

# United States Senate

WASHINGTON, DC 20510-4502

February 3, 2017

The Honorable Rex Tillerson  
Secretary of State  
U.S. Department of State  
Washington, D.C. 20520

The Honorable John Kelly  
Secretary of the Department of Homeland Security  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Tillerson and Secretary Kelly:

I have grave concerns about the impact of the Executive Order that President Trump signed on January 27, 2017. This Executive Order, entitled “Protecting the Nation from Foreign Terrorist Entry into the United States,” suspended the issuance of visas to refugees in Syria, Iraq, Iran, Sudan, Somalia, Libya, and Yemen for 90 days, suspended the U.S. Refugee Admissions Program (USRAP) for 120 days, and limited the admission of refugees to 50,000 for Fiscal Year 2017. The Executive Order has caused widespread confusion and created uncertainty for countless refugees, asylum seekers, and others who currently possess or were approved for visas. This uncertainty threatens to put men, women, and children fleeing war, violence, and persecution at risk of death and injury.

In the wake of President Trump’s Executive Order, there have also been numerous reports that refugees, asylum seekers, and their loved ones have been detained upon their arrival to the United States. One news report documented that a five-year old child was detained for several hours.<sup>1</sup> That is unconscionable. I am also concerned by reports that many of those detained have been denied immediate access to counsel, and reports that some were denied access in direct violation of an order issued by the Eastern District of Virginia. Access to counsel is an intrinsic and basic right in our justice system. It is imperative that individuals receive the legal protections they deserve and a fair opportunity to seek asylum in this country from persecution and violence.

Due to the concerns outlined above and the urgent need for transparency on the real-life impact of President Trump’s Executive Order, please provide the following information by Friday, February 10, 2017:

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<sup>1</sup> <http://baltimore.cbslocal.com/2017/01/29/senator-maryland-5-year-old-among-those-detained-at-dulles/>

1. Exactly how many visas have been revoked or provisionally revoked pursuant to the policies delineated in the Executive Order?
  - a. Please list the nationality, visa type, and visa status (prior to January 27, 2017) for each individual whose visa was revoked or provisionally revoked.
  - b. Was each individual whose visa was revoked or provisionally revoked informed of the revocation or possible revocation?
  - c. Does the Department of Homeland Security or the Department of State have a process in place through which individuals may seek redress or reissuance of visas that were revoked or provisionally revoked?
  
2. How many individuals, after having arrived in the United States, were refused entry and forced to leave pursuant to the policies delineated in the Executive Order?
  - a. For each such person, please provide:
    - i. that person's nationality and visa status (prior to January 27, 2017);
    - ii. the port of entry at which that person was refused entry into the United States;
    - iii. the date on which each person was refused entry; and
    - iv. the date on which each person was forced to leave the country.
  - b. How many individuals were asked to withdraw their request for admission into the United States?
  - c. How many individuals were asked to acquiesce to expedited removal proceedings?
  - d. How many individuals were asked to voluntarily abandon their Legal Permanent Resident (LPR) status? How many individuals voluntarily abandoned their LPR status?
    - i. Was each person who voluntarily abandoned their LPR status provided in-person access to an attorney prior to this decision?
  - e. Was each person who was refused entry and subsequently forced to leave the United States provided in-person access to an attorney prior to his or her removal?
    - i. If not, how many individuals did not have access to an attorney prior to their removal?
  
3. How many individuals have been detained or held for questioning (including at ports of entry) for a period longer than 30 minutes upon their arrival to the United States pursuant to the policies delineated in the Executive Order?
  - a. How many U.S. citizens were detained or held for questioning (including at ports of entry) for a period longer than 30 minutes?
  - b. How many LPRs were detained or held for questioning (including at ports of entry) for a period longer than 30 minutes?

- i. Please provide the nationality and visa status of each LPR that was or is currently being held or detained (including at ports of entry).
  - c. As of February 3, 2017, how many individuals continue to be detained or held (including at ports of entry) by the United States?
    - i. Please provide the location of each person being detained or held and the date on which their detention began.
  - d. Was each person who was detained or held for questioning (including at ports of entry) provided immediate in-person access to an attorney?
    - i. Were such individuals provided access to an attorney prior to any secondary inspection, or additional or subsequent screenings?
4. How many individuals detained or held for questioning (including at ports of entry) pursuant to the policies delineated in this Executive Order were placed in handcuffs or restraints?
  - a. How many U.S. citizens or LPRs were placed in handcuffs or restraints?
  - b. Please provide copies of any guidance or policy documents specifying when individuals may be placed in handcuffs or restraints by Customs and Border Protection.
5. According to the cited news report,<sup>2</sup> a five-year old child was detained at Dulles International Airport in Washington, D.C. pursuant to this Executive Order. Is this news report accurate?
  - a. If yes, was this child placed in handcuffs or any other type of restraints?
  - b. How many children (under the age of 18) have been detained or held for questioning (including at ports of entry) upon their arrival to the United States as a result of this Executive Order?
    - i. List the age of each child (under the age of 18) placed in restraints.
  - c. How many children have been separated or prohibited from contact with their parents or guardians for any duration of time following their arrival to the United States as a result of this Executive Order?
6. Did either of you, in your personal capacities, have knowledge of the Executive Order or its general contents prior to its issuance? If so, did you approve and/or agree with the Executive Order?

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<sup>2</sup> [http://www.huffingtonpost.com/entry/detained-child-reunited\\_us\\_588e48d6e4b0b065cbbcb559](http://www.huffingtonpost.com/entry/detained-child-reunited_us_588e48d6e4b0b065cbbcb559)

7. Was the Department of Homeland Security or the Department of State consulted prior to issuance of the Executive Order?
  - a. If so, which offices or components provided feedback or guidance on the Executive Order?
  - b. When was this information relayed to the administration or President Trump's transition team?
  
8. Following issuance of the Executive Order, did the Department of Homeland Security or Department of State receive guidance on how the Executive Order should be implemented or interpreted?
  - a. If so, please provide copies of all such documents and the dates on which these documents were transmitted to the Department of State and Department of Homeland Security. Please include in your production any documents that have been rescinded or superseded.
  
9. Following issuance of the Executive Order, did the Department of Homeland Security or Department of State receive or issue guidance on how or whether to comply with any court orders regarding implementation of the Executive Order?
  
10. Please provide copies of all guidance issued by the Department of Homeland Security or Department of State in relation to the interpretation and implementation of the Executive Order, including any documents that have since been rescinded or superseded.

Please provide complete details in response to each question no later than Friday, February 10, 2017. Thank you for your attention to this urgent issue.

Sincerely,

A handwritten signature in black ink that reads "Patrick Leahy". The signature is written in a cursive, flowing style.

PATRICK LEAHY  
United States Senator