

FOR PUBLICATION**FILED**

UNITED STATES COURT OF APPEALS

JUN 12 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

STATE OF HAWAII; ISMAIL ELSHIKH,

No. 17-15589

Plaintiffs-Appellees,

D.C. No.

1:17-cv-00050-DKW-KSC

v.

DONALD J. TRUMP, in his official
capacity as President of the United States;
U.S. DEPARTMENT OF HOMELAND
SECURITY; JOHN F. KELLY, in his
official capacity as Secretary of Homeland
Security; U.S. DEPARTMENT OF STATE;
REX W. TILLERSON, in his official
capacity as Secretary of State; UNITED
STATES OF AMERICA,

OPINION

Defendants-Appellants.

Appeal from the United States District Court
for the District of Hawai'i
Derrick Kahala Watson, District Judge, PresidingArgued and Submitted May 15, 2017
Seattle, WashingtonBefore: Michael Daly Hawkins, Ronald M. Gould, and Richard A. Paez, Circuit
Judges.

Per Curiam Opinion

OPINION¹**PER CURIAM:**

We are asked to delineate the statutory and constitutional limits to the President's power to control immigration in this appeal of the district court's order preliminarily enjoining two sections of Executive Order 13780 ("EO2" or "the Order"), "Protecting the Nation From Foreign Terrorist Entry Into the United States." The Immigration and Nationality Act ("INA") gives the President broad powers to control the entry of aliens, and to take actions to protect the American public. But immigration, even for the President, is not a one-person show. The President's authority is subject to certain statutory and constitutional restraints. We conclude that the President, in issuing the Executive Order, exceeded the scope of the authority delegated to him by Congress. In suspending the entry of more than 180 million nationals from six countries, suspending the entry of all refugees, and reducing the cap on the admission of refugees from 110,000 to 50,000 for the 2017 fiscal year, the President did not meet the essential precondition to exercising his delegated authority: The President must make a sufficient finding that the entry of these classes of people would be "detrimental to the interests of the United States." Further, the Order runs afoul of other provisions of the INA that prohibit

¹ We thank the parties and their counsel, as well as the amici, for their excellent briefs and arguments in this case.

nationality-based discrimination and require the President to follow a specific process when setting the annual cap on the admission of refugees. On these statutory bases, we affirm in large part the district court's order preliminarily enjoining Sections 2 and 6 of the Executive Order.

I

A

One week after inauguration and without interagency review, President Donald J. Trump issued Executive Order 13769 ("EO1"). Exec. Order No. 13769, 82 Fed. Reg. 8977 (Jan. 27, 2017).² Entitled "Protecting the Nation From Foreign Terrorist Entry Into the United States," EO1's stated purpose was to "protect the American people from terrorist attacks by foreign nationals admitted to the United States." *Id.* EO1 recited that "[n]umerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program." *Id.*

EO1 mandated two main courses of action to assure that the United States remain "vigilant during the visa-issuance process to ensure that those approved for

² EO1 was a predecessor to Executive Order 13780, which is the subject of the current appeal.

admission do not intend to harm Americans and that they have no ties to terrorism.” *Id.* In Section 3, the President invoked his authority under 8 U.S.C. § 1182(f) to suspend for 90 days immigrant and nonimmigrant entry into the United States of nationals from seven majority-Muslim countries: Iraq, Iran, Libya, Sudan, Somalia, Syria, and Yemen. *See id.* at 8978. In Section 5, the President immediately suspended the U.S. Refugee Admissions Program (“USRAP”) for 120 days, imposed a ban of indefinite duration on the entry of refugees from Syria, and limited the entry of refugees to 50,000 in fiscal year 2017. *Id.* at 8979. EO1 also ordered that changes be made to the refugee screening process “to 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.” *Id.* EO1 permitted the Secretaries of State and Homeland Security to make case-by-case exceptions to these restrictions “when in the national interest,” and explained that it would be in the national interest “when the person is a religious minority in his country of nationality facing religious persecution.” *Id.*

