

## Reponses to Queries (RTQ) - For Internal Use Only

### **Q: How will the requirements in Section 2 (Temporary Suspension of Entry for Nationals of Countries of Particular Concern During Review Period) of the Executive Order be executed?**

A. Under Section 2 of the Executive Order, the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, has conducted a review to identify whether, and if so what, additional information will be needed from each foreign country in order to adjudicate applications for visas, admission, or other immigration benefits. The implementation of any resulting restrictions and limitations will be carried out by the State Department and the Department of Homeland Security.

### **Q: Will the U.S. Government be releasing the Section 2 reports?**

A. The report is sensitive and in part classified to protect national security and is therefore not subject to release.

### **Q: What was the basis for the requirements?**

A. The Section 2(b) report submitted by the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, established baseline requirements for 1) identity management practices; 2) information sharing on terrorist and public safety threats; and 3) public safety risk factors. The requirements reflect a combination of long-standing U.S. Government goals, as well as standards established by international bodies such as the United Nations (UN), the International Civil Aviation Organization (ICAO), and INTERPOL. They incorporate best practices derived from proven and effective security partnerships, such as the Visa Waiver Program, and from internationally-recognized identity management, law enforcement practices, and national security initiatives, such as the adoption of ePassports to prevent fraud and counterfeiting.

### **Q: Does the United States rely on other countries for vetting?**

A. The U.S. Government has a sovereign responsibility to vet visitors and potential immigrants to this country. This vetting leverages information received from foreign governments, including identity data, passport integrity, and information about criminal and terrorist history. Generally speaking, foreign governments have the ability to verify the identity of their nationals and alert us to any derogatory information known about those individuals. Therefore, it is important to ensure that, as appropriate, foreign governments are sharing any credible and material information they have that we need to determine whether applicants for immigration benefits pose a threat to the United States.

### **Q: Does the United States share the information it is requesting with other countries?**

A. The United States supports information sharing with foreign governments to facilitate immigration screening and border security. We are consistently at the forefront of compliance with recognized international standards for identity management and information sharing to enhance global security – and in full adherence with the protections afforded U.S. citizens.

### **Q: Does this impede another country's sovereignty? What about data security/privacy?**

A. The Secretary's requirements do not impose any obligations on the internal working of foreign countries or on the right of their nationals to leave their country. Instead, they establish a standard all countries are expected to meet with respect to working with the U.S. to allow for their entry into the United States. It is long established practice that all sovereign governments can and do establish requirements for entry. All of the standards required by the Secretary can be implemented consistent with the highest privacy and data security standards as the U.S. has proven through existing partnerships, such as the Visa Waiver Program.

**Q: Isn't this just a way to ban Muslims from entering the country?**

A. Religion was not a factor in the review of information sharing practices nor in the recommendation of travel restrictions. Countries were identified for restrictions due to deficiencies in identity management or information sharing, and other risk factors. The goal is to enhance information sharing practices in order to keep Americans safe and to improve overall global security. In addition, both Muslim and Non-Muslim majority countries were identified.

**Q: Is the Muslim ban unconstitutional?**

A. There never was a "Muslim ban," and these restrictions do not constitute a Muslim ban. Note that non-Muslim majority countries were included.

**Q: Why does the travel ban target Muslim countries?**

A. These restrictions on entry do not target any religion, race, ethnicity, or region. The ban is based on a country's current failure to adequately adhere to the new requirements.

**Q: How can countries come off the list?**

A: The USG will continue to work with identified countries that are willing to address information sharing deficiencies that resulted in their recommendation for travel restrictions. The Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, will regularly review and recommend countries for removal of these restrictions as circumstances warrant (such as an improvement in information sharing practices).

**Q: What happens to current visa holders from these countries?**

A: Individuals in possession of a valid visa at the time the travel restrictions become effective will be exempted from these restrictions.

**Q: Why are potential immigrants considered more of a risk than nonimmigrants?**

A: Generally, immigrants have indicated an intention to remain in the United States and have certain protections not afforded to many nonimmigrants that make it vital to determine their risk before entry. Although immigrants generally receive more extensive vetting than nonimmigrants, such vetting is less reliable when the country from which someone seeks to emigrate exhibits significant gaps in its identity-management or information-sharing policies, or presents risks to the national security of the United States.

**Q: Why are students exempted from restrictions for Iran?**

A: Restrictions were customized, as appropriate given the unique factors in place for each country.

**Q: It is documented that most FBI terrorism-related investigations involve refugees from ‘x’ country, why then are we not banning all immigrants from that country?**

**A:** The U.S. Government is not at liberty to discuss individual countries. Generally, information sharing practices differ among countries and can contribute significantly to the nature of any restrictions.

**Q: Why was Sudan removed from the travel suspension? When is the lifting of their suspension effective?**

**A.** Sudan is working closely with the U.S. to alleviate the risk of terrorism in its territory, has made substantial commitments to the United States to further combat terrorism on a systematic level, and has met the Secretary of Homeland Security’s information sharing requirements. The restrictions on Sudanese nationals expire on September 24. We will continue to work with all countries to improve, however, if Sudan fails to follow through on its commitments to the United States it could face additional restrictions in the future.

**Q. Why is a certain visa category permitted if the country was found deficient overall in information sharing? Doesn’t any visa issuance pose a threat?**

**A:** Restrictions were customized, as appropriate given the unique factors in place in each country.

**Q. Why do you give different treatment to different categories of visas? Aren’t non-immigrant visas (NIV’s) or immigrant visas (IV’s) screened the same?**

**A:** The restrictions imposed by the President were carefully considered to prevent the entry of foreign nationals for whom the U.S. Government lacks sufficient information to assess the risk they pose.

There are inherent risks associated with the admission of any foreign nationals from countries for which we have imposed restrictions. Although foreign nationals applying for permanent residence in the United States currently received more extensive vetting than that of temporary visitors, the admission of a foreign national as a lawful permanent resident presents national security concerns that are distinct from the admission of a foreign non-immigrants. Fundamentally, a lawful permanent resident is more difficult to remove from the United States than an alien admitted as a non-immigrant—and this is particularly so when national security concerns arise. Section 5 of Executive Order 13780 directs DHS to develop uniform screening and vetting standards for all immigration programs in cooperation with the Secretary of State and Attorney General. Work on implementing Section 5 is underway. Ultimately, this will ensure that uniform and in some cases enhanced vetting protocols will be applied to all foreign nationals seeking entry to the United States.

**Q. How are you implementing the Proclamation?**

**A:** Pursuant to the President’s direction, the identified categories of visas will not be issued to applicable nationals from the countries covered in the proclamation nor will such individuals be admitted to the United States unless they are subject to one of the exceptions in the proclamation or qualify for a waiver in accordance with the Proclamation.

**Q. Does the Proclamation apply to refugees?**

**A:** No. There are separate screening and processing requirements for refugees that are not affected by this Proclamation.