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New Court Order on Presidential Proclamation

Emergency Alert
December 4, 2017

New Court Orders on Presidential Proclamation

On December 4, 2017, the U.S. Supreme Court granted the government's motions for emergency stays of preliminary injunctions issued by U.S. District Courts in the Districts of Hawaii and Maryland. The preliminary injunctions had prohibited the government from fully enforcing or implementing the entry restrictions of Presidential Proclamation 9645 (P.P.) titled "Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or other Public-Safety Threats" to nationals of six countries: Chad, Iran, Libya, Syria, Yemen, and Somalia. Per the Supreme Court's orders, those restrictions will be implemented fully, in accordance with the Presidential Proclamation, around the world, beginning December 8 at open of business, local time.

The District Court injunctions did not affect implementation of entry restrictions against nationals from North Korea and Venezuela. Those individuals remain subject to the restrictions and limitations listed in the Presidential Proclamation, which went into effect at 12:01 a.m. eastern time on Wednesday, October 18, 2017, with respect to nationals of those countries.

Additional Background: The President issued Presidential Proclamation 9645 on September 24, 2017. Per Section 2 of Executive Order 13780 of March 6, 2017 (Protecting the Nation from Foreign Terrorist Entry Into The United States), a global review was conducted to determine what additional information is needed from each foreign country to assess whether foreign nationals who seek to enter the United States pose a security or safety threat.

As part of that review, the Department of Homeland Security (DHS) developed a comprehensive set of criteria to evaluate the information-sharing practices, policies, and capabilities of foreign governments on a worldwide basis. At the end of that review, which included a 50-day period of engagement with foreign governments aimed at improving their information sharing practices, there were seven countries whose information sharing practices were determined to be "inadequate" and for which the President deemed it necessary to impose certain restrictions on the entry of nonimmigrants and immigrants who are nationals of these countries. The President also deemed it necessary to impose restrictions on one country due to the "special concerns" it presented.

These restrictions are considered important to addressing the threat these existing information-sharing deficiencies, among other things, present to the security and welfare of the United States and pressuring host governments to remedy these deficiencies.

Nationals of the eight countries are subject to various travel restrictions contained in the Proclamation, as outlined in the following table, subject to exceptions and waivers set forth in the Proclamation.

Country	Nonimmigrant Visas	Immigrant and Diversity Visas
Chad	No B-1, B-2, and B-1/B-2 visas	No immigrant or diversity visas
Iran	No nonimmigrant visas except F, M, and J visas	No immigrant or diversity visas
Libya	No B-1, B-2, and B-1/B-2 visas	No immigrant or diversity visas
North Korea	No nonimmigrant visas	No immigrant or diversity visas
Somalia		No immigrant or diversity visas
Syria	No nonimmigrant visas	No immigrant or diversity visas
Venezuela	No B-1, B-2 or B-1/B-2 visas of any kind for officials of the following government agencies: Ministry of Interior, Justice, and Peace; the Administrative Service of Identification, Migration, and Immigration; the Corps of Scientific Investigations, Judicial and Criminal; the Bolivarian Intelligence Service; and the People's Power Ministry of Foreign Affairs, and their immediate family members.	
Yemen	No B-1, B-2, and B-1/B-2 visas	No immigrant or diversity visas

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We will not cancel previously scheduled visa application appointments. In accordance with the Presidential Proclamation, for nationals of the eight designated countries, a consular officer will make a determination whether an applicant otherwise eligible for a visa is exempt from the Proclamation or, if not, may be eligible for a waiver under the Proclamation and therefore issued a visa.

No visas will be revoked pursuant to the Proclamation. Individuals subject to the Proclamation who possess a valid visa or valid travel document generally will be permitted to travel to the United States, irrespective of when the visa was issued.

We will keep those traveling to the United States and our partners in the travel industry informed as we implement the order in a professional, organized, and timely way.

[FAQs on the Presidential Proclamation - Department of Homeland Security](#)

[The President's Proclamation on Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats](#)

Frequently Asked Questions

What are the exceptions in the Proclamation?