EO1 took immediate effect, causing great uncertainty as to the scope of the order, particularly in its application to lawful permanent residents. Notably, federal officials themselves were unsure as to the scope of EO1, which caused mass confusion at airports and other ports of entry. *See* Brief of the Foundation of

Children of Iran and Iranian Alliance Across Borders as Amici Curiae, Dkt. No. 77 at 11–12 (describing how an Iranian visa holder was turned away while en route to the United States because of the confusion regarding the contours of EO1’s scope); Brief of Former National Security Officials as Amici Curiae, Dkt. No. 108 at 25 n.53 & 54 (noting confusion at airports because officials were neither consulted nor informed of EO1 in advance).

Shortly after EO1 issued, the States of Washington and Minnesota filed suit in the Western District of Washington to enjoin EO1. On February 3, 2017, the district court granted a temporary restraining order (“TRO”). *Washington v. Trump*, No. C17-0141JLR, 2017 WL 462040 (W.D. Wash. Feb. 3, 2017). On February 4, 2017, the Government filed an emergency motion in our court, seeking a stay of the TRO pending appeal.

On February 9, 2017, this court denied the Government’s emergency motion for a stay of the injunction. *Washington v. Trump*, 847 F.3d 1151 (9th Cir. 2017) (per curiam), *reconsideration en banc denied*, 853 F.3d 933 (9th Cir. 2017). In so doing, the panel rejected the Government’s arguments that EO1 was wholly unreviewable. *See id.* at 1161–64. After determining that the states had standing based on the alleged harms to their proprietary interests, *id.* at 1159–61, this court concluded that the states demonstrated a likelihood of success on their procedural due process claim, at least as to lawful permanent residents and nonimmigrant visa

holders, *id.* at 1164–66. The panel did not review the states’ other claims, including the statutory-based claims. *Id.* at 1164.

Rather than continue with the litigation, the Government filed an unopposed motion to voluntarily dismiss the underlying appeal after the President signed EO2. On March 8, 2017, this court granted that motion, which substantially ended the story of EO1. The curtain opens next to the present controversy regarding EO2.

B

On March 6, 2017, the President issued EO2, also entitled “Protecting the Nation From Foreign Terrorist Entry Into the United States.” Exec. Order No. 13780, 82 Fed. Reg. 13209 (Mar. 6, 2017). The revised Order was to take effect on March 16, 2017, at which point EO1 would be revoked. *Id.* at 13218. The Order expressly stated that EO1 “did not provide a basis for discriminating for or against members of any particular religion” and was “not motivated by animus toward any religion.” *Id.* at 13210.

Section 2—“Temporary Suspension of Entry for Nationals of Countries of Particular Concern During Review Period”—reinstates the 90-day ban on travel for nationals of six of the seven majority-Muslim countries identified in EO1: Iran, Libya, Somalia, Sudan, Syria, and Yemen. *Id.* at 13213. Section 2 also directs the Secretary of Homeland Security, the Secretary of State, and the 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 (adjudications) in order to determine that the individual is not a security or public-safety threat.” *Id.* at 13212. Section 2(c) states in full:

To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening and vetting of foreign nationals, to ensure that adequate standards are established to prevent infiltration by foreign terrorists, and in light of the national security concerns referenced in section 1 of this order, I hereby proclaim, pursuant to sections 212(f) and 215(a) of the INA, 8 U.S.C. [§§] 1182(f) and 1185(a), that the unrestricted entry into the United States of nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen would be detrimental to the interests of the United States. I therefore direct that the entry into the United States of nationals of those six countries be suspended for 90 days from the effective date of this order, subject to the limitations, waivers, and exceptions set forth in sections 3 and 12 of this order.

Id. at 13213.

