 **POLICY EXPLAINER**

 ***Understanding the new Executive Order (EO 3.0)
 and changes to the U.S. Refugee Admissions Program***

*Internal resource document for IRC staff*

The U.S. Administration’s 120-day ban on refugee arrivals, established in two successive Executive Orders (EO) earlier this year, expired on Tuesday October 24and is no longer in effect. On the same day as the 120-day ban lapsed, the Administration announced resumption of the resettlement program, contingent on implementation of “enhanced vetting” protocols.

This third Executive Order (EO 3.0) comes on the heels of the Presidential Determination (PD) issued on September 30, 2017 which slashed the U.S. admissions ceiling to only 45,000 persons for FY18 – an historic low and a reduction of 60% from the previous year’s admissions ceiling of 110,000 refugees set by the Obama Administration. Other negative policy decisions which preceded the expiry of the 120-day ban included the announcement that the Central American Minors resettlement program (CAM-AOR) would be cancelled and the reduction of nationalities from 22 to 15 who are able to file for family reunification through the Priority 3 (P3) resettlement program.

The latest changes to the refugee program were publically announced in an [*Executive Order*](https://www.whitehouse.gov/the-press-office/2017/10/24/presidential-executive-order-resuming-united-states-refugee-admissions)signed by the President entitled “*Resuming the United States Refugee Admissions Program with Enhanced Vetting Capabilities*” concurrently with a joint [*memo*](https://www.dhs.gov/sites/default/files/publications/17_1023_S1_Refugee-Admissions-Program.pdf) to the President from the Secretary of State, the acting Secretary of Homeland Security, and the Director of National Intelligence.

**Here are the four most critical and troubling policy changes made by the new EO:**

* **An additional 90-day ban on refugees from 11 countries -- 9 of them majority-Muslim**. Refugees from 11 countries (Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, Sudan, South Sudan, Syria and Yemen) as well as stateless refugees habitually residing in any of these countries (impacting mainly Palestinians)continue to be subject to an additional 90-day ban while further security review is conducted. Arrivals of these nationalities will only resume after a “detailed threat analysis” for each country has been conducted. Last year, refugees from these countries made up approximately 44% of all arrivals. During this 90-day ban for these 11 nationalities, the Administration will “temporarily prioritize” the processing and admissions of refugees from other nationalities. It should be noted that certain profiles of refugees of these specific nationalities had already previously been subject to enhanced security review, in accordance with considerations of risk related to the presence of terrorist groups, resulting in what the IRC believes to be a safe program that already incorporates appropriate national security safeguards.The fact that 9 of the countries subject to a continued ban are Muslim-majority has prompted outcry from advocates about the discriminatory intent and impact of this new policy.
* **The indefinite suspension of certain family reunification cases.** Refugee arrivals through “follow to join” applications each year have been indefinitely suspended. In recent years, most “follow to join” cases were from Iraq, Somalia, Burma, Congo, Ethiopia, and Eritrea, reunifying close family members with refugees who arrived previously through the resettlement program. Although the Administration has not yet provided specific guidance on how family reunification cases will be processed, the IRC and other U.S. resettlement agencies are anticipating the suspension to halt arrivals of family members and delay processing of all pending cases, creating extremely stressful and harmful delays for many our clients. This means entirely-unnecessary stress and hardship both for those awaiting overseas in often-precarious circumstances, as well as their U.S.-based relatives anxiously awaiting the arrival of their loved ones.
* **Onerous changes to security vetting processes**. Existing screening requirements have been added that will create additional delays and burdens on certain refugees. For example, certain types of enhanced security vetting that used to only be imposed on male refugees (ages 16 to 50) will now be required for both male and female refugees (ages 14-50) of the 11 nationalities listed above. Additional family tree information as well as addresses and other personal information going back 10 years (instead of 5) has also been introduced. All of these changes are anticipated to have a highly deleterious effect on the pace and speed of processing, making the process more costly and creating additional stress and hardships for refugees awaiting resettlement. Most refugees will inevitably see their processing delayed as a result. Because these changes apply retroactively to refugees who have already cleared or are pending security vetting, thousands of refugees will have to have their vetting “re-run”, adding to the significant backlog that already exists and exacerbating delays in the pipeline.
* **Changes to the refugee interview and selection process.** The standards applied in evaluating credibility are to be changed, to align with the REAL ID Act (part of the post-9/11 package of national security reforms). Though it is not yet clear exactly how specific changes will manifest themselves and with what impact on refugee adjudications outcomes, it does represent a step away from the methodologies used up until now by the U.S. Refugee Corps, which are aligned with global standards and best practices. Advocates are very concerned that the move towards REAL ID Act standards will have negative implications for the application of cultural competence and diminish the proper contextualization of cultural norms and behaviors, identity, PTSD and traumatic memory when assessing credibility in a refugee setting.

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