The following exceptions apply to nationals from all eight countries and will not be subject to any travel restrictions listed in the Proclamation:

- a) Any national who was in the United States on the applicable effective date described in Section 7 of the Proclamation for that national, regardless of immigration status;
- b) Any national who had a valid visa on the applicable effective date in

Section 7 of the Proclamation for that national;

- c) Any national who qualifies for a visa or other valid travel document under section 6(d) of the Proclamation;
- d) Any lawful permanent resident (LPR) of the United States;
- e) Any national who is admitted to or paroled into the United States on or after the applicable effective date in Section 7 of the Proclamation for that national;
- f) Any applicant who has a document other than a visa, valid on the applicable effective date in Section 7 of the Proclamation for that applicant or issued on any date thereafter, that permits him or her to travel to the United States and seek entry or admission, such as advance parole;
- g) Any dual national of a country designated under the Proclamation when traveling on a passport issued by a non-designated country;
- h) Any applicant traveling on a diplomatic (A-1 or A-2) or diplomatic-type visa (of any classification), NATO-1 -6 visas, C-2 visa for travel to the United Nations, or G-1, G-2, G-3, or G-4 visa; except certain Venezuelan government officials and their family members traveling on a diplomatic-type B-1, B-2, or B1/B2 visas
- i) Any applicant who has been granted asylum; admitted to the United States as a refugee; or has been granted withholding of removal, advance parole, or protection under the Convention Against Torture.

Exceptions and waivers listed in the Proclamation are applicable for qualified applicants. In all visa adjudications, consular officers may seek additional information, as warranted, to determine whether an exception or a waiver is available.

If a principal visa applicant qualifies for an exception or a waiver under the Proclamation, does a derivative also get the benefit of the exception or waiver?

Each applicant, who is otherwise eligible, can only benefit from an exception or a waiver if he or she individually meets the conditions of the exception or waiver.

Does the Proclamation apply to dual nationals?

This Proclamation does not restrict the travel of dual nationals, so long as they are traveling on the passport of a non-designated country.

Our embassies and consulates around the world will process visa applications and issue nonimmigrant and immigrant visas to otherwise eligible visa applicants who apply with a passport from a non-designated country, even if they hold dual nationality from one of the eight restricted countries.

Does this apply to U.S. Lawful Permanent Residents?

No. As stated in the Proclamation, lawful permanent residents of the United States are not affected by the Proclamation

Are there special rules for permanent residents of Canada?

Waivers may not be granted categorically to any group of nationals of the eight countries who are subject to visa restrictions pursuant to the Proclamation, but waivers may be appropriate in individual circumstances, on a case-by-case basis. The Proclamation lists several circumstances in which case-by-case waivers may be appropriate. That list includes foreign nationals who are Canadian permanent residents who apply for visas at a U.S. consular section in Canada. Canadian permanent residents should bring proof of their status to a consular officer.

A consular officer will carefully review each case to determine whether the

applicant is affected by the Proclamation during each phase of the implementation and, if so, whether the applicant qualifies for an exception or a waiver.

Will you process waivers for those affected by the Proclamation? How do I qualify for a waiver to be issued a visa?

As specified in the Proclamation, consular officers may issue a visa based on a listed waiver category to nationals of countries identified in the PP on a case-by-case basis, when they determine: that issuance is in the national interest, the applicant poses no national security or public safety threat to the United States, and denial of the visa would cause undue hardship. There is no separate application for a waiver. An individual who seeks to travel to the United States should apply for a visa and disclose during the visa interview any information that might demonstrate that he or she is eligible for a waiver.

What is a "close family member" for the purposes of determining if someone is eligible for a waiver?

Section 201(b) of the INA provides a definition of immediate relative, which is used to interpret the term "close family member" as used in the waiver category. This limits the relationship to spouses, children under the age of 21, and parents. While the INA definition includes only children, spouses, and parents of a U.S. citizen, in the context of the Presidential Proclamation it also includes these relationships with LPRs and aliens lawfully admitted on a valid nonimmigrant visa in addition to U.S. citizens.

Can those needing urgent medical care in the United States still qualify for a visa?

Applicants who are otherwise qualified and seeking urgent medical care in the United States may be eligible for an exception or a waiver. Any individual who seeks to travel to the United States should apply for a visa and disclose during the visa interview any information that might qualify the individual for an exception or waiver. A consular officer will carefully review each case to determine whether the applicant is affected by the Proclamation, and if so, whether the case qualifies for an exception or a waiver.

The Proclamation provides several examples of categories of cases that may be appropriate for consideration for a waiver, on a case-by-case basis, when in the national interest, when entry would not threaten national security or public safety, and denial would cause undue hardship. Among the examples provided, a foreign national who seeks to enter the United States for urgent medical care may be considered for a waiver.

I'm a student or short-term employee that was temporarily outside of the United States when the Proclamation went into effect. Can I return to school/work?