Regarding the six identified countries, EO2 explains:

Each of these countries is a state sponsor of terrorism, has been significantly compromised by terrorist organizations, or contains active conflict zones. Any of these circumstances diminishes the foreign government’s willingness or ability to share or validate important information about individuals seeking to travel to the United States. Moreover, the significant presence in each of these countries of terrorist organizations, their members, and others exposed to those organizations increases the chance that conditions will be exploited to enable terrorist operatives or sympathizers to travel to the United States. Finally, once foreign nationals from these countries are admitted to the United States, it is often difficult to remove them, because many of

these countries typically delay issuing, or refuse to issue, travel documents.

Id. at 13210. Based on the conditions of these six countries, “the risk of erroneously permitting entry of a national of one of these countries who intends to commit terrorist acts or otherwise harm the national security of the United States is unacceptably high.” *Id.* at 13211.

The Order states that it no longer includes Iraq on the list of designated countries because of Iraq’s “close cooperative relationship” with the United States and its recent efforts to enhance its travel documentation procedures. *Id.* at 13212. The Order also states that its scope has been narrowed from EO1 in response to “judicial concerns” about the suspension of entry with respect to certain categories of aliens. *Id.* EO2 applies only to individuals outside of the United States who do not have a valid visa as of the issuance of EO1 or EO2. EO2, unlike EO1, expressly exempts lawful permanent residents, dual citizens traveling under a passport issued by a country not on the banned list, asylees, and refugees already admitted to the United States. *See id.* at 13213–14. The Order also provides that consular officers or Customs and Border Protection officials can exercise discretion in authorizing case-by-case waivers to issue visas and grant entry during the suspension period, and offers examples of when waivers “could be appropriate.” *See id.* at 13214–15.

Section 6—“Realignment of the U.S. Refugee Admissions Program for

Fiscal Year 2017”—suspends USRAP for 120 days. *Id.* at 13215. During this period, the heads of certain executive agencies are directed to review the current USRAP application and adjudication processes, and to determine the additional procedures that “should” be required for individuals seeking admission as refugees. *See id.* at 13215–16. Invoking 8 U.S.C. § 1182(f), Section 6(b) reduces the number of refugees to be admitted from 110,000 to 50,000 in fiscal year 2017. *Id.* at 13216. The Order also removes EO1’s preference for refugees facing persecution as a member of a minority religion, and no longer imposes a complete ban on Syrian refugees. Section 6 further provides for discretionary case-by-case waivers. *Id.*

EO2 supplies additional information relevant to national security concerns. The Order includes excerpts from the State Department’s 2015 Country Reports on Terrorism, that it asserts demonstrate “why . . . nationals [from the designated countries] continue to present heightened risk to the security of the United States.” *Id.* at 13210; *see id.* at 13210–11 (providing a brief description of country conditions for each of the designated countries). The Order states that foreign nationals and refugees have committed acts of terrorism:

Recent history shows that some of those who have entered the United States through our immigration system have proved to be threats to our national security. Since 2001, hundreds of persons born abroad have been convicted of terrorism-related crimes in the United States. They have included not just persons who came here legally on visas but also individuals who first entered the country as refugees. For example, in

January 2013, two Iraqi nationals admitted to the United States as refugees in 2009 were sentenced to 40 years and to life in prison, respectively, for multiple terrorism-related offenses. And in October 2014, a native of Somalia who had been brought to the United States as a child refugee and later became a naturalized United States citizen was sentenced to 30 years in prison for attempting to use a weapon of mass destruction as part of a plot to detonate a bomb at a crowded Christmas-tree-lighting ceremony in Portland, Oregon. The Attorney General has reported to me that more than 300 persons who entered the United States as refugees are currently the subjects of counterterrorism investigations by the Federal Bureau of Investigation.

Id. at 13212. EO2 does not discuss any instances of domestic terrorism involving nationals from Iran, Libya, Sudan, Syria, or Yemen.

