

TRUMP'S REVISED IMMIGRATION TRAVEL BAN: Narrower but Still Controversial

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On March 6, 2017, President Trump issued a revised executive order temporarily banning travel to the United States for 90 days by citizens of six Muslim-majority nations - Iran, Libya, Syria, Somalia, Sudan, and Yemen. The revised executive order also halts all refugee admissions for 120 days. The revised executive order and accompany fact sheet and Q&A are at <https://www.dhs.gov/executive-orders-protecting-homeland>.

The revised executive order repeals the January 27 'travel ban' executive order, but repeats many of the long-term restrictions. First, it exempts citizens of Iraq from the travel ban. Second, it exempts green card holders and other visa holders from the six countries. Third, it halts refugee admissions from Syria for 120 days, rather than indefinitely, as the prior executive order had. And fourth, instead of applying immediately, the new order takes effect March 16. This is functionally too short a period of time for affected persons to secure visas.

Overall, however, the revised executive order is essentially old wine in a new bottle. It assumes that travelers from the six Muslim-majority countries and all refugees are inherent security risks. Analysts in the intelligence unit at the Department of Homeland Security (DHS), however, found little evidence that citizens of the seven countries included in the original travel ban pose a terror threat to the United States. The draft DHS report concluded that citizenship is an "unlikely indicator" of terrorism threats to the United States and that few people from the countries in the original travel ban have carried out attacks or been involved in terrorism-related activities in the United States.

The revised executive order will not quell litigation or concerns. U.S. relatives will still sue over the inability of their loved ones to join them in the United States. U.S. companies may sue because they cannot hire needed workers from the six countries. And U.S. universities will worry about the impact of the order on international students' willingness to attend college in the United States.

In sum, the immigration controversy will continue.

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