



NEW JERSEY

Association of State Colleges and Universities

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MEMORANDUM

FROM: Michael W. Klein, JD, PhD
Executive Director

SUBJECT: President Trump's Executive Order on Immigration

DATE: January 31, 2017

Summary of Executive Order

Late in the afternoon on Friday, Jan. 27, President Trump signed an executive order titled "Protecting the Nation From Foreign Terrorist Entry Into the United States." The order bars entry to refugees from anywhere in the world for 120 days, and from Syria indefinitely. It blocks any visitors for 90 days from seven designated countries: Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen.

The executive order states that upon the resumption of the U.S. Refugee Admissions Program, the program should "prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality."

The executive order also decreases the number of refugees to be admitted into the U.S. in fiscal year 2017 from the target of 110,000 set by the Obama administration to no more than 50,000.

The full executive order (which is not available on the White House website) can be accessed here:

<https://www.nytimes.com/2017/01/27/us/politics/refugee-muslim-executive-order-trump.html>

Effect on Green Card Holders

The Department of Homeland Security initially said that the order barred green card holders from the seven affected countries from re-entering the United States. In a briefing for reporters on Jan. 28, White House officials indicated that green card holders from the seven affected countries who are outside the United States would need a case-by-case waiver to return.

In a clarifying press release issued late on Sunday, Jan. 29, Department of Homeland Security Secretary John Kelly stated:

In applying the provisions of the president's executive order, I hereby deem the entry of lawful permanent residents to be in the national interest.

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*The College of New Jersey
Kean University
Montclair State University*

*New Jersey City University
Ramapo College of New Jersey
Rowan University*

*Stockton University
Thomas Edison State University
William Paterson University*

Accordingly, absent the receipt of significant derogatory information indicating a serious threat to public safety and welfare, lawful permanent resident status will be a dispositive factor in our case-by-case determinations.

The press release can be accessed here: <https://www.dhs.gov/news/2017/01/29/statement-secretary-john-kelly-entry-lawful-permanent-residents-united-states>

“Lawful permanent residents” are those who hold valid green cards, which grants authorization to live and work in the United States on a permanent basis.

Most international students do not have green cards, but instead are on temporary, nonimmigrant student visas.

Court Decisions

Federal district-court judges in Brooklyn; Boston; Alexandria, Va.; and Seattle issued orders over the weekend limiting the enforcement of the executive order.

The judge in Brooklyn issued a temporary nationwide injunction barring the removal – but not ordering the release – of individuals with refugee applications approved by U.S. Citizenship and Immigration Services, holders of valid immigrant and non-immigrant visas, and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen legally authorized to enter the United States. The judge based the injunction on two factors: there was a strong likelihood that removal would violate the Constitution’s guarantees of due process and equal protection, and the two petitioners in the case and others similarly situated would suffer “irreparable injury.”

The judge in Boston limited border screening practices to those in place before the executive order. The judge’s order barred not only removal but also detention, but the order applies only to people arriving or held at Logan International Airport.

The judge in Alexandria: (1) ordered the government to permit lawyers access to all legal permanent residents being detained at Dulles International Airport; and (2) prohibited the government from removing the lawful permanent residents at Dulles for seven days

The order in Seattle applied to two plaintiffs and granted a stay of their removal and enjoined their removal until a further order of the court.

Government Enforcement Going Forward

In a [press release](#) issued on Sunday, Jan. 29, the Department of Homeland Security stated:

We are committed to ensuring that all individuals affected by the executive orders, including those affected by the court orders, are being provided all rights afforded under

the law. We are also working closely with airline partners to prevent travelers who would not be granted entry under the executive orders from boarding international flights to the U.S. Therefore, we do not anticipate that further individuals traveling by air to the United States will be affected.

The Citizenship and Immigration Service, which oversees lawful immigration to the United States, has stopped work on any application filed by a person from any of the countries listed in the ban.

Effect of the Executive Order on N.J. Colleges and Universities

The [Bergen Record](#) reported that a Rutgers Ph.D. student who went to visit her mother in Syria was stopped on her way back during a Paris layover and barred from returning to Newark.

The American Association of State Colleges and Universities issued an [alert](#) on Saturday evening with this request for information:

We welcome hearing from you on how your campus has been or will be affected by the Executive Order; for example, please let us know if you have affected students or faculty overseas, and specifically, whether they are on non-immigrant visas or are U.S. permanent residents. Please share any information you believe can assist AASCU with its efforts to monitor, assess and advocate around this important issue.

Immediate Advice to International Faculty, Students, and Staff

Based on information from immigration-law experts, the best advice, and the most practical consideration, for international students and scholars from any affected nation is to defer any planned travel outside the country until the situation can be clarified.

International students who are being admitted to U.S. colleges and universities for September 2017 will need to get a new visa by August. New visas are going to be frozen for 90 days, so the springtime will bring a scramble for many of those students to get the visas they need to attend colleges and universities in the U.S. this fall.

Associational and Institutional Statements

Higher education associations and individual institutions have issued statements criticizing the executive order. Several of the statements call for President Trump to reconsider or rescind the executive order.

Statements from NJASCU members can be found on our website: <http://njascu.org/>

Other statements include:

- American Association of State Colleges and Universities
<http://www.aascu.org/MAH/Statement/Immigration/>
- Association of Public and Land-Grant Universities
<http://www.aplu.org/news-and-media/News/aplu-statement-on-trump-administrations-new-order-temporarily-banning-citizens-of-seven-countries-from-entering-us>
- State University of New York (SUNY)
<http://www.suny.edu/immigration/>
- University of California System
<https://www.universityofcalifornia.edu/press-room/statement-uc-president-janet-napolitano-and-chancellors-about-recent-executive-order>
- University of Notre Dame
 - Statement to international students and scholars
<http://news.nd.edu/news/statement-to-notre-dame-international-students-and-scholars/>
 - Condemnation of executive order
<http://www.wndu.com/content/news/Notre-Dame-President--412084523.html>
- Portland State University
<https://www.pdx.edu/news/statement-portland-state-university-president-wim-wiewel>

Inside Higher Ed published an extensive list of statements on Jan. 30, available [here](#).

Background Information on International Enrollment in U.S. and in N.J.

More than 17,000 students in the U.S. come from the seven countries affected by the immediate 90-day entry ban: Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen.

In the 2015-2016 academic year, the number of international students at American colleges and universities totaled 1,043,839, according to the annual [Open Doors report](#) from the Institute of International Education released last November. The total was a 7.1 percent increase from the year before.

In 2015-2016, New Jersey colleges and universities enrolled 21,228 international students, the 14th-highest number among the states. The majority of international students in New Jersey come from China (36.7 percent) and India (24.7 percent). Among the senior public institutions, Rutgers-New Brunswick (6,040 students) and NJIT (3,088) enroll the highest number of international students. More details about international enrollment in New Jersey can be found [here](#).