C

Two versions of a report from the Department of Homeland Security (“DHS”) surfaced after EO1 issued. First, a draft report from DHS, prepared about one month after EO1 issued and two weeks prior to EO2’s issuance, concluded that citizenship “is unlikely to be a reliable indicator of potential terrorist activity” and that citizens of countries affected by EO1 are “[r]arely [i]mplicated in U.S.-[b]ased [t]errorism.” Specifically, the DHS report determined that since the spring of 2011, at least eighty-two individuals were inspired by a foreign terrorist group to carry out or attempt to carry out an attack in the United States. Slightly more than half were U.S. citizens born in the United States, and the remaining persons were from twenty-six different countries—with the most individuals originating from Pakistan, followed by Somalia, Bangladesh, Cuba, Ethiopia, Iraq, and Uzbekistan.

Id. Of the six countries included in EO2, only Somalia was identified as being among the “top” countries-of-origin for the terrorists analyzed in the report. During the time period covered in the report, three offenders were from Somalia; one was from Iran, Sudan, and Yemen each; and none was from Syria or Libya. The final version of the report, issued five days prior to EO2, concluded “that most foreign-born, [U.S.]-based violent extremists likely radicalized several years *after* their entry to the United States, [thus] limiting the ability of screening and vetting officials to prevent their entry because of national security concerns” (emphasis added).

The same day EO2 issued, Attorney General Jefferson B. Sessions III and Secretary of Homeland Security John F. Kelly submitted a letter to the President recommending that he “direct[] a temporary pause in entry” from countries that are “unable or unwilling to provide the United States with adequate information about their nationals” or are designated as “state sponsors of terrorism.”

D

The State of Hawai‘i (“the State”) filed a motion for a TRO seeking to enjoin EO1, which the District of Hawai‘i did not rule on because of the nationwide TRO entered in the Western District of Washington. After EO2 issued, the State filed an amended complaint challenging EO2 in order “to protect its residents, its employers, its educational institutions, and its sovereignty.” Dr.

Elshikh, the Imam of the Muslim Association of Hawai‘i, joined the State’s challenge because the Order “inflicts a grave injury on Muslims in Hawai‘i, including Dr. Elshikh, his family, and members of his Mosque.” In 2015, Dr. Elshikh’s wife filed an I-130 Petition for Alien Relative on behalf of her mother—Dr. Elshikh’s mother-in-law—a Syrian national living in Syria. Dr. Elshikh fears that his mother-in-law will not be able to enter the United States if EO2 is implemented. Plaintiffs named as Defendants Donald J. Trump, in his official capacity as President of the United States; the U.S. Department of Homeland Security; John F. Kelly, in his official capacity as Secretary of Homeland Security; the U.S. Department of State; Rex W. Tillerson, in his official capacity as Secretary of State; and the United States of America (collectively referred to as “the Government”).

Plaintiffs allege that EO2 suffers similar constitutional and statutory defects as EO1 and claim that the Order violates: the Establishment Clause of the First Amendment; the equal protection guarantees of the Fifth Amendment’s Due Process Clause on the basis of religion and/or national origin, nationality, or alienage; the Due Process Clause of the Fifth Amendment based on substantive due process rights; the Due Process Clause of the Fifth Amendment based on procedural due process rights; the Immigration and Nationality Act; the Religious Freedom Restoration Act; and the Administrative Procedure Act. For their INA

claim, Plaintiffs specifically contend that EO2 violates the INA by discriminating on the basis of nationality, ignoring and modifying the statutory criteria for determining terrorism-related inadmissibility, and exceeding the President's delegated authority under the INA.³ Plaintiffs also filed a motion for a TRO along with their amended complaint.

On March 15, 2017, the district court granted the TRO, holding that Plaintiffs had shown a likelihood of success on the merits of their Establishment Clause claim, and entered a nationwide injunction prohibiting enforcement of Sections 2 and 6 of EO2. *See Hawai'i v. Trump*, No. CV 17-00050 DKW-KSC, 2017 WL 1011673 (D. Haw. Mar. 15, 2017) ("*Hawai'i TRO*"). On March 29, 2017, the district court granted Plaintiffs' motion to convert the TRO to a preliminary injunction. *See Hawai'i v. Trump*, No. CV 17-00050 DKW-KSC, 2017 WL 1167383 (D. Haw. Mar. 29, 2017) ("*Hawai'i PP*"). The district court declined to narrow the scope of the injunction, concluding that the entirety of Sections 2 and 6 of the Order ran afoul of the Establishment Clause and that the Government did not provide a workable framework for narrowing the scope of the enjoined conduct. *See id.* at *8. The court entered the following injunction:

Defendants and all their respective officers, agents, servants, employees, and attorneys, and persons in active concert or participation

³ On appeal, Plaintiffs also contend that EO2 violates the INA because it ignores the codified procedures for setting annual refugee admissions provided in 8 U.S.C. § 1157.

with them, are hereby enjoined from enforcing or implementing Sections 2 and 6 of the Executive Order across the Nation. Enforcement of these provisions in all places, including the United States, at all United States borders and ports of entry, and in the issuance of visas is prohibited, pending further orders from this Court.

Id. at *9.

On March 30, 2017, the Government filed a notice of appeal. This court granted the Government's unopposed motion to expedite the case. The Government requests that this court vacate the preliminary injunction, or at least narrow the injunction, and also stay the injunction pending appeal.

II

The district court held that Plaintiffs were entitled to preliminary relief because they had made a strong showing of success on the merits of their Establishment Clause claim. Applying the secular purpose test from *Lemon v. Kurtzman*, 403 U.S. 602, 612–13 (1971), and relying on the historical record that contained “significant and un rebutted evidence of religious animus driving the promulgation of the Executive Order,” the district court concluded that EO2 was issued with an intent to disfavor people of Islamic faith. *See Hawai‘i TRO*, 2017 WL 1011673, at *12–16. In so doing, the district court decided an important and controversial constitutional claim without first expressing its views on Plaintiffs’ statutory claims, including their INA-based claim. *See id.* at *11 n.11.

The INA claim was squarely before the district court and briefed and argued

before this court. Mindful of the Supreme Court’s admonition that “courts should be extremely careful not to issue unnecessary constitutional rulings,” “[p]articularly where, as here, a case implicates the fundamental relationship between the Branches,” we think it appropriate to turn first to the INA claim. *Am. Foreign Serv. Ass’n v. Garfinkel*, 490 U.S. 153, 161 (1989) (per curiam); *accord Lying v. Nw. Indian Cemetery Protective Ass’n*, 485 U.S. 439, 445 (1988) (“A fundamental and longstanding principle of judicial restraint requires that courts avoid reaching constitutional questions in advance of the necessity of deciding them.”).

After first determining that Plaintiffs have standing to assert their INA-based statutory claim, we conclude that Plaintiffs have shown a likelihood of success on the merits of that claim and that the district court’s preliminary injunction order can be affirmed in large part based on statutory grounds. For reasons further explained below, we need not, and do not, reach the Establishment Clause claim to resolve this appeal. *See Ashwander v. Tenn. Valley Auth.*, 297 U.S. 288, 347 (1936) (Brandeis, J., concurring) (“[I]f a case can be decided on either of two grounds, one involving a constitutional question, the other a question of statutory construction or general law, the Court will decide only the latter.”).

III

Before turning to our review of Plaintiffs’ statutory claim, we first address

the Government’s challenge to the preliminary injunction order on justiciability grounds. The Government contends both that Plaintiffs lack standing to pursue this case and that the case is not yet ripe. The Government further contends that the consular nonreviewability doctrine bars this court from reviewing EO2. We address each contention in turn.

A

“Article III of the Constitution limits federal-court jurisdiction to ‘Cases’ and ‘Controversies.’” *Massachusetts v. EPA*, 549 U.S. 497, 516 (2007). “Standing to sue is a doctrine rooted in the traditional understanding of a case or controversy” and limits who may “maintain a lawsuit in federal court to seek redress for a legal wrong.” *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1547 (2016). “[T]o satisfy Article III’s standing requirements, a plaintiff must show (1) it has suffered an ‘injury in fact’ that is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant; and (3) it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.” *Friends of the Earth, Inc. v. Laidlaw Env’tl. Servs. (TOC), Inc.*, 528 U.S. 167, 180–81 (2000) (citing *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992)). “At this very preliminary stage of the litigation, [Plaintiffs] may rely on the allegations in their [amended complaint] and whatever other evidence they submitted in support of their [preliminary

injunction] motion to meet their burden.” *Washington*, 847 F.3d at 1159; *see Lujan*, 504 U.S. at 561.

