Canada and is through a land border or Preclearance location.

22. Can Canadian immigrants affected by the Executive Order apply for an immigrant or nonimmigrant visa to the United States?

Landed immigrants of Canada (not including refugees) who hold passports of a restricted country can apply for an immigrant or nonimmigrant visa to the United States, if the individual presents that passport and proof of landed immigrant status to a consular officer. These applications shall be made at a U.S. consular section in Canada.

23. Will Iraqi Passport holders with a valid Special Immigrant Visa be eligible for entry to the United States?

The entry of Iraqi nationals with a valid Special Immigrant Visa to the United States is deemed to be in the national interest and such individuals can apply for admission to the United States. Accordingly, absent the receipt of significant derogatory information indicating a serious threat to public safety and welfare, possession of a Special Immigrant Visa will be a dispositive factor in case-by-case determinations. Iraqi nationals can also apply to a consular officer for Special Immigrant Visas, and, if otherwise qualified, can be issued a Special Immigrant Visa.

24. How many aliens with special immigrant visas have been denied entry?

None

25. Has CBP issued clear guidance to CBP officers at Ports of Entry on the Executive Order and the court orders?

Yes, CBP issued guidance to the field expeditiously upon the signing of the Executive Order. CBP has and will continue to issue any needed guidance to the field with respect to court orders. All individuals, including those affected by the court orders, are being given all rights afforded under the law.

26. What coordination is being done between CBP and the carriers?

CBP has been and will remain in constant communication with the airlines through CBP regional carrier liaisons. In addition, CBP has held multiple executive level calls with the airlines in order to provide guidance, answer questions, and address concerns.

27. What additional screening will nationals of restricted countries (as well as any visa applications) undergo as a result of the Executive Order?

In adjudicating both admission to the United States and issuance of visas, both DHS and DOS will continue to apply all appropriate security vetting procedures.

28. Does CBP have the authority to search individuals' electronics?

All international travelers arriving to the U.S. are subject to CBP inspection. This inspection may include [electronic devices](#) such as computers, disks, drives, tapes, mobile phones and other communication devices, cameras, music and other media players and any other electronic or digital devices.

Various laws that CBP is charged to enforce authorize searches and detention in accordance with 8 U.S.C. § 1357 and 19 U.S.C. §§ 1499, 1581, 1582. All persons, baggage, and merchandise arriving in, or departing from, the United States are subject to inspection, search and detention. This is because CBP officers must determine the identity and citizenship of all persons seeking entry into the United States, determine the admissibility of foreign nationals, and deter the entry of possible terrorists, terrorist weapons, controlled substances, and a wide variety of other prohibited and restricted items.

Keeping America safe and enforcing our nation's laws in an increasingly digital world depends on our ability to lawfully examine all materials entering the U.S.

Additional information on electronic searches is available [here](#) and [here](#).

29. What happened to the two men at JFK who were released?

While DHS does not generally comment on individual cases, CBP is granting waivers, as outlined in the Executive Order, to individuals whose admission into the country is in the national interest, and who does not pose a national security threat.