If you have a valid, unexpired visa and are outside the United States, you can return to school or work per the exception noted in the Proclamation.

If you do not have a valid, unexpired visa and do not qualify for an exception you will need to qualify for the visa and a waiver. An individual who wishes to apply for a nonimmigrant visa should apply for a visa and disclose during the visa interview any information that might demonstrate that he or she is eligible for a waiver per the Proclamation. A consular officer will carefully review each case to determine whether the applicant is affected by the Proclamation and, if so, whether the case qualifies for a waiver.

I received my immigrant visa but I haven't yet entered the United States. Can I still travel there using my immigrant visa?

The Proclamation provides specifically that no visas issued before the effective date of the Proclamation will be revoked pursuant to the Proclamation, and it does not apply to nationals of affected countries who have valid visas on the

date it becomes effective.

I recently had my immigrant visa interview at a U.S. embassy or consulate overseas, but my case is still being considered. What will happen now?

If your visa application was refused under Section 221(g) pending updated supporting documents or administrative processing, you should proceed to submit your documentation. After receiving any required missing documentation or completion of any administrative processing, the U.S. embassy or consulate where you were interviewed will contact you with more information.

I am currently working on my case with NVC. Can I continue?

Yes. You should continue to pay fees, complete your Form DS-260 immigrant visa applications, and submit your financial and civil supporting documents to NVC. NVC will continue reviewing cases and scheduling visa interviews overseas. During the interview, a consular officer will carefully review the case to determine whether the applicant is affected by the Proclamation and, if so, whether the case qualifies for an exception or may qualify for a waiver.

What immigrant visa classes are subject to the Proclamation?

All immigrant visa classifications for nationals of Chad, Iran, Libya, North Korea, Syria, Yemen, and Somalia are subject to the Proclamation and restricted. All immigrant visa classifications for nationals of Venezuela are unrestricted. An individual who wishes to apply for an immigrant visa should apply for a visa and disclose during the visa interview any information that might demonstrate that he or she is eligible for an exception or waiver per the Proclamation. A consular officer will carefully review each case to determine whether the applicant is affected by the Proclamation and, if so, whether the case qualifies for an exception or a waiver.

I sponsored my family member for an immigrant visa, and his interview appointment is after the effective date of the Proclamation. Will he still be able to receive a visa?

All immigrant visa classifications for nationals of Chad, Iran, Libya, North Korea, Syria, Yemen, and Somalia are subject to the Presidential Proclamation and suspended. An individual who wishes to apply for an immigrant visa should apply for a visa and disclose during the visa interview any information that might demonstrate that he or she is eligible for an exception or waiver per the Proclamation. A consular officer will carefully review each case to determine whether the applicant is affected by the Proclamation and, if so, whether the applicant qualifies for an exception or a waiver.

I am applying for a K (fiancé) visa. My approved I-129 petition is only valid for four months. Can you expedite my case?

The National Visa Center already expedites all Form I-129F petitions to embassies and consulates overseas. Upon receipt of the petition and case file, the embassy or consulate will contact you with instructions on scheduling your interview appointment.

I received my Diversity Visa but I haven't yet entered the United States. Can I still travel there using my Diversity Visa?

The Proclamation provides specifically that no visas issued before the effective date of the Proclamation will be revoked pursuant to the Proclamation, and it does not apply to nationals of affected countries who have valid visas on the date it becomes effective.

I recently had my Diversity Visa interview at a U.S. embassy or consulate overseas, but my case is still being considered. What will happen now?

If your visa application was refused under Section 221(g) pending updated supporting documents or administrative processing, please provide the

requested information. The U.S. embassy or consulate where you were interviewed will contact you with more information.

Will my case move to the back of the line for an appointment?

No. KCC schedules appointments by Lottery Rank Number. When KCC is able to schedule your visa interview, you will receive an appointment before cases with higher Lottery Rank Numbers.

I am currently working on my case with KCC. Can I continue?

Yes. You should continue to complete your Form DS-260 immigrant visa application. KCC will continue reviewing cases and can qualify your case for an appointment. You will be notified about the scheduling of a visa interview.

What if my spouse or child is a national of one of the countries listed, but I am not?

KCC will continue to schedule new DV interview appointments for nationals of the affected countries. A national of any of those countries applying as a principal or derivative DV applicant should disclose during the visa interview any information that might qualify the individual for a waiver/exception. Note that DV 2018 visas, including derivative visas, can only be issued during the program year, which ends September 30, 2018, and only if visa numbers remain available. There is no guarantee a visa will be available in the future for your derivative spouse or child.

What if I am a dual national or permanent resident of Canada?

This Proclamation does not restrict the travel of dual nationals, so long as they are traveling on the passport of a non-designated country. You may apply for a DV using the passport of a non-designated country even if you selected the nationality of a designated country when you entered the lottery. Also, permanent residents of Canada applying for DVs in Montreal may be eligible for a waiver per the Proclamation, but will be considered on a case-by-case basis. If you believe one of these exceptions, or a waiver included in the Proclamation, applies to you and your otherwise current DV case has not been scheduled for interview, contact the U.S. embassy or consulate where your interview will take place/KCC at KCCDV@state.gov.

Does this Proclamation affect follow-to-join asylees?

The Proclamation does not affect V92 applicants, follow-to-join asylees.

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U.S. Department of
Homeland Security

Fact Sheet: The President's Proclamation on Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats



Release Date: September 24, 2017

Background

- Every year, the United States grants lawful permanent resident status to approximately 1.1 million individuals from all across the world.
- In FY 2016, the United States issued approximately 10.4 million nonimmigrant visas to individuals from all across the world.
- In FY 2016, U.S. Customs and Border Protection officers processed more than 390 million travelers at air, land, and sea ports of entry, including more than 119 million travelers at airports of entry.
- Over the last five years, international travel has grown 15 percent overall and 26 percent at airports. International travel at U.S. airports of entry increased 6 percent from FY2015. Over the next five years, international travel is projected to increase at an annual rate of 4 percent.

National Security Baseline

- The Administration's top priority is ensuring the safety and security of the American people.
- The Administration remains focused on raising the baseline for national security standards.
- Section 2 of Executive Order 13780 requires the Administration to determine what minimum information is needed from each foreign country to adjudicate an application by a national of that country for an immigration benefit and determine that the individual is not a security or public safety threat.
- The previous screening/vetting status quo for border and immigration security must be improved for individuals from certain countries, if the United States is to adequately counter terrorism and transnational crime threats against its people.
- The new requirements reflect best practices derived from proven and effective security partnerships, such as the Visa Waiver Program, and from internationally-recognized law enforcement and national security initiatives, such as the adoption of ePassports to prevent fraud and counterfeiting.
- These include electronic passports, the sharing of criminal data, reporting lost/stolen passports, and providing data on known and suspected terrorists.
- Sharing of this information is particularly critical for those areas of the world where risk is higher, such as those countries with significant terrorist populations that may seek to conduct attacks in the U.S. and who repeatedly fail to take back their nationals subject to a final order of removal thereby taxing our immigration system.

Robust Review and Engagement Process

- Section 2 of Executive Order 13780 consisted of multiple steps:
 - We conducted a worldwide review of information-sharing practices.
 - We analyzed the information collected in that review to establish a new information-sharing standard that protects U.S. national security.
 - We communicated the new standard globally. Where practicable, we worked with those countries we determined were not meeting it to enhance their information-sharing or formulate a plan to do so.
 - Following that robust engagement period, we made recommendations

based on the results of that engagement to further national security.

- First, Section 2(b) of Executive Order 13780 directed the Secretary of Homeland Security, in consultation with the Secretary of State and Director of National Intelligence, to “conduct a worldwide review to identify whether, and if so what, additional information will be needed from each foreign country to adjudicate an application by a national of that country for a visa, admission, or other benefit under the INA (adjudication) in order to determine that the individual is not a security or public-safety threat.”
- After analyzing the information collected in that review, the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, submitted a report that established baseline requirements for 1) information sharing about identity management; 2) information sharing about national security and public safety; and 3) national security and public-safety risk factors. The information sharing requirements reflect a combination of long-standing U.S. government goals and standards established by international bodies, such as the United Nations (UN), the International Civil Aviation Organization (ICAO), and INTERPOL.
- As directed under Section 2(d), the Secretary of State then requested that all foreign governments initially assessed as not supplying adequate information to begin to do so, or provide an adequate plan to do so, within 50 days of notification.
- After the 50-day period, Section 2(e) of the Executive Order instructed the Secretary of Homeland Security, in consultation with the Secretary of State and the Attorney General, to submit to the President a list of countries that have not provided the information requested, have not provided an adequate plan to do so, and do not adequately share through other means. Following an assessment of those countries, and in consultation with interagency stakeholders, the DHS Secretary made her final recommendation to the President on foreign nationals who should be subject to travel restrictions or other lawful actions, due to deficiencies in identity management or information sharing, and/or other risk factors in place in those countries.
- The Department of State engaged with foreign governments in order to meet these new standards for information sharing. We have been working, where necessary, with willing foreign governments to design a plan to provide the information requested.
- The Administration will keep the public informed, if and when there is information

to share, about changes affecting travelers to the United States who may be affected by these changes.