The district court determined that both the State of Hawai‘i and Dr. Elshikh have standing to pursue their Establishment Clause claim. *See Hawai‘i TRO*, 2017 WL 1011673, at *7–10. The Government argues that Plaintiffs fail to satisfy the requirements of Article III standing to bring their Establishment Clause claim. Plaintiffs must establish standing for each of their claims. *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 352 (2006). As we do not reach Plaintiffs’ Establishment Clause claim, we address only whether Plaintiffs have standing to challenge EO2 based on their INA-based statutory claim and conclude that they do.

1

Dr. Elshikh is an American citizen of Egyptian descent. He alleges that EO2 will prevent his mother-in-law from obtaining a visa to reunite with her family. His mother-in-law is a Syrian national currently living in Syria; she last visited her family in Hawai‘i in 2005 and has not yet met two of her five grandchildren. Dr. Elshikh’s wife filed an I-130 Petition for Alien Relative on behalf of her mother in September 2015, and the petition was approved in February 2016. After EO1 issued, Dr. Elshikh was told that his mother-in-law’s visa application for an immigrant visa had been put on hold. After EO1 was enjoined, he was notified that the application had progressed to the next stage of the process, and that her

interview would be scheduled at an embassy overseas. Dr. Elshikh understandably and reasonably fears that EO2 will prevent his mother-in-law from entering the country.⁴ Dr. Elshikh asserts that he has standing based on the barriers EO2 imposes in preventing him from reuniting his mother-in-law with his family.

This court and the Supreme Court have reviewed the merits of cases brought by U.S. residents with a specific interest in the entry of a foreigner. *See, e.g., Kerry v. Din*, 135 S. Ct. 2128, 2131 (2015) (involving a challenge by a U.S. citizen to the denial of her husband's visa); *Kleindienst v. Mandel*, 408 U.S. 753, 756–60 (1972) (addressing a challenge by American professors to the denial of a visa to a journalist they had invited to speak at several academic events); *Cardenas v. United States*, 826 F.3d 1164, 1167 (9th Cir. 2016) (determining that a U.S. citizen could challenge the denial of her husband's visa). Most similar to this case, in *Legal Assistance for Vietnamese Asylum Seekers v. Department of State, Bureau of Consular Affairs*, the D.C. Circuit determined that visa sponsors had standing to assert that the State Department's refusal to process visa applications of

⁴ Dr. Elshikh also alleges that EO2 results in a disfavored religion in Hawai'i and the United States; that the Order communicates to his five children that their own country discriminates against individuals who share their ethnicity and religious beliefs; and that the Order has caused members of the Islamic community in Hawai'i, including members of his mosque, to feel that Muslim citizens are targeted because of their religion and national origin. For purposes of determining standing to pursue the INA-based statutory claim, we need not address these aspects of Dr. Elshikh's injury.

Vietnamese citizens living in Hong Kong violated 8 U.S.C. § 1152. 45 F.3d 469, 471–73 (D.C. Cir. 1995), *vacated on other grounds*, 519 U.S. 1 (1996). The court explained that the State Department’s actions prolonged the separation of immediate family members, which resulted in injury to the sponsors. *Id.*

