

President Trump's Proclamation on Enhanced Vetting of Foreign Nationals from Designated Countries

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Related Author

- [William A. Kandel](#)
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William A. Kandel, Analyst in Immigration Policy (wkandel@crs.loc.gov, 7-4703)

On September 24, 2017, President Donald Trump issued a [presidential proclamation entitled "Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats"](#) (the proclamation) that suspends and/or restricts U.S. entry of foreign nationals from eight countries. The proclamation replaces aspects of [Executive Order \(E.O.\) 13780 issued on March 6, 2017, and entitled "Protecting the Nation From Foreign Terrorist Entry Into the United States."](#) portions of which federal courts had blocked. E.O. 13780 revoked and replaced [E.O. 13769 issued on January 27, 2017,](#) which federal courts had also blocked.

The proclamation describes what occurred following President Trump's issuance of E.O. 13780. That executive order imposed certain travel restrictions on nationals of six countries and refugees. It also mandated that the Department of Homeland Security (DHS), in consultation with the Department of State (DOS) and the Director of National Intelligence, determine whether, and if so what, additional information would be needed from each foreign country to assess whether its nationals seeking to enter the United States posed a security or safety threat.

DHS and DOS subsequently bolstered baseline requirements for immigration screening, with three types of information required from foreign governments to allow the United States to confirm individual identity and assess individual security threats:

- 1. *Identity-management information*, including "whether the country issues electronic passports embedded with data to enable confirmation of identity, reports lost and stolen passports to appropriate entities, and makes available upon request identity-related information not included in its passports";
- 2. *National security and public safety information*, including "whether the country makes available, directly or indirectly, known or suspected terrorist and criminal-history information upon request, whether the country provides passport and national-identity document exemplars, and whether the country impedes the United States Government's receipt of information about passengers and crew traveling to the United States"; and
- 3. *National security and public safety risk assessment*, including "whether the country is a known or potential terrorist safe haven, whether it is a participant in the Visa Waiver Program ... that meets all of its requirements, and whether it regularly fails to receive its nationals subject to final orders of removal from the United States."

The proclamation states that following a worldwide assessment based on these criteria, all countries were given the opportunity to improve their identity management, national security, and public safety systems. DHS subsequently designated Chad, Iran, Libya, North Korea, Syria, Venezuela, and Yemen as having "inadequate" identity-management protocols and information sharing practices. DHS also designated Somalia because it poses other risks. DHS recommended entry restrictions for these eight countries' travelers. President Trump concurred and, using the authority provided in [8 U.S.C. 1182\(f\)](#), [8 U.S.C. 1185\(a\)](#), and [3 U.S.C. 301](#), proclaimed the new travel restrictions ([Table 1](#)).

Table 1. Travel Restrictions on Immigrants and Nonimmigrants from Designated Countries

| Country | Immigrant Entry | Nonimmigrant Entry |
|--|-----------------|---|
| <i>Countries Previously Affected by E.O. 13780</i> | | |
| Iran | Suspended | Suspended except for students (F, M) and exchange visitors (J) who are subject to additional scrutiny |
| Libya | Suspended | Business (B-1), tourist (B-2), and business/tourist (B-1/B-2) entry is suspended |
| Somalia | Suspended | Subject to additional scrutiny |
| Syria | Suspended | Suspended |
| Yemen | Suspended | Business (B-1), tourist (B-2), and business/tourist (B-1/B-2) entry is suspended |
| <i>Newly Affected Countries</i> | | |
| Chad | Suspended | Business (B-1), tourist (B-2), and business/tourist (B-1/B-2) entry is suspended |
| North Korea | Suspended | Suspended |
| Venezuela | No restrictions | Business (B-1), tourist (B-2), and business/tourist (B-1/B-2) entry is suspended for officials of government agencies involved in immigration screening and vetting, and their immediate family members |

Source: Section 2, the proclamation.

Notes: "Immigrants" refers to foreign nationals who reside permanently and lawfully in the

United States. "Nonimmigrants" refers to foreign nationals who reside lawfully in the United States for a limited period of time and specific purpose. Sudan, which was previously subject to travel restrictions per E.O. 13780, was not included in the proclamation's list of restricted countries. The proclamation also imposes additional vetting for Iraqi nationals but does not restrict their travel to the United States.

The effective date of the proclamation's restrictions differs if designated countries had their travel restricted by E.O. 13780. For the five countries that were affected—Iran, Libya, Somalia, Syria, and Yemen—the effective date is September 24, 2017, meaning that the proclamation extends uninterrupted some of the preexisting restrictions in E.O. 13780 against nationals of those countries. An exemption allows nationals from these countries, who have a credible claim of a "bona fide relationship" with a person or entity of the United States, to continue to travel to the United States until October 18, 2017. For the three designated countries whose travel to the United States E.O. 13780 did not restrict—Chad, North Korea, and Venezuela—the effective date is October 18, 2017.

The proclamation states that the suspension of entry does not apply to foreign nationals from the eight countries who

- are U.S. [lawful permanent residents](#);
- are admitted to or [paroled](#) into the United States;
- possess documents other than a visa to permit travel to the United States and seek entry or admission;
- are dual nationals, if traveling on a passport issued by a non-designated country;
- are traveling on a diplomatic or diplomatic-type visa;
- have been granted asylum by, or been already admitted as [refugees](#) to, the United States;
- have been granted [withholding of removal](#) or advance parole; or
- have been granted protection under the [Convention Against Torture](#).

The proclamation does not limit the ability of foreign nationals from the designated countries to seek asylum, refugee status, withholding of removal, or protection under the Convention Against Torture. The proclamation states that no current valid visas will be revoked and that it is expressly limited to individuals who were outside of the United States and did not have a valid visa on its effective date.

The proclamation grants a DOS consular officer or a U.S. Customs and Border Protection officer the discretionary authority, on a case-by-case basis, to waive restrictions where

- denying entry would cause undue hardship;
- entry would not pose a threat to U.S. national security or public safety; and
- entry would be in the national interest.

The proclamation mandates that DHS, in consultation with DOS, assess every six months whether its suspensions and restrictions should be continued, terminated, modified, or supplemented. It also allows for the DHS Secretary to recommend to the President at any time the removal or modification of the restrictions, and for the heads of the Departments of Homeland Security, State, and Justice to recommend restrictions for additional countries. These officials must also submit periodic reports to the President regarding the government's screening and vetting procedures for nationals of all foreign countries.