



Overview of Refugee Resettlement Policy Changes 2017-2018

Executive Order 1.0

- **January 27, 2017:** President Trump signs "Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States." The order bans all people from Iraq, Syria, Iran, Libya, Somalia, Sudan and Yemen from entering the United States for at least 90 days and orders the secretary of Homeland Security to conduct a 30-day review to determine which countries do not provide "adequate information" for its citizens to be issued visas to enter the US. In addition, the order stopped Admission of all refugees for 4 months and banned Syrian refugees indefinitely.
- **February 9, 2017:** The Ninth Circuit Court of Appeals upholds a federal judge in Seattle's restraining order against the executive order that was determined earlier in February. Legal questions were brought against the order stating that the travel ban unjustifiably targeted Muslim nations and peoples.

Executive Order 2.0

- **March 6, 2017:** President Trump issues second Executive Order, replacing the first, to limit potential challenges. The order has roughly the same effect as the first. The new ban lays out a far more specific national security basis for the order, blocks the issuance only of new visas, and move to ban travel from just six of the original seven countries included in the first executive order, omitting Iraq.
- **March 15, 2017:** Legal challenges brought by the state of Hawaii stall the ban hours before it is set to take effect.
- **June 2017:** Following a similar government appeal and oral arguments in the Hawaii case, a three-judge panel from the United States Court of Appeals for the Ninth Circuit rules unanimously to keep the refugee and Muslim ban on hold, the second defeat for the March 6 executive order at the circuit court level.

The Supreme Court Weighs In.

- **June 26, 2017:** The United States Supreme Court (SCOTUS) responds to the government's emergency motion to overrule the lower courts' injunctions against the March 6 revised executive order, as well as their appeal to hear the case during the fall term. The Court announces that it will hear arguments for the case in the fall, and also issues an order keeping in place much of the lower court rulings which prevent the administration from implementing the ban in full. As part of the order, however, the Supreme Court specifies that refugees and foreign nationals who have a "bona fide relationship with a person or entity in the United States" are exempt from the ban.
- **June 29, 2017:** The Trump administration issues guidance on how it plans to implement the Supreme Court's parameters. The administration's restrictive guidance includes narrow definitions of "bona fide relationships," excluding grandparents, grandchildren, aunts, uncles, nieces, nephews, cousins, brothers-in-law and sisters-in-law. Importantly, the administration also announces that ties to resettlement agencies are not expected to be considered as a "bona fide" relationship, leaving thousands of already vetted and cleared refugees in limbo.

Challenging the Administration's Interpretation

- **July 13, 2017:** A day after the partial ban is in effect, U.S. District Judge Derrick Watson, in response to a second motion filed by the State of Hawaii and supported by HIAS and (International Refugee Assistance Project) IRAP, halts the implementation of key portions of the executive order, citing HIAS' arguments in several instances. As a result of the ruling, refugees with "assurances" from U.S.-based resettlement agencies are officially considered to have "bona fide" relationships with a U.S. entity, as defined by the Supreme Court. Additionally, the judge's decision expands the administration's overly narrow interpretation of which close family ties would qualify to be exempted from the refugee ban, which had originally excluded even grandparents and grandchildren.
- **September 7, 2017:** A three-judge panel from the U.S. Court of Appeals for the Ninth Circuit Court hears oral arguments in Seattle on whether grandparents, aunts, uncles and other close family members, as well as refugees with assurances from U.S.-based resettlement agencies, should be exempt from the Trump administration's Muslim and refugee ban. The U.S. Court of Appeals for the Ninth Circuit issues a ruling affirming that grandparents, aunts, uncles and other close family members, as well as refugees with assurances from U.S.-based resettlement agencies, are exempt from the Trump administration's Muslim and refugee ban.
- **September 11, 2017:** U.S. Supreme Court Justice Anthony Kennedy temporarily grants the Trump administration's appeal to limit the Ninth Circuit Court of Appeals' ruling that refugees with assurances from U.S.-based refugee resettlement agencies would be exempt from the ban according to the Supreme Court order's definition of "bona fide relationships" with a U.S. entity. The Supreme Court rules that refugees with assurances from U.S.-based refugee resettlement agencies are not exempt from the ban according to the Court's definition of a "bona fide relationship" with a U.S. entity.

Executive Order 3.0

- October 24, 2017: Following the expiration of the 120 day ban on refugee resettlement, the Trump administration announces the resumption of the United States Refugee Admissions program with new “enhanced vetting capabilities.” Under the new restrictions, however, refugees from 11 countries and stateless Palestinians are banned for at least 90 more days. The 11 countries—Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, Sudan, South Sudan, Syria, Yemen—accounted for nearly half of all refugee admissions in Fiscal Year 2017. Additionally, the procedures make it harder for all refugees to come to the United States, and prevent the spouses and children of refugees and asylees from following to join their loved ones.

[In addition, administration sets refugee resettlement goal to 45,000 individuals for fiscal year 2018. (Over a 50% decline from previous years.) U.S. refugee resettlement agencies advocated for at least 75,000 individuals.]

- December 23, 2017: U.S. District Judge James Robart issues a ruling largely blocking implementation of the Trump administration’s most recent refugee restrictions which suspended the admission of refugees from 11 countries, nine of which are predominantly Muslim, for a minimum of 90 days. The restrictions also stopped the follow-to-join process, which reunites family members with refugees already in the U.S. The ruling stops the implementation of the new refugee restrictions for refugees with bona fide relationships to the United States.

New Resettlement Procedures

- January 2018: Department of Homeland Security releases a memorandum stating that refugees will undergo additional screening procedures before receiving approval in the United States. For instance, refugees are now required to list contact information for every address they have lived for the past 10 years. However, many of these details about the additional procedures and requirements are unknown or unclear. Refugee resettlement agencies across the country have seen a dramatic decline in refugee arrivals since this policy change, including Special Immigrant Visa holders. Despite a goal of welcoming 45,000 through the end of September, estimates project that the U.S. will resettle only about 20,000 refugees--the lowest number since the refugee resettlement program began in the 1980's.
- April 10, 2018: the Administration lifted the travel ban against Chad, but the remaining countries were still subject to travel restrictions.

Supreme Court Case Trump v. Hawaii

- June 26, 2018: In Trump v. Hawaii, SCOTUS held that President Trump's third travel ban is within his presidential authority. The travel ban was upheld 5-4 by SCOTUS, which rejected the argument that the policy was based on anti-Muslim bias. Justice Sonia Sotomayor, in dissent, stated that the court had blindly endorsed "a discriminatory policy motivated by animosity toward" Muslims. Advocates argue that this decision clears the way for a policy that separates families and endorses religious discrimination.

Partner Resources: [International Rescue Committee \(IRC\)](#), [Lutheran Immigration & Refugee Services \(LIRS\)](#), and [HIAS](#)