



Trump Signs Executive Order for Extreme Vetting of Refugees

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WASHINGTON (CN) – Capping off a whirlwind first week of executive action, President Donald signed an order Friday to dramatically reduce refugee admissions and ban visas for travelers from “high-risk,” Muslim-majority countries.

“We don’t want them here,” Trump said of radical Islamic terrorists. “We only want to admit those into our country who will support our country and love deeply our people.”

Trump made the remarks this afternoon following a ceremonial swearing-in of Defense Secretary James Mattis.

“We will never forget the lessons of 9/11, nor the heroes that lost their lives at the Pentagon,” the president said.

A final copy of the executive order is not yet available, but a draft of the document said the visa ban would target Iran, Iraq, Syria, Libya, Sudan, Somalia and Yemen.

The order halts the admission of Syrian refugees indefinitely; suspends all refugee admissions for 120 days; reduces 2017 refugee admissions by 60,000; and halts the issuance of visas from countries that the United States deems as having inadequate security screening.

“This is a response to fear about Syrian refugees committing terrorist attacks on U.S. soil,” said Alex Nowrasteh, of the libertarian think tank the Cato Institute, in a phone interview.

“There has not been a terrorist attack committed by a refugee on U.S. soil since the late 1970s,” he added.

Just 20 refugees since 1975 have been convicted of attempting or carrying out a terror attack on U.S. soil.

“And none of those people who committed those attacks are Syrians – not one,” Nowrasteh said. “Whatever effect or intent this executive order has, it’s not going to do much at all for national security,” he added.

Nowrasteh notes that no refugee attack has killed Americans since the 1970s, which saw three U.S. fatalities.

“Your annual chance of dying in a terrorist attack committed by a refugee on U.S. soil is 1 in 3.6 billion a year,” Nowrasteh said. “That is how safe the refugee program is in terms of terrorism.”

According to the draft executive order: “Hundreds of 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 claiming asylum; after receiving visitor, student, or employment visas; or through the U.S. refugee resettlement program.”

Data shows that the threat is not as great as Trump suggests, however, particularly in terms of terror attacks committed on U.S. soil from the seven proposed visa ban countries.

“There have been 17 convictions or attempted terrorist attacks on U.S. soil from people in these countries, but none of them have been successful and many of them were decades ago,” Nowrasteh said.

Moreover, none of the 9/11 hijackers hailed from the targeted countries. Fifteen were from Saudi Arabia, two came from the United Arab Emirates, along with one each from Egypt and Lebanon.

President Trump talked a lot about extreme vetting during his campaign. The draft executive order proposes barring people who could pose a risk of becoming a terrorist in the future, which Nowrasteh says deviates from already existing and rigorous vetting measures.

But how immigration officials will determine who poses such a risk is not made clear in the executive order, he said.

“It really opens up the flood gates for sort of arbitrary denials of visas based on the feelings of border agents,” he said.

Nowrasteh indicated that a policy on extreme vetting still needs to be written, clarified, expanded and exactly defined – otherwise it will be impossible to run a law-based immigration system.

Meanwhile, immigration lawyers are scrambling to understand what impact the executive order will have.

“One of the problems with executive actions like this that are really not well thought out is that it is difficult to determine who it would apply to,” said Virginia-based Hassan Ahmad with the HMA law firm in a phone interview. Thousands of Customs and Border Patrol and immigration officials will need to implement such policies immediately after the executive order is signed.

“It’s really, really hard to know what the law tells you to expect but also what actually may happen in the field,” Ahmad said. “And so it’s difficult to provide any sort of accurate advice.”

Ahmad, who has practiced immigration law for 15 years, has been getting messages in the middle of the night this week from anxious clients who are losing sleep. He said he is encouraging any immigrants in the United States who are not naturalized to utilize the existing law to the maximum possible extent while they can.

At the time executive order was signed, the attorney noted, any number of people cleared for admission “through the entire lengthy and complex vetting process” could have already been en route to the United States.

A freeze on refugee admissions could leave these refugees stranded at U.S. airports.

If they are not turned away, they could be required to claim asylum again, and go through a credible-fear interview at the airport. Ahmad said this could allow refugees to enter the country and wait out the moratorium, but there are still a lot of unknowns.

For Ahmad, the flurry of immigration executive orders this week has been “extremely troublesome.”

“I don’t think I can remember a single week where I saw this much rollback, this much regression in our immigration policy,” he said. “I don’t remember it ever being this bad.”

“In the space of four days under the Trump administration, we’ve seen a rollback and an absolute abuse – a power grab – of executive power that really is unprecedented,” he added.

Nevertheless, federal law is on President Donald Trump’s side.

“The president does have pretty much carte blanche authority to stop or to prevent entry of any class of aliens he deems to be injurious to the safety or national security of the United States,” Ahmad said of the Immigration and Naturalization Act.

Ahmad notes that the law does have a limiting provision that would protect permanent residents and green card holders, but that there is no prohibition on barring entry based on national origin for tourists, students, journalists, diplomats, religious workers and H1B visa holders.

President George W. Bush set the precedent for barring refugees and visas to certain groups when he halted the refugee-resettlement program for several months after the 9/11 attacks. President Jimmy Carter likewise banned Iranian immigration after the Iranian hostage crisis.

Ahmad notes that it is also legal to deny entry to the U.S. based on political opinion or ideology or political affiliation.

Calling the draft executive order “agenda-driven,” Ahmad said that political undertones are apparent in the seven countries targeted by the draft executive order.

While the draft executive order does not name Islam or Muslims specifically, Ahmad says some of its directives parrot “the same Islamophobic rhetoric that seemed to define the Trump campaign.”

The draft executive order says the U.S. “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 other religions) or those who would oppress members of one race, one gender or sexual orientation.”

“The crazy thing is that persecution is already a ground of inadmissibility,” Ahmad said.

“You don’t need a new law or executive order or any sort of policy – the law already denies people entry based on those ideologies.”