Country-Specific Travel Restrictions

- The United States maintained, modified, or eased restriction on 5 of 6 countries currently designated by Executive Order 13780. Those countries are Iran, Libya, Syria, Yemen, and Somalia.
- The United States lifted restrictions on 1 of 6 countries currently designated by Executive Order 13780: Sudan.
- The United States added restrictions and/or additional vetting on 3 additional countries found to not meet baseline requirements, but that were not included in Executive Order 13780. These countries are: Chad, North Korea, and Venezuela.
- The country specific restrictions are as follows:
 - Chad – Although it is an important partner, especially in the fight against terrorists, the government in Chad does not adequately share public-safety and terrorism-related information, and several terrorist groups are active within Chad or in the surrounding region, including elements of Boko Haram, ISIS-West Africa, and al-Qa'ida in the Islamic Maghreb. Accordingly, the entry into the United States of nationals of Chad, as immigrants, and as nonimmigrants on business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas, is suspended.
 - Iran – The government in Iran regularly fails to cooperate with the United States Government in identifying security risks; is the source of significant terrorist threats; is state sponsor of terrorism; and fails to receive its nationals subject to final orders of removal from the United States. Accordingly, the entry into the United States of nationals of Iran as immigrants and as nonimmigrants is suspended, except that entry by nationals of Iran under valid student (F and M) and exchange visitor (J) visas is not suspended, although such individuals will be subject to enhanced screening and vetting requirements.
 - Libya – Although it is an important partner, especially in the area of counterterrorism, the government in Libya faces significant challenges in sharing several types of information, including public-safety and terrorism-related information; has significant inadequacies in its identity-management protocols; has been assessed to be not fully cooperative with respect to

receiving its nationals subject to final orders of removal from the United States; and has a substantial terrorist presence within its territory.

Accordingly, the entry into the United States of nationals of Libya, as immigrants, and as nonimmigrants on business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas, is suspended.

- North Korea – The government in North Korea does not cooperate with the United States Government in any respect and fails to satisfy all information-sharing requirements. Accordingly, the entry into the United States of nationals of North Korea as immigrants and nonimmigrants is suspended.
- Somalia – Although it satisfies minimum U.S. information-sharing requirements, the government in Somalia still has significant identity-management deficiencies; is recognized as a terrorist safe haven; remains a destination for individuals attempting to join terrorist groups that threaten the national security of the United States; and struggles to govern its territory and to limit terrorists' freedom of movement, access to resources, and capacity to operate. Accordingly, the entry into the United States of nationals of Somalia as immigrants is suspended, and nonimmigrants traveling to the United States will be subject to enhanced screening and vetting requirements.
- Syria – The government in Syria regularly fails to cooperate with the U.S. Government in identifying security risks; is the source of significant terrorist threats; has been designated as a state sponsor of terrorism; has significant inadequacies in identity-management protocols; and fails to share public-safety and terrorism information. Accordingly, the entry into the United States of nationals of Syria as immigrants and nonimmigrants is suspended.
- Venezuela – The government in Venezuela is uncooperative in verifying whether its citizens pose national security or public-safety threats; fails to share public-safety and terrorism-related information adequately; and has been assessed to be not fully cooperative with respect to receiving its nationals subject to final orders of removal from the United States. Accordingly, the entry into the United States of certain Venezuelan government officials and their immediate family members as nonimmigrants on business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas is suspended.
- Yemen – Although it is an important partner, especially in the fight against terrorism, the government in Yemen faces significant identity-management challenges, which are amplified by the notable terrorist presence within its

territory; fails to satisfy critical identity-management requirements; and does not share public-safety and terrorism-related information adequately. Accordingly, the entry into the United States of nationals of Yemen as immigrants, and as nonimmigrants on business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas, is suspended.

- The Secretary of Homeland Security also assesses Iraq as inadequate according to the baseline criteria, but has determined that entry restrictions and limitations under a Presidential proclamation are not warranted because of the close cooperative relationship between the United States and the democratically elected government of Iraq, the strong United States diplomatic presence in Iraq, the significant presence of United States forces in Iraq, and Iraq's commitment to combating the Islamic State of Iraq and Syria (ISIS).
 - The Secretary recommends, however, that nationals of Iraq who seek to enter the United States be subject to additional scrutiny to determine if they pose risks to the national security or public safety of the United States.

New Baseline for Information Sharing to Support Visa and Immigration Vetting Determinations

1. Identity Management: Establishing identity is a critical factor in effective immigration vetting. Under this standard, countries must improve passport integrity by:

- a. Issuing secure passports: International Civil Aviation Organization (ICAO)-compliant biometric passports (known as ePassports).
- b. Reporting lost and stolen passport information to Interpol in a timely, routine, and consistent basis.
- c. Sharing additional information upon request by the U.S. Government to validate an applicant's identity.

2. National Security and Public Safety Information: Effective admissibility decisions cannot be made without knowledge of a traveler's potential criminal or terrorist history. Countries must:

- a. Identify serious criminals: Provide data regarding whether nationals applying for a U.S. visa, admissions, or immigration benefit are serious criminals.
- b. Provide data on known or suspected terrorists: Proactively share biographic and biometric information about known and suspected terrorists (KST), including foreign fighters.
- c. Provide national identity documentation: Share exemplars of their passports and identity cards.
- d. Partnership with travel industry: Ensure that the airlines and vessel operators are not impeded from providing the USG with information about people traveling to the United States.

3. National Security and Public-Safety Risk Assessment: The criteria assessed in this category include:

- a. Whether the country is a known or potential terrorist safe haven.
- b. Whether the country is a participant in the Visa Waiver Program and whether it meets all of its requirements.
- c. Whether the country regularly fails to receive its nationals subject to final orders of removal from the United States.

FAQs

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 and 2) information sharing on national security and public safety threats. 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 practices, law enforcement practices, and national security initiatives, such as the adoption of ePassports to prevent fraud and counterfeiting.

Q. What was the methodology for evaluating foreign governments against information sharing requirements?

A. The U.S. Government review involved an evaluation of foreign government's information sharing practices against the requirements established in the Section 2(b) report. The evaluation was based on an analysis of current practices, as well as additional input gathered during the 50-day engagement period with foreign governments and USG personnel on the ground in these countries.

Q. Why do the restrictions differ by country?

A. Restrictions were tailored, as appropriate, given the unique conditions in and deficiencies of each country, as well as other country-specific considerations.

Q. Which countries are designated? Why?

A. Chad, Iran, Libya, North Korea, Syria, Venezuela, Yemen, and Somalia. While Somalia generally satisfies the minimum information-sharing requirements, its performance with respect to the baseline's other categories demonstrates that it presents special circumstances that warrant specific restrictions and security enhancements to protect the American people. Please see the Presidential proclamation for further details.

Q. Who does the new Proclamation apply to?

A. Restrictions were tailored, as appropriate given the unique conditions in and deficiencies of each country. In general, the proclamation applies to nationals from the covered countries applying for a U.S. visa, effective immediately for nationals of countries subject to entry restrictions under Executive Order 13780 who lack a bona fide connection to a person or entity in the United States, and 21 days after issuance for all other individuals covered in the proclamation. Prospective visa applicants from the countries covered by the proclamation should review their intended visa category closely as, in some cases, the President limited travel restrictions to certain visa types.

Further, the suspension of entry pursuant to section 2 of the proclamation does not apply to:

1. any lawful permanent resident of the United States;
2. any foreign national who is admitted to or paroled into the United States on or after the effective date of this proclamation;

3. any foreign national who has a document other than a visa, valid on the effective date of this proclamation or issued on any date thereafter, that permits him or her to travel to the United States and seek entry or admission, such as an advance parole document;
4. any dual national of a country designated under section 2 of this proclamation when the individual is traveling on a passport issued by a non-designated country;
5. any foreign national traveling on a diplomatic or diplomatic-type visa, North Atlantic Treaty Organization visa, C-2 visa for travel to the United Nations, or G-1, G-2, G-3, or G-4 visa; or
6. any foreign national who has been granted asylum; any refugee who has already been admitted to the United States; or any individual who has been granted withholding of removal, advance parole, or protection under the Convention Against Torture.

Q. Will visas be revoked?

A. No. The proclamation is expressly limited to individuals who do not have a valid visa on the effective date of the proclamation.

Q. How can countries be removed from the travel suspension?

A. Under Executive Order 13780, the Secretary of Homeland Security may recommend to the President the removal of a country from the proclamation or an adjustment of the travel restrictions imposed on its nationals at any time. As noted in the President's proclamation, restrictions should remain in place until such time as the Secretary of Homeland Security is satisfied, after consulting with the Secretary of State and the Attorney General, that the information necessary from that country to ensure the proper vetting and screening of its nationals has been made available and that doing so is in the security and welfare interests of the United States. We intend to work closely with countries to ensure they meet the requirements.

Q. Does the President have this authority?

A. Yes. The President has constitutional and statutory authority, including pursuant to Section 212(f) of the Immigration and Naturalization Act, which states:

6. Suspension of entry or imposition of restrictions by President

Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate. Whenever the Attorney General finds that a commercial airline has failed to comply with regulations of the Attorney General relating to requirements of airlines for the detection of fraudulent documents used by passengers traveling to the United States (including the training of personnel in such detection), the Attorney General may suspend the entry of some or all aliens transported to the United States by such airline.

Q. When do the restrictions and limitations take effect?

A. The restrictions and limitations took effect at 3:30 p.m. eastern daylight time on September 24, 2017, for foreign nationals who were subject to the suspension of entry under section 2 of E.O. 13780, and who lack a credible claim of a bona fide relationship with a person or entity of the United States. The restrictions and limitations take effect at 12:01 a.m. eastern daylight time on October 18, 2017, for all other foreign nationals subject to the suspension of entry under section 2 of E.O. 13780, and for nationals of Chad, North Korea, and Venezuela.

Topics: [Border Security \(/topics/border-security\)](/topics/border-security/), [Immigration Enforcement \(/topics/immigration-enforcement\)](/topics/immigration-enforcement/), [International \(/topics/international\)](/topics/international/)

Keywords: [Border Security \(/keywords/border-security\)](/keywords/border-security/), [dhs \(/keywords/dhs\)](/keywords/dhs/), [immigration \(/keywords/immigration\)](/keywords/immigration/), [immigration enforcement \(/keywords/immigration-enforcement\)](/keywords/immigration-enforcement/), [visas \(/keywords/visas\)](/keywords/visas/)

Last Published Date: September 25, 2017

Table I
Immigrant and Nonimmigrant Visas Issued at Foreign Service Posts
Fiscal Years 2012 - 2016

	2012	2013	2014	2015	2016
Immigrant Categories					
Immediate Relatives	235,616	205,435	185,130	243,432	315,352
Special Immigrants ¹	5,219	6,424	12,084	9,468	16,176
Vietnam Amerasian Immigrants	75	12	13	13	6
Family Sponsored Preference	189,128	189,020	197,760	208,840	215,498
Employment-Based Preference	19,137	21,144	21,365	21,613	25,056
Armed Forces Special Immigrants	0	0	0	0	0
Diversity Immigrants	33,125	51,080	51,018	48,097	45,664
Total	482,300	473,115	467,370	531,463	617,752
Nonimmigrant Categories					
Visas Issued	8,927,090	9,164,349	9,932,480	10,891,745	10,381,491
(B1/B2/Border Crossing Cards) ²	[1,493,267]	[1,283,947]	[1,232,884]	[1,203,876]	[1,106,723]
Total	8,927,090	9,164,349	9,932,480	10,891,745	10,381,491

Note: The totals on this table do not include replaced immigrant visas.

¹ Special Immigrant totals include returning residents, Iraqi and Afghan translators, certain Iraqis or Afghans employed by or on behalf of the U.S. Government, and certain family members of U1 Nonimmigrants.

² Combination B1/B2 visitor visa/Border Crossing Cards are issued to Mexican nationals. B1/B2/Border Crossing Card issuances are included in the "Visas Issued" line.

CONGRESS.GOV

H.Res.683 - Expressing the regret of the House of Representatives for the passage of laws that adversely affected the Chinese in the United States, including the Chinese Exclusion Act.

112th Congress (2011-2012)

Sponsor: [Rep. Chu, Judy \[D-CA-32\]](#) (Introduced 06/08/2012)

Committees: House - Judiciary

Latest Action: House - 06/18/2012 Motion to reconsider laid on the table Agreed to without objection. ([All Actions](#))

Tracker: Introduced **Agreed to in House**

Summary (2) **Text (2)** Actions (7) Titles (1) Amendments (0) Cosponsors (20) Committees (1) Related Bills (0)

Shown Here:
Engrossed in House (06/18/2012)

H. Res. 683

In the House of Representatives, U. S., *June 18, 2012.*

Whereas many Chinese came to the United States in the 19th and 20th centuries, as did people from other countries, in search of the opportunity to create a better life;