Dr. Elshikh seeks to reunite his mother-in-law with his family and similarly experiences prolonged separation from her. By suspending the entry of nationals from the six designated countries, including Syria, EO2 operates to delay or prevent the issuance of visas to nationals from those countries, including Dr. Elshikh’s mother-in-law. Dr. Elshikh has alleged a concrete harm because EO2, specifically the operation of Section 2, is a barrier to reunification with his mother-in-law in light of her stalled visa process. *See id.* (holding that U.S. resident sponsors had standing to challenge the State Department’s refusal to process visa applications); *Int’l Refugee Assistance Project v. Trump*, — F.3d —, No. 17-1351, 2017 WL 2273306, at *10 (4th Cir. May 25, 2017) (en banc), *as amended* (May 31, 2017) (identifying prolonged separation between plaintiff and his wife as a concrete harm). That his mother-in-law’s visa application process was placed on hold when EO1 took effect, but moved forward when EO1 was enjoined, further shows that Dr. Elshikh’s injury is concrete, real, and immediate if EO2 takes effect. Dr. Elshikh has thus alleged a sufficient injury-in-fact. While not challenged by the Government, it is also clear that Dr. Elshikh has established

causation and redressability. His injuries are fairly traceable to the Order, satisfying causation, and enjoining EO2 will remove a barrier to reunification and redress that injury, satisfying redressability.

Dr. Elshikh has met the requirements for constitutional standing with respect to the INA-based statutory claim.

2

The State of Hawai‘i alleges two primary theories of harm in asserting its standing: harm to its proprietary interests and impairment of its sovereign interests.

“[L]ike other associations and private parties, a State is bound to have a variety of proprietary interests. A State may, for example, own land or participate in a business venture.” *Alfred L. Snapp & Son, Inc. v. Puerto Rico ex rel. Barez*, 458 U.S. 592, 601 (1982). “And like other such proprietors [the State] may at times need to pursue those interests in court.” *Id.* at 601–02.

The State asserts that it has standing because of the injuries inflicted on its university. The University of Hawai‘i (“the University”), which the State operates, has twenty-three graduate students, at least twenty-nine visiting faculty members, and other permanent faculty members from the six countries designated in EO2. The State asserts that EO2 constrains the University’s ability to recruit and enroll undergraduate and graduate students, and recruit and hire visiting faculty from the affected countries. The State also contends that EO2 threatens the University’s

ability to fulfill its educational mission by hampering recruitment of diverse students, preventing scholars from considering employment at the University, dissuading current professors and scholars from continuing their scholarship at the University, hindering the free flow of ideas, and harming its values of inclusiveness and tolerance.

Given the timing of the admissions cycle and this litigation, the State concedes that it is too soon to determine the full impact on recruitment, but asserts that individuals who are not current visa holders or lawful permanent residents would be precluded from considering the University. In its opposition brief, the State gave updated information, explaining that eleven graduate students from the countries affected by the Order have been admitted, and the University was still considering applications from twenty-one other affected applicants. After the case was submitted, Plaintiffs supplemented the record with further updates on the University's admissions cycle.⁵ At least three graduate students, each from one of the six designated countries, have accepted their offers of admission and have committed to attending the University. There are eleven graduate student applicants, each from one of the six designated countries, with pending offers of admission for the 2017–18 school year. University classes begin on August 21,

⁵ The Government did not oppose Plaintiffs' motion for leave to supplement the record, and we granted the motion.

2017, but at least two of the students who have accepted their offers of admission must be present on campus by August 1, 2017 and August 10, 2017, respectively, for their graduate programs. The State further explains that if EO2 takes effect now, these students' ability to obtain visas will be impeded.

Before Plaintiffs supplemented the record, the Government argued that the State had not identified any prospective student or faculty member who wished to enter the country *during* Section 2(c)'s 90-day period. However, the State's alleged harm is that EO2 *presently* constrains their recruitment efforts for students and faculty, and that EO2 deters prospective students and faculty members. Given the short admissions cycle—from when the University offers admissions to when international students must decide whether to attend—and the uncertainty of whether EO2 will inhibit their ability to secure a visa before the fall semester begins, EO2's deterrent effect is an injury that is “concrete” and “imminent,” as opposed to merely “speculative.” *See Lujan*, 504 U.S. at 560–61 (internal quotation marks omitted). Of course, a student who is not permitted to obtain a visa and enter our country would not accept an offer of admission.

