



Explainer: Donald Trump's executive order on immigration

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US President Donald Trump's executive order on immigration is unleashing chaos across the US, and beyond.

Its official title is "Protecting the Nation From Foreign Terrorist Entry Into the United States".

We're talking about the executive order on immigration, signed by United States President Donald Trump, at 4.42pm on Friday (US Eastern time).

It indefinitely barred Syrian refugees, suspended entry of all refugees to the US for 120 days, and blocked citizens of seven predominantly Muslim countries for 90 days: Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen.

People chant and hold signs as they protest against the travel ban imposed by Trump's executive order, at Dallas/Fort Worth International Airport International Arrivals gate in Dallas, Texas.

It also barred green card holders – legal permanent residents of the US – from those countries, though exemptions could be granted, the Department of Homeland Security (DHS) said. It did not affect naturalised US citizens.

Massive protests ensued at airports amid confusion around the handling of people with valid documentation. Lawyers working for those detained accused the government of failing to abide by the rulings.

Dozens of pro-immigration demonstrators cheer and hold signs as international passengers arrive at Dulles International Airport in Chantilly, Virginia, in suburban Washington.

The following day, the DHS reiterated the order did apply to green card holders returning from the seven listed countries. They would need a case-by-case waiver, White House officials said.

By Sunday, however, White House chief of staff Reince Priebus said people from the affected countries holding green cards would not be prevented from returning to the United States.

At this point it's worth pausing to ask: How does Trump have the power to do this?

Our country needs strong borders and extreme vetting, NOW. Look what is happening all over Europe and, indeed, the world - a horrible mess!

A 1952 law allowed the president to act discriminatorily as to immigration, with section 1182(f) of federal immigration law stating: "Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate".

Trump's order has been reported as the most significant use of this power by any president.

But, doesn't it run counter to the US constitution's principle of not discriminating on the basis of religion?

Activists march to the US Capitol to protest Trump's executive actions on immigration in Washington.

Essentially, that remains to be seen. Congress outlawed such discrimination with the Immigration and Nationality Act of 1965, stating "no person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of the person's race, sex, nationality, place of birth, or place of residence". The only exceptions are those provided for by Congress.

David Bier, an immigration policy analyst at libertarian group the Cato Institute, wrote in an opinion piece that in no uncertain terms, "the order is illegal".

Trump issued a statement defending the order, saying it was "not about religion". Rather, it was "similar" to former president Barack Obama's policy on refugees from Iraq.

A veteran holds a sign as people protest against the travel ban at Dallas/Fort Worth International Airport in Dallas, Texas.

Has there been legal action?

Yes. Judges in four cities – Alexandria, Virginia; Boston; New York; and Seattle – ruled against the detention of individuals at airports – in cases filed by the American Civil Liberties Union (ACLU) and others. The rulings stopped short of saying anything on the constitutionality of Trump's actions. The DHS said it would comply with the orders, and some of the people being detained at airports were allowed to leave. It was not known how consistently airport officials across the country were responding to these court rulings.

Why are refugees from Syria banned indefinitely?

Foreign Minister Murray McCully says a similar ban would never be contemplated in New Zealand.

The order said: "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."

(Just as an aside – an analysis of terrorist attacks on US soil between 1975 and 2015, published by the Cato Institute, found foreign nationals from the countries singled out by the order have killed zero Americans.)

America knew this was coming, right?

Indeed. On December 7, 2015, Trump introduced his policy to ban Muslims from entering the United States. It hasevolved over time, and last year he added he would suspend immigration from nations "tied to Islamic terror". He also made clear this would happen almost as soon as he took office.

In a National Review article, US lawyer and Iraq veteran David French said the order is a toned-down version of Trump's campaign promises. He also said reports that the ban was being applied to green-card holders were "madness", and, if that were case, "the administration should intervene, immediately, to stop misapplication".

How, then, did this particular order come about?

That's unclear. According to the New York Times, the White House said the State Department and DHS had been involved, however, multiple officials at both agencies denied that claim. Two officials said leaders of Customs and Border Protection, Citizenship and Immigration Services, and other agencies were briefed on the new policy over the phone around the time Trump signed it on Friday.

Could a similar thing happen in New Zealand?

Apparently not. On Monday, Foreign Affairs Minister Murray McCully joined in international condemnation of Trump's order, saying the move had caused "widespread confusion and considerable concern".

McCully said a similar ban would never be contemplated here. However, he stopped short of urging Trump to dump the initiative, saying the government "respects the right" of the US to determine its own policy.

The Ministry of Foreign Affairs and Trade had not yet received any requests for help from Kiwis as a result of the ban, but anyone requiring travel advice should first contact the US Consulate General in Auckland, he added.

Where can I read the full text of the order?

The full text is available here.