

Congress of the United States
House of Representatives
Washington, DC 20515

February 1, 2017

The Honorable John F. Kelly
Secretary of Homeland Security
Department of Homeland Security
Washington, DC 20528

Secretary Kelly:

We write to strongly condemn the President's executive order issued January 27, 2017, titled "Protecting the Nation From Foreign Terrorist Entry into the United States," and the ensuing actions taken by the U.S. Department of Homeland Security (DHS) and its agencies, in particular Customs and Border Protection (CBP), to implement the order, and to request an urgent briefing regarding the same. We hope you will urge the President to immediately rescind the Executive Order, which has created profound chaos and fear among refugees and immigrants who have been admitted to the United States, as well as their families. As a nation of immigrants that has been a refuge for people fleeing persecution from around the world, these actions are contrary to who we are as a nation.

We understand that you met yesterday at 4:30 PM with Chairs and Ranking Members of relevant Committees to discuss "recent executive actions." You should understand that such a time limited meeting with a subset of Members and Senators in no way obviates the need for the briefing we are requesting for all Members. Such full Member briefings are a frequent occurrence on Capitol Hill after important events such as the issuance of the January 27 Executive Order. They allow all Members to benefit from the knowledge and experiences of the executive branch so that we may be well informed in our legislative and oversight affairs and serve our constituents best. The full Member briefing regarding the Executive Order is particularly needed given the unsettling events of last evening – the abrupt firing of Acting Attorney General Sally Yates and the termination without explanation of Daniel Ragsdale as acting Director of Immigration and Customs Enforcement (ICE). The need to brief the full Democratic Caucus is also necessary as we now understand that guidance concerning the January 27 Executive Order has been provided to Members of the Republican Conference, but not the Democratic Caucus. According to yesterday's *Washington Post*, "substantive guidance

[concerning the Executive Order was given] to congressional Republicans ... late Saturday In a two-page memo that offered some details on the policy...”.

The Executive Order harms our families, economy, and national security. Over the weekend, individuals—some of whom have been lawful permanent residents for decades—were found stranded outside the United States, leaving families in turmoil. Technology companies, including industry leaders like Microsoft, Google, and Apple, report that the Executive Order could directly impact their employees and hinder their ability to attract the best talent from around the world. In addition, the policy reflected in the Executive Order is counterproductive to our national security. We understand that scores of American diplomats stationed across the globe are drafting a formal “dissent memo” to register their objections, stating that the order will “not achieve its aim of making our country safer” and will instead result in a “drop in international good will towards Americans and a threat to our economy.” We need to develop relationships with Muslim countries and others seeking to combat terrorism. Unfortunately, the Order alienates many of the groups we need to have working alongside us.

The Executive Order is both controversial and confusing. For example, the International Rescue Committee called the Order “harmful and hasty” noting “America has the strongest, most successful resettlement program in the world.” Over 4,000 academics, including 25 Nobel Laureates, have signed a petition denouncing the Order, writing “[t]his measure is fatally disruptive to the lives of these immigrants, their families, and the communities of which they form an integral part. It is inhumane, ineffective, and un-American.” The Order has resulted in widespread confusion, as hundreds of individuals have been improperly detained at our airports, at least four federal courts have issued stays concerning the Order, and protests have broken out at airports and other venues nationwide. At the time this letter was sent, 16 State Attorneys General have condemned the Executive Order.

In the interest of exercising proper Congressional oversight of DHS and CBP and of holding agencies accountable, we write to urgently request an emergency briefing this week with you and others at DHS and the Administration concerning the Executive Order. Among other things, we would like to receive the following, either at or in advance of the briefing:

- Any DHS guidance, directive, or policy regarding interpretation and implementation of the Executive Order, specifically is it pertains to current visa holders seeking entry into the United States, visa applicants, lawful permanent residents, dual citizens, and U.S. citizens, as well as clarification on the status of the individuals from the seven designated countries in the Order who are applying for or renewing immigration benefits.
- Details on individuals who have been prevented from entering the country, including the airport at which they arrived, location of detention, number provided with interpretation services, number who have been released broken down by airport, number of individuals who were sent back broken down by nationality, and a breakdown of the immigration status of those being detained and those who were sent back.

- The manner in which DHS is complying with the various court-issued stays of removal, including the number of individuals who have been provided access to counsel.
- What, if, any accommodations are being considered for interpreters and translators from the seven designated nations who have worked with our military and intelligence, as well as notable academics coming to do research in the U.S.
- The manner in which the exceptions to the Executive Order's application with respect to "religious minorities" will be applied, particularly given Mr. Trump's series of statements concerning his preference for Christian refugees

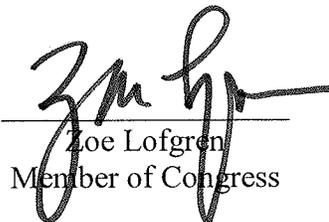
In addition, and among other things, we would like to be briefed by you on the accuracy of President Trump's assertion that the Executive Order can be justified because then-president Obama had "banned visas for refugees from Iraq for six months" in 2011. It is our understanding that in 2011 the Iraqi resettlement program was subject to a simple reduction for a short time while new security measures were added. In stark contrast, Mr. Trump's Executive Order calls for a suspension of all refugees, not just one category, in addition to suspending the Syrian program indefinitely.

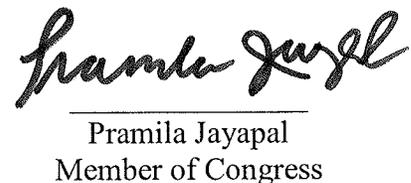
For decades both Democratic and Republican Presidents have supported granting safe haven to families fleeing persecution, violence, terror, sexual slavery, and torture. At a time of unprecedented forced migration across the world, the need for American leadership in these areas has not subsided.

Given the urgency, widespread confusion and dangerous impact of the Executive Order, we would appreciate hearing from you as quickly as possible so that we may ensure the briefing occurs by no later than Friday, February 3. The lives and well-being of many individuals, as well as our ability to partner with foreign governments to fight terrorism, depends on it.

Sincerely,


John Conyers, Jr.
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Zoe Lofgren
Member of Congress


Pramila Jayapal
Member of Congress

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