

Congress of the United States
Washington, DC 20515

January 29, 2017

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

Secretary Kelly:

It has become clear to us over the last 48 hours that the Executive Order issued by President Trump on Friday, January 27, entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" belies our proud heritage as a Nation of tolerance, a place of refuge, and a beacon of freedom for the world, and should therefore be rescinded by President Trump. In addition, as Ranking Members of the committees of jurisdiction for matters of immigration, border security, and admission of refugees, we write to you on an emergency basis to request a meeting to discuss the implementation and guidance concerning the Executive Order.

Given the widespread chaos and confusion caused by the order -- and the issuance of stays last evening concerning the Order by federal courts in New York, Virginia, and Massachusetts -- it is vital that we meet as soon as possible so that we may provide needed guidance and information to our committees and our constituents. Please contact our offices to set up a time to meet at a location of your convenience on or before COB on Wednesday, February 1.

Only two days after the Order was signed, it is clear that it has already led to panic and disorder, not to mention protests. This is apparently due in part to the lack of internal administration review prior to its issuance as well as a lack of clarity and guidance provided thereafter. NBC reported that the document was not reviewed by DHS, the Justice Department, the State Department, or the Department of Defense, and that National Security Council lawyers were prevented from evaluating it. *The New York Times* has written that Customs and Border Protection and U.S. Citizen and Immigration Services were only given a briefing call while Mr. Trump was signing the actual Executive Order. CNN reported "Administration officials weren't immediately sure which countries' citizens would be barred from entering the United States. The Department of Homeland Security was left making a legal analysis on the order after Trump

signed it. A Border Patrol agent, confronted with arriving refugees, referred questions only to the President himself, according to court filings.”

There continues to be ongoing uncertainty concerning your Department’s compliance with the recently issued court orders. Thus, even though a federal court in Virginia ruled that DHS must “permit lawyers’ access to all legal permanent residents being detained at Dulles International Airport,” it was reported U.S. Customs and Border Protection agents continued blocking attorneys from talking to lawful permanent residents detained there. Confusion was also spawned by statements by DHS that “President Trump’s Executive Orders remain in place— prohibited travel will remain prohibited, and the U.S. government retains its right to revoke visas at any time if required for national security or public safety;” and by White House Policy Director Stephen Miller that nothing in the judge’s order “in anyway impedes or prevents the implementation of the president’s executive order which remains in full, complete and total effect.”

There is also widespread confusion regarding the Executive Order’s applicability to green card holders from impacted nations. CNN reported “Friday night, DHS arrived at the legal interpretation that the executive order restrictions applying to seven countries -- Iran, Iraq, Libya, Somalia, Syria, Sudan and Yemen -- did not apply to people with lawful permanent residence, generally referred to as green card holders. The White House overruled that guidance overnight, according to officials familiar with the rollout. That order came from the President’s inner circle, led by Stephen Miller and Steve Bannon.” The result, according to *Politico*, “was panic and confusion at airports across the country Friday and Saturday as some travelers’ legal status suddenly changed mid-flight. Those caught up included an Iraqi who obtained a special U.S. visa for helping American troops, as well as legal permanent residents who live in the United States and were returning from trips abroad.” In interviews with NBC today, White House Chief of Staff Reince Priebus added little clarity when he claimed the Order would not apply to permanent residents “moving forward,” but then added they may still be subject to “extra vetting at airports.”

We look forward to meeting with you in short order so that we can have an open and candid discussion about how the Trump Administration arrived at this chaotic place, what you understand the meaning of the Executive Order to be, and what guidance you have offered to your employees and other stakeholders.

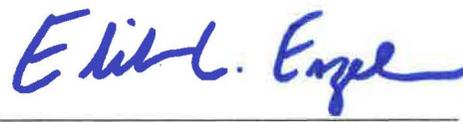
Thank you for your prompt consideration of this important matter.

Sincerely,


John Conyers, Jr.
Ranking Member
House Judiciary Committee


Zoe Lofgren
Ranking Member
Subcommittee on Immigration and
Border Security


Bennie G. Thompson
Ranking Member
Homeland Security Committee


Elliot Engel
Ranking Member
House Foreign Affairs Committee

cc: Hon. Thomas A. Shannon, Jr., Acting Secretary of State
Hon. Bob Goodlatte, Chairman, House Judiciary Committee
Hon. Michael McCaul, Chairman, House Homeland Security Committee
Hon. Ed Royce, Chairman, House Foreign Affairs Committee