The Government next contends that Plaintiffs cannot rely on events that unfolded after the filing of the complaint to establish standing. This argument is not persuasive. The State had previously contended that its recruitment was constrained by EO2 and its supplemental declaration merely provides greater detail

regarding the students who may be unable to join the academic community this fall if EO2 takes effect. We consider the supplemental information as further evidence that EO2 will harm the State because students affected by Section 2(c) may not attend the University, and the University will lose tuition and educational benefits.

The State's standing can thus be grounded in its proprietary interests as an operator of the University. EO2 harms the State's interests because (1) students and faculty suspended from entry are deterred from studying or teaching at the University; and (2) students who are unable to attend the University will not pay tuition or contribute to a diverse student body. *See Washington*, 847 F.3d at 1161 (holding that states, as operators of universities, had Article III standing to challenge EO1 based on harms to their proprietary interests); *Texas v. United States*, 809 F.3d 134, 155–63 (5th Cir. 2015), *as revised* (Nov. 25, 2015), *aff'd by an equally divided Court*, 136 S. Ct. 2271 (2016) (holding that the state of Texas had standing to challenge the Deferred Action for Parents of Americans and Lawful Permanent Residents (“DAPA”) program based on its alleged injury of subsidizing driver's licenses to DAPA beneficiaries). We further conclude that the State has shown that its injury is fairly traceable to EO2 and that enjoining EO2 would redress its harm.

The State also presents an alternative standing theory: that the Order impairs its sovereign interests in carrying out its refugee policies, among other things. A

state has an interest in its “exercise of sovereign power over individuals and entities within the relevant jurisdiction,” which “involves the power to create and enforce a legal code.” *Alfred L. Snapp & Son*, 458 U.S. at 601. The State contends that EO2 hinders the exercise of its sovereign power to enforce its laws and policies and this inflicts an injury sufficient to provide the State standing to challenge the Order. The State has laws protecting equal rights, barring discrimination, and fostering diversity. *See, e.g.*, Haw. Const. art. 1, §§ 2, 5; Haw. Rev. Stat. §§ 489-3, 515-3. Specific to refugees, the State created the Office of Community Services (“OCS”), which is directed to “[a]ssist and coordinate the efforts of all public and private agencies providing services which affect the disadvantaged, refugees, and immigrants.” Haw. Rev. Stat. § 371K-4. OCS operates multiple programs for refugees.

The State has resettled three refugees this fiscal year, and at least twenty since 2010. EO2 would prevent the State from assisting with refugee resettlement and thus prevent it from effectuating its policies aimed at assisting refugee and immigrant populations. *See id.* The State’s requested injunctive relief would permit it to assist in the resettlement of refugees, at least through fiscal year 2017. As the State exercises “sovereign power over individuals and entities within the relevant jurisdiction” in administering OCS, we conclude, at this preliminary stage, that the State has made sufficient allegations to support standing to challenge the

refugee-related provisions of EO2. *See Alfred L. Snapp & Son*, 458 U.S. at 601; *see also Virginia ex rel. Cuccinelli v. Sebelius*, 656 F.3d 253, 269 (4th Cir. 2011) (collecting cases where state was found to possess sovereign standing based on state statutes that regulated behavior or provided for the administration of a state program).

Concluding that Dr. Elshikh and the State have satisfied Article III’s standing requirements,⁶ we turn to whether Plaintiffs are within the “zone of interests” protected by the INA.

3

Because Plaintiffs allege a statutory claim, we must determine whether they meet the requirement of having interests that “fall within the zone of interests protected by the law invoked.” *Lexmark Int’l, Inc. v. Static Control Components, Inc.*, 134 S. Ct. 1377, 1388 (2014) (internal quotation marks omitted).

We have little trouble determining that Dr. Elshikh is within the zone of interests of the INA to challenge EO2 based on this statutory claim. He asserts that the travel ban prevents his mother-in-law from reuniting with his family. *See*

⁶ The State has asserