

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**ARAB AMERICAN CIVIL RIGHTS  
LEAGUE (“ACRL”),  
SAMIR ALMASMARI,  
SABAH ALMASMARY,  
HANA ALMASMARI,  
MOUNIRA ATIK,  
WALID JAMMOUL,  
ABUBAKER ABBASS,**

on behalf of themselves and others  
similarly situated,

Plaintiffs,

v.

Case No.:

Hon.:

**DONALD TRUMP**, President of  
the United States, U.S.  
**DEPARTMENT OF  
HOMELAND SECURITY  
 (“DHS”), U.S. CUSTOMS AND  
BORDER PROTECTION  
 (“CBP”), JOHN KELLY,  
Secretary of DHS, KEVIN K.  
MCALEENAN**, Acting  
Commissioner of CBP,

Defendants.

---

**AYAD LAW, P.L.L.C.**  
645 Griswold St., Ste. 2202  
DETROIT, MICHIGAN 48226  
P: (313) 983-4600 | F: (313) 983-4665

NABIH H. AYAD (P59518)  
AYAD LAW, PLLC  
Attorney for Plaintiffs  
645 Griswold St., Ste. 2202  
Detroit, MI 48226  
Phone: (313) 983-4600  
Fax: (313) 983-4665  
Email: nayad@ayadlaw.com

Helal Farhat (P64872)  
Farhat & Associates, PLLC  
Counsel for the Arab American Chamber of Commerce  
6053 Chase Rd.  
Dearborn, MI 48126

Nida Samona (P45356)  
Counsel for the Arab Chaldean Council (“ACC”)  
363 W. Big Beaver Rd., Suite 300  
Troy, MI 48084

Ali Hammoud (P73076)  
Hammoud, Dakhllallah & Associates PLLC  
Counsel for Yemini American Benevolent Association (“YABA”)  
6050 Greenfield Rd., Suite 201  
Dearborn, MI 48126

Rula Aoun (P79119)  
Co-Counsel for ACRL  
4917 Schaefer Rd.  
Dearborn, MI 48126

Kassem Dakhllallah (P70842)  
Hammoud, Dakhllallah & Associates PLLC  
Co-Counsel for ACRL  
6050 Greenfield Rd., Suite 201  
Dearborn, MI 4812

AYAD LAW, P.L.L.C.  
645 Griswold St., Ste. 2202  
DETROIT, MICHIGAN 48226  
P: (313) 983-4600 | F: (313) 983-4665

Mona Fadlallah (P64197)  
Natalie Qandah (P58434)  
Vida Law Group, PLLC  
Co-Counsel for ACRL  
43050 Ford Rd., #160  
Canton, MI 48187

---

---

There is no other pending or resolved civil action arising out of the same transaction or occurrence alleged in this Complaint.

---

---

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

**NOW COMES** Plaintiffs, Arab American Civil Rights League (“ACRL”), Samir Almasmari, Sabah Almasmary, Hana Almasmari, Mounira Atik, Walid Jammoul, Abubaker Abbass (collectively “Plaintiffs”) by and through their attorneys and state the following in support of their complaint:

**INTRODUCTION**

1. On January 27, 2017 Defendant President Donald Trump signed an Executive Order stating that the “entry into the United States” of non-citizens from Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen is “suspended” for 90 days from the date of the Executive Order.
2. All Plaintiffs have either been denied ability to return to the United States or face a real and immediate threat of not being permitted to travel to Detroit, their place of residence, in violation of U.S. law.
3. Although temporary injunctions were entered in various district courts around the United States, Plaintiffs file this present suit due to fact that the existing

orders do not encompass green card holders that were not in route or detained by the United States. This Complaint addresses green card holders that are attempting to fly back to the United States, or are attempting to fly to the United States, that have either been denied flight or a threat of being denied flight due to the Executive Order. Additionally, even though the administration has now backed off of denying legal permanent residents, Plaintiffs still face the immediate threat of being denied entry due to the way the executive order is written.

### **PARTIES**

4. Plaintiff ACRL is a non-profit organization and has its principal place of business at 4917 Schaefer Rd., Dearborn, Michigan 48126.
5. The ACRL is committed to protecting the civil rights of Arab Americans through education and advocacy. The organization, which is based out of Dearborn, Michigan, works to build coalitions, promote understanding and cooperation and combat negative stereotypes. Led by prominent civil rights attorneys and advocates, the ACRL offers the community it serves a solid commitment to ensuring that their rights are protected and preserved.
6. At least seven (7) of the ACRL's members that are effected by the Executive Order are prepared to be standing witnesses. These members have either already experienced concrete harms by being denied ability to return to the

United States or face a real and immediate threat of not being permitted to travel to Detroit, their place of residence, in violation of U.S. law.

7. Plaintiff Samir Alasmari has been a lawful permanent resident of the United States since March 2015. He resides in Wayne County, Michigan. Plaintiff Alasmari is a citizen of Yemen. As he attempted to return to the United States from Yemen, he was denied boarding in Egypt to return to the United States. He is Muslim.
8. Plaintiff Sabah Alasmari has been a lawful permanent resident of the United States since 2004. Plaintiff Alasmari resides in Wayne County, Michigan. Her spouse is a United States citizen and she has seven United States citizen children. Plaintiff Alasmari is a citizen of Yemen and travelled to Yemen to visit her family. She has a real and immediate threat of not being permitted to travel to Detroit, in violation of U.S. law since the Executive Order was signed. She is Muslim.
9. Plaintiff Hana Alasmari is a lawful permanent resident of the United States and resides in Wayne County, Michigan. She is the spouse of a United States citizen. Plaintiff Alasmari is a citizen of Yemen and has a real and immediate threat of not being permitted to travel to Detroit, in violation of U.S. law since the Executive Order was signed. She is Muslim.
10. Plaintiff Mounira Atik is a lawful permanent resident of the United States and is a resident of Wayne County, Michigan. Plaintiff Atik is a citizen of Yemen

and has a real and immediate threat of not being permitted to travel to Detroit, in violation of U.S. law since the Executive Order was signed. She is Muslim.

11. Plaintiff Walid Jammoul was issued a visa on January 22, 2017 to enter the United States as a lawful permanent resident of the United States. Plaintiff Jammoul is the spouse of a US citizen that resides in Wayne County, Michigan. Plaintiff Jammoul is a citizen of Syria and has a real and immediate threat of not being permitted to travel to Detroit, in violation of U.S. law since the Executive Order was signed. He is Muslim.

12. Plaintiff Abubaker Abbass is a United States Citizen. Plaintiff resides in Wayne County, Michigan. His nine-year-old son is a citizen of Yemen and was denied a visa to join his family in the United States. Plaintiff is the child of a United States citizen, he is eligible for automatic United States citizenship and is immediately eligible to travel to the United States. Plaintiff Abbass is therefore being denied the ability to return to the United States with his son.

13. The U.S. Department of Homeland Security (“DHS”) is a cabinet department of the United States federal government with the primary mission of securing the United States.

14. U.S. Customs and Border Protection (“CBP”) is an agency within DHS with the primary mission of detecting and preventing the unlawful entry of persons and goods into the United States.

15. Defendant John Kelly is the Secretary of DHS. He is sued in his official capacity.

16. Defendant Kevin K. McAleenan is the Acting Commissioner of CBP. He is sued in his official capacity.

17. Defendant Donald Trump is the President of the United States. Trump authored the executive action giving rise to this Complaint. He is sued in his official capacity.

### **JURISDICTION AND VENUE**

18. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1361. This court has further remedial authority pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*

19. Venue properly lies within the Eastern District of Michigan because all Plaintiffs are residents of this district and Defendants are employees of the United States Government. 28 U.S.C. § 1391(e).

### **FACTUAL ALLEGATIONS**

20. Plaintiffs adopt and incorporate by reference all prior paragraphs as though fully set forth herein.

21. On January 20, 2017, Donald Trump was inaugurated as the forty-fifth President of the United States. During his campaign, he stated that he would ban Muslims from entering the United States.

**AYAD LAW, P.L.L.C.**  
645 Griswold St., Ste. 2202  
DETROIT, MICHIGAN 48226  
P: (313) 983-4600 | F: (313) 983-4665

22. On January 27, one week after his inauguration, President Trump signed an executive order entitled, “Protecting the Nation from Foreign Terrorist Entry into the United States,” which is attached hereto as Exhibit A and is hereinafter referred to as the “EO.”

23. In statements to the press in connection with his issuance of the EO, President Trump stated that his order would help Christian refugees to enter the United States.

24. Citing the threat of terrorism committed by foreign nationals, the EO directs a variety of changes to the manner and extent to which non-citizens may seek and obtain entry to the United States. Among other things, the EO imposes a 120-day moratorium on the refugee resettlement program as a whole; proclaims that “the entry of nationals of Syria as refugees is detrimental to the interests of the United States”; and therefore singles out Syrian refugees for an indefinite “suspension” on their admission to the country.

25. Most relevant to the instant action is Section 3(c) of the EO, in which President Trump proclaims “that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States,” and that he is therefore “suspend[ing] entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order,” with narrow exceptions not relevant here.

AYAD LAW, P.L.L.C.  
645 Griswold St., Ste. 2202  
DETROIT, MICHIGAN 48226  
P: (313) 983-4600 | F: (313) 983-4665

26. There are seven countries that fit the criteria in 8 U.S.C. § 1187(a)(12): Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen. According to the terms of the EO, therefore, the “entry into the United States” of non-citizens from those countries is “suspended” from 90 days from the date of the EO.

27. Congress has provided that lawful permanent residents in Plaintiffs’ situation are entitled to enter the United States. Under 8 U.S.C. § 1101(a)(13)(C), a lawful permanent resident is regarded as seeking an admission into the United States for purposes of the immigration laws” only if he or she “has abandoned or relinquished that status,” *id.* § 1101(a)(13)(C)(i), has been absent from the United States for more than 180 days continuously, is in removal proceedings, has committed one of a class of enumerated offenses, or has attempted to enter without inspection.

28. None of the foregoing circumstances apply to Plaintiffs and therefore they are not deemed to be seeking admission and have a right to enter. In *In re Collado-Munoz*, 21 I. & N. Dec. 1061, 1065-1066 (1998) (en banc) (requiring immigration judge to look at 8 U.S.C. § 1101(a)(13)(C) in determining whether lawful permanent resident was applicant for admission); *Vartelas v. Holder*, 566 U.S. 257 (2012) (citing *In re Collado-Munoz* and recognizing that the definition supersedes previous statute’s definition of entry).

29. Defendants are also preventing Plaintiffs’ travel in violation of the Due Process Clause. In *Rosenberg v. Fleuti*, 372 U.S. 449, 462 (1963), the

AYAD LAW, P.L.L.C.  
 645 Griswold St., Ste. 2202  
 DETROIT, MICHIGAN 48226  
 P: (313) 983-4600 | F: (313) 983-4665

Supreme Court held that “an innocent, casual, and brief excursion by a resident alien outside this country’s borders may not have been intended as a departure disruptive of his resident alien status and therefore may not subject him to the consequences of an entry into the country on his return.” (internal quotation marks and citations omitted); *see also Kwong Hai Chew v. Colding*, 344 U.S. 590, 601-02 (1953) (assimilating status, for constitutional purposes, of lawful permanent resident who had been abroad for five months to that of one continually present). The Supreme Court reaffirmed this constitutional principle in *Landon v. Plasencia*, 459 U.S. 21, 31(1982) (describing *Chew* as standing for the proposition that “a resident alien returning from a brief trip has a right to due process just as would a continuously present resident alien”).

30. As lawful permanent residents of the United States, Plaintiffs are attempting to come to the United States to be with their family. They have been left in limbo while being denied the ability to travel to the United States for no reason other than the discriminatory and unconstitutional EO.

#### **I. FIFTH AMENDMENT – PROCEDURAL DUE PROCESS**

31. Plaintiffs adopt and incorporate by reference all prior paragraphs as though fully set forth herein.

32. Procedural due process requires that the government be constrained before it acts in a way that deprives individuals of liberty interests protected under the Due Process Clause of the Fifth Amendment. Additionally, due process

requires that arriving immigrants be afforded those statutory rights granted by Congress and the principle that “[m]inimum due process rights attach to statutory rights.” *Dia v. Ashcroft*, 353 F.3d 228, 239 (3d Cir. 2003) (alterations in original) (quoting *Marincas v. Lewis*, 92 F.3d 195, 203 (3d Cir. 1996)).

33. In particular, lawful permanent residents entering the United States have constitutional due process rights with respect to their entry to the United States. In evaluating the due process right available to a lawful permanent resident, “courts must consider the interest at stake for the individual, the risk of an erroneous deprivation of the interest through the procedures used as well as the probable value of additional or different procedural safeguards, and the interest of the government in using the current procedures rather than additional or different procedures. “ *Landon v. Plasencia*, 459 U.S. 21, 34 (1982).

34. Defendants’ actions, taken pursuant to the EO, violate the procedural due process rights guaranteed by the Fifth Amendment.

