



Summary of “Presidential Memorandum on Implementing Immediate Heightened Screening and Vetting of Applications for Visas and Other Immigration Benefits”

March 13, 2017

A detailed section-by-section summary follows the executive summary.

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EXECUTIVE SUMMARY

On March 6, 2017, President Trump signed a new Executive Order, “[Protecting the Nation from Foreign Terrorist Entry into the United States](#).” The new order takes effect on March 16, 2017, and expressly revokes the January 27, 2017 order of the same name.¹ Also on March 6, 2017, the President issued a memorandum to the Secretary of State, Attorney General, and Secretary of Homeland Security. The full title of that [memorandum](#) is *Implementing Immediate Heightened Screening and Vetting of Applications for Visas and Other Immigration Benefits, Ensuring Enforcement of All Laws for Entry into the United States, and Increasing Transparency among Departments and Agencies of the Federal Government and for the American People*.

The March 6, 2017, presidential memorandum calls for the immediate implementation of “enhanced vetting procedures” despite the fact that a robust system for vetting visa applicants and applicants for admission is already in place. It also directs executive branch agencies to “rigorously enforce” all existing grounds of inadmissibility and monitor compliance with related laws after a person has been admitted, without making exceptions for minor, technical violations.

The time and resources that will be required to investigate everyone who applies for an immigration benefit at the level contemplated by the memorandum will completely consume the agencies and slow visa and benefits processing to a crawl. Dedicating scarce federal resources toward identifying and removing individuals who may have simply and inadvertently overstayed a visa means there will be fewer resources aimed at identifying the true threats to public safety. Likewise, because the memorandum targets everyone who has engaged in some minor infraction, the government will have less time and fewer resources to pursue those people who are intentionally trying to defraud our immigration system.

¹ For more information on the March 6, 2017 Executive Order – including background on the January 27, 2017 Executive Order with the same name – see AILA’s [Summary of Second Trump Executive Order on Visa Issuance/Screening and Refugees](#) (AILA Doc. No. 17030660) and [Practice Alert: DHS and DOS Implementation of Executive Order Imposing Travel and Refugee Ban](#) (AILA Doc. No. 17012670).

SECTION-BY-SECTION SUMMARY

Sec. 1: Policy

- States that it is the policy of the United States to keep its citizens safe from terrorist attacks and that this policy is what led the President to issue his 3/6/17 Executive Order, “[Protecting The Nation From Foreign Terrorist Entry Into The United States](#).”
- Notes that the 3/6/17 Executive Order directs DHS, DOS, and DNI to conduct a review of the information that is needed from each country in order to review applications for immigration benefits.
- States that, in addition to that review and while it is ongoing, the government “cannot delay the immediate implementation of additional heightened screening and vetting protocols” for adjudicating benefits.

Sec. 2: Enhanced Vetting Protocols and Procedures for Visas and Other Immigration Benefits.

- Directs DOS and DHS, in consultation with DOJ, to implement procedures “as soon as practicable” to “enhance the screening and vetting of applications for visas and all other immigration benefits.” Specifically directs the procedures to focus on:
 - Preventing foreign nationals who may “aid, support, or commit violent, criminal, or terrorist acts” from entering the U.S.; and
 - Ensuring collection of information needed to “rigorously evaluate” all inadmissibility and deportability grounds, or “grounds for the denial of other immigration benefits.”

Sec. 3: Enforcement of All Laws for Entry into the United States.

- Directs DOS, DHS, and DOJ (as well as “the heads of all other relevant executive departments and agencies” as determined by DHS) to “rigorously enforce” all existing grounds of inadmissibility and to ensure subsequent compliance with related laws after admission.
 - Orders those same agencies to issue new rules, regulations, or guidance to enforce those grounds and related laws. Specifies that any new rules will supersede all previous rules if they conflict.

Sec. 4: Transparency and Data Collection

- Directs DOS and DHS to issue “regular reports” on the adjudication of immigration benefits, including but not limited to:
 - Starting on 4/28/17, and the last day of every month after that, DOS should publish the number of visas issued by each consular office during the preceding month, by visa category and country of issuance.
 - Every 90 days, starting 90 days after this memo (6/4/17), DHS should publish reports on the number of “adjustments of immigration status” by the type of adjustment, class of admission, country of nationality.
 - DOS, with HHS, DHS, and OMB, will submit a report to the president 180 days from the date of the memo (September 2, 2017) detailing the long-term costs of the United States Refugee Admission Program (USRAP), including federal, state, and local costs. The report should also include recommendations on how to reduce costs.

- DOS, with OMB, will produce a report 180 days from the date of the memo (September 2, 2017) estimating how many refugees are being supported in “countries of first asylum (near their home countries) for the same long-term cost as supporting refugees in the U.S.” Specifies that the report should take into account lifetime federal, state, and local benefits and comparable costs of providing similar benefits elsewhere.

Sec. 5: General Provisions

- Nothing in the memo should be construed to affect the authority granted by law to an executive agency or the functions of the OMB.
- The memo will be implemented consistent with applicable law and subject to appropriations.
- Implementation will be consistent with requirements/authorities to protect law enforcements and intelligence sources and methods, personally identifiable information, and the confidentiality of visa records.
- The memo does not create any enforceable rights or benefits.