Whereas the United States ratified the Burlingame Treaty on October 19, 1868, which permitted the free movement of the Chinese people to, from, and within the United States and made China a “most favored nation”;

Whereas in 1878, the House of Representatives passed a resolution requesting that President Rutherford B. Hayes renegotiate the Burlingame Treaty so Congress could limit Chinese immigration to the United States;

Whereas, on February 22, 1879, the House of Representatives passed the Fifteen Passenger Bill, which only permitted 15 Chinese passengers on any ship coming to the United States;

Whereas, on March 1, 1879, President Hayes vetoed the Fifteen Passenger Bill as being incompatible with the Burlingame Treaty;

Whereas, on May 9, 1881, the United States ratified the Angell Treaty, which allowed the United States to suspend, but not prohibit, immigration of Chinese laborers, declared that “Chinese laborers who are now in the United States shall be allowed to go and come of their own free will,” and reaffirmed that Chinese persons possessed “all the rights, privileges, immunities, and exemptions which are accorded to the

citizens and subjects of the most favored nation”;

Whereas the House of Representatives passed legislation that adversely affected Chinese persons in the United States and limited their civil rights, including—

(1) on March 23, 1882, the first Chinese Exclusion bill, which excluded for 20 years skilled and unskilled Chinese laborers and expressly denied Chinese persons alone the right to be naturalized as American citizens, and which was opposed by President Chester A. Arthur as incompatible with the terms and spirit of the Angell Treaty;

(2) on April 17, 1882, intending to address President Arthur’s concerns, the House passed a new Chinese Exclusion bill, which prohibited Chinese workers from entering the United States for 10 years instead of 20, required certain Chinese laborers already legally present in the United States who later wished to reenter the United States to obtain “certificates of return,” and prohibited courts from naturalizing Chinese individuals;

(3) on May 3, 1884, an expansion of the Chinese Exclusion Act, which applied it to all persons of Chinese descent, “whether subjects of China or any other foreign power”;

(4) on September 3, 1888, the Scott Act, which prohibited legal Chinese laborers from reentering the United States and cancelled all previously issued “certificates of return,” and which was later determined by the Supreme Court to have abrogated the Angell Treaty; and

(5) on April 4, 1892, the Geary Act, which reauthorized the Chinese Exclusion Act for another ten years, denied Chinese immigrants the right to be released on bail upon application for a writ of habeas corpus, and contrary to customary legal standards regarding the presumption of innocence, authorized the deportation of Chinese persons who could not produce a certificate of residence unless they could establish residence through the testimony of “at least one credible white witness”;

Whereas in the 1894 Gresham-Yang Treaty, the Chinese government consented to a prohibition of Chinese immigration and the enforcement of the Geary Act in exchange for readmission to the United States of Chinese persons who were United States residents;

Whereas in 1898, the United States annexed Hawaii, took control of the Philippines, and excluded only the residents of Chinese ancestry of these territories from entering the United States mainland;

Whereas, on April 29, 1902, as the Geary Act was expiring, Congress indefinitely extended all laws regulating and restricting Chinese immigration and residence, to the extent consistent with Treaty

commitments;

Whereas in 1904, after the Chinese government withdrew from the Gresham-Yang Treaty, Congress permanently extended, “without modification, limitation, or condition,” the prohibition on Chinese naturalization and immigration;

Whereas these Federal statutes enshrined in law the exclusion of the Chinese from the democratic process and the promise of American freedom;

Whereas in an attempt to undermine the American-Chinese alliance during World War II, enemy forces used the Chinese exclusion legislation passed in Congress as evidence of anti-Chinese attitudes in the United States;

Whereas in 1943, in furtherance of American war objectives, at the urging of President Franklin D. Roosevelt, Congress repealed previously enacted legislation and permitted Chinese persons to become United States citizens;

Whereas Chinese-Americans continue to play a significant role in the success of the United States; and

Whereas the United States was founded on the principle that all persons are created equal: Now, therefore, be it

Resolved,

SECTION 1. ACKNOWLEDGEMENT.

That the House of Representatives regrets the passage of legislation that adversely affected people of Chinese origin in the United States because of their ethnicity.

SEC. 2. DISCLAIMER.

Nothing in this resolution may be construed or relied on to authorize or support any claim, including but not limited to constitutionally based claims, claims for monetary compensation or claims for equitable relief against the United States or any other party, or serve as a settlement of any claim against the United States.

Attest:

Clerk.

No. 17-2231(L), viewed 1/9/2018