## **II. FIRST AMENDMENT – ESTABLISHMENT CLAUSE**

35. Plaintiffs adopt and incorporate by reference all prior paragraphs as though fully set forth herein.

36. The EO exhibits hostility to a specific religious faith, Islam, and gives preference to other religious faiths, principally Christianity. The EO therefore

violates the Establishment Clause of the First Amendment by not pursuing a course of neutrality with regard to different religious faiths.

### III. FIFTH AMENDMENT – EQUAL PROTECTION

37. Plaintiffs adopt and incorporate by reference all prior paragraphs as though fully set forth herein.

38. The EO discriminates against Plaintiffs on the basis of their country of origin and religion, without sufficient justification, and therefore violates the equal protection component of the Due Process Clause of the Fifth Amendment.

39. Additionally, the EO was substantially motivated by animus toward—and has a disparate effect on—Muslims, which also violates the equal protection component of the Due Process Clause of the Fifth Amendment. *Jana-Rock Const., Inc. v. N.Y. State Dep’t of Econ. Dev.*, 438 F.3d 195, 204 (2d Cir. 2006); *Hunter v. Underwood*, 471 U.S. 222 (1985).

40. Defendants have demonstrated an intent to discriminate against Plaintiffs on the basis of religion through repeated public statements that make clear that the EO was designed to prohibit the entry of Muslims to the United States. See Michael D. Shear & Helene Cooper, *Trump Bars Refugees and Citizens of 7 Muslim Countries*, N.Y. Times (Jan. 27, 2017), (“[President Trump] ordered that Christians and others from minority religions be granted priority over Muslims.”); Carol Morello, *Trump Signs Order Temporarily Halting*

*Admission of Refugees, Promises Priority for Christians*, Wash. Post (Jan. 27, 2017).

41. Applying a general law in a fashion that discriminates on the basis of religion in this way violates Plaintiffs' rights to equal protection under the Fifth Amendment Due Process Clause. *Hayden v. Country of Nassau*, 180 F.3d 42, 48 (2d Cir. 1999); *Yick Wo v. Hopkins*, 118 U.S. 356, 373-74 (1886). Plaintiffs satisfy the Supreme Court's test to determine whether a facially neutral law – in this case, the EO and federal immigration law – has been applied in a discriminatory fashion. The Supreme Court requires an individual bringing suit to challenge the application of a law bear the burden of demonstrating a “prima facie case if discriminatory purposes.” *Vill. Of Arlington Heights v. Metro Hous. Dev. Corp.*, 429 U.S. 252, 266-67 (1997). This test examines the impact of the official action, whether there has been a clear pattern unexplainable on other grounds besides discrimination, the historical background of the decision, the specific sequence of events leading up to the challenged decision, and departures from the normal procedural sequence. *Id.*
42. Here, President Trump and senior staff have made clear that the EO will be applied to primarily exclude individuals on the basis of their national origin and being Muslim. *See, e.g.*, Donald J. Trump, *Donald J. Trump Statement On Preventing Muslim Immigration*, (Dec. 7, 2015), <https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on->

preventing-muslim-immigration (“Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country’s representatives can figure out what is going on.”); Abby Phillip and Abigail Hauslohner, *Trump on the Future of Proposed Muslim Ban, Registry: ‘You know my plans’*, Wash. Post (Dec. 22, 2016). Further, the President has promised that preferential treatment will be given to Christians, unequivocally demonstrating the special preferences and discriminatory impact that the EO has upon Plaintiffs. *See supra*.

43. Thus, Defendants have applied the EO with forbidden animus and discriminatory intent in violation of the equal protection of the Fifth Amendment and violated Plaintiffs’ equal protection rights.

#### **IV. FIFTH AMENDMENT – SUBSTANTIVE DUE PROCESS VIOLATION OF RIGHT TO FAMILIAL ASSOCIATION**

44. Plaintiffs adopt and incorporate by reference all prior paragraphs as though fully set forth herein.

45. Plaintiffs face the real and immediate threat of being denied entry into the United States solely pursuant to an executive order issued on January 27, 2017, which expressly discriminates against Plaintiffs on the basis of their country of origin and was substantially motivated by animus towards Muslims. *See supra* Count Six.

46. Plaintiffs planned to travel to the United States, pursuant to valid immigrant visas, to be with family.

47. The denial of Plaintiffs' ability to travel to the United States to be with family constitutes an unconstitutional denial of the fundamental right to familial association. *See Pittman v. Cuyahoga Cty. Dep't of Children & Family Servs.*, 640 F.3d 716, 727 (6th Cir. 2011); *See Lehr v. Robertson*, 463 U.S. 248, 261, 103 S. Ct. 2985, 77 L. Ed. 2d 614 (1983).

#### V. ADMINISTRATIVE PROCEDURE ACT

48. Plaintiffs adopt and incorporate by reference all prior paragraphs as though fully set forth herein.

49. Plaintiffs face the real and immediate threat of being denied entry into the United States solely pursuant to an executive order issued on January 27, 2017, which expressly discriminates against Plaintiffs on the basis of their country of origin and was substantially motivated by animus towards Muslims. *See supra* Count Six.

50. The EO exhibits hostility to a specific religious faith, Islam, and gives preference to other religious faiths, principally Christianity.

51. The INA forbids discrimination in issuance of visas based on a person's race, nationality, place of birth, or place of residence. 8 U.S.C. § 1152(a)(1)(A).

52. The INA and implementing regulations, including 8 U.S.C. § 1225(b)(1) (expedited removal), 8 C.F.R. §§ 235.3(b)(4), 208.30 and 1003.42; 8 U.S.C.

§ 1158 (asylum), and 8 U.S.C. § 1231(b)(3) (withholding of removal), and the United Nations Convention Against Torture (“CAT”), implemented in the Foreign Affairs Reform and Restructuring Act of 1998 (“FARRA”), Pub.L. No. 105-277, div. G, Title XXII, § 2242, 112 Stat. 2681, 2681-822 (1998) (codified at 8 U.S.C. § 1231 note), entitle Plaintiffs to an opportunity to apply for asylum, withholding of removal, and CAT relief.

53. Defendants actions in preventing Plaintiffs’ travel into the United States were arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, in violation of APA § 706(2)(A); contrary to constitutional right, power, privilege, or immunity, in violation of APA § 706(2)(B); in excess of statutory jurisdiction, authority or limitations, or short of statutory right, in violation of APA § 706(2)(C); and without observance of procedure required by law, in violation of §706(2)(D).

## **VI. RELIGIOUS FREEDOM RESTORATION ACT**

54. Plaintiffs adopt and incorporate by reference all prior paragraphs as though fully set forth herein.

55. The EO will have the effect of imposing a special disability on the basis of religious views or religious status, by withdrawing an important immigration benefit principally from Muslims on account of their religion. In doing so, the EO places a substantial burden on Plaintiffs’ exercise of religion in a way that

is not the least restrictive means of furthering a compelling government interest.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs, request that this Honorable Court grant the following relief:

- A. Issue an immediate stay of the Executive Order denying Plaintiffs ability to enter the United States;
- B. Issue an injunction ordering Defendants not to detain or stop any individual solely on the basis of the EO;
- C. Enter a judgment declaring that Defendants' actions in preventing Plaintiffs from traveling to the United States is and will be unauthorized by statute and contrary to law;
- D. Enter an order striking the EO and give an order stating it is unconstitutional;
- E. Award Plaintiffs reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act; and
- F. Grant such other relief as the Court deems appropriate.

AYAD LAW, P.L.L.C.  
645 Griswold St., Ste. 2202  
DETROIT, MICHIGAN 48226  
P: (313) 983-4600 | F: (313) 983-4665

Respectfully submitted,

AYAD LAW, P.L.L.C.

/s/ Nabih H. Ayad

Nabih H. Ayad (P59518)  
Counsel for all Plaintiffs  
645 Griswold St., Ste. 2202  
Detroit, MI 48226  
(313) 983-4600  
nayad@ayadlaw.com

Dated: January 31, 2017

Helal Farhat (P64872)  
Farhat & Associates, PLLC  
Counsel for the Arab American  
Chamber of Commerce  
6053 Chase Rd.  
Dearborn, MI 48126

Nida Samona (P45356)  
Counsel for the Arab Chaldean  
Council (“ACC”)  
363 W. Big Beaver Rd., Suite 300  
Troy, MI 48084

Ali Hammoud (P73076)  
Hammoud, Dakhlallah & Associates  
Counsel for Yemini American  
Benevolent Association (“YABA”)  
6050 Greenfield Rd., Suite 201  
Dearborn, MI 48126

Rula Aoun (P79119)  
Co-Counsel for ACRL  
4917 Schaefer Rd.  
Dearborn, MI 48126

**AYAD LAW, P.L.L.C.**  
645 Griswold St., Ste. 2202  
DETROIT, MICHIGAN 48226  
P: (313) 983-4600 | F: (313) 983-4665

Kassem Dakhallah (P70842)  
Hammoud, Dakhallah & Associates  
Co-Counsel for ACRL  
6050 Greenfield Rd., Suite 201  
Dearborn, MI 48126

Mona Fadlallah (P64197)  
Natalie Qandah (P58434)  
Vida Law Group, PLLC  
Co-Counsel for ACRL  
43050 Ford Rd., #160  
Canton, MI 48187

THE WHITE HOUSE  
Office of the Press Secretary

---

For Immediate Release

January 27, 2017

EXECUTIVE ORDER

- - - - -

PROTECTING THE NATION FROM FOREIGN TERRORIST  
ENTRY INTO THE UNITED STATES

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.*, and section 301 of title 3, United States Code, and to protect the American people from terrorist attacks by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. Purpose. The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.

Sec. 2. Policy. It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

Sec. 3. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the President a report on the results of the review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order. The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on 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).

(d) Immediately upon receipt of the report described in subsection (b) of this section regarding the information needed for adjudications, the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.

(e) After the 60-day period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of foreign nationals (excluding those foreign nationals traveling on 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) from countries that do not provide the

information requested pursuant to subsection (d) of this section until compliance occurs.

(f) At any point after submitting the list described in subsection (e) of this section, the Secretary of State or the Secretary of Homeland Security may submit to the President the names of any additional countries recommended for similar treatment.

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.

(h) The Secretaries of State and Homeland Security shall submit to the President a joint report on the progress in implementing this order within 30 days of the date of this order, a second report within 60 days of the date of this order, a third report within 90 days of the date of this order, and a fourth report within 120 days of the date of this order.

Sec. 4. Implementing Uniform Screening Standards for All Immigration Programs. (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission. This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall submit to the President an initial report on the progress of this directive within 60 days of the date of this order, a second report within 100 days of the date of this order, and a third report within 200 days of the date of this order.

Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. (a) The Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for 120 days. During the 120-day period, the Secretary of State, in conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall

review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures. Upon the date that is 120 days after the date of this order, the Secretary of State shall resume USRAP admissions only for nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States.

(b) Upon the resumption of USRAP admissions, the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality. Where necessary and appropriate, the Secretaries of State and Homeland Security shall recommend legislation to the President that would assist with such prioritization.

(c) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of nationals of Syria as refugees is detrimental to the interests of the United States and thus suspend any such entry until such time as I have determined that sufficient changes have been made to the USRAP to ensure that admission of Syrian refugees is consistent with the national interest.

(d) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any such entry until such time as I determine that additional admissions would be in the national interest.

(e) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such individuals as refugees is in the national interest -- including when the person is a religious minority in his country of nationality facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship -- and it would not pose a risk to the security or welfare of the United States.

(f) The Secretary of State shall submit to the President an initial report on the progress of the directive in subsection (b) of this section regarding prioritization of claims made by individuals on the basis of religious-based persecution within 100 days of the date of this order and shall submit a second report within 200 days of the date of this order.

(g) It is the policy of the executive branch that, to the extent permitted by law and as practicable, State and local jurisdictions be granted a role in the process of determining the placement or settlement in their jurisdictions of aliens eligible to be admitted to the United States as refugees. To that end, the Secretary of Homeland Security shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.

Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System. (a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for all travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the President periodic reports on the progress of the directive contained in subsection (a) of this section. The initial report shall be submitted within 100 days of the date of this order, a second report shall be submitted within 200 days of the date of this order, and a third report shall be submitted within 365 days of the date of this order. Further, the Secretary shall submit a report every 180 days thereafter until the system is fully deployed and operational.

Sec. 8. Visa Interview Security. (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic ability, to ensure that non-immigrant visa-interview wait times are not unduly affected.

Sec. 9. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If a country does not treat United States nationals seeking

nonimmigrant visas in a reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country, to the extent practicable.

Sec. 10. Transparency and Data Collection. (a) To be more transparent with the American people, and to more effectively implement policies and practices that serve the national interest, the Secretary of Homeland Security, in consultation with the Attorney General, shall, consistent with applicable law and national security, collect and make publicly available within 180 days, and every 180 days thereafter:

(i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons since the date of this order or the last reporting period, whichever is later;

(ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States, since the date of this order or the last reporting period, whichever is later; and

(iii) information regarding the number and types of acts of gender-based violence against women, including honor killings, in the United States by foreign nationals, since the date of this order or the last reporting period, whichever is later; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security and the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of State shall, within one year of the date of this order, provide a report on the estimated long-term costs of the USRAP at the Federal, State, and local levels.

Sec. 11. 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 27, 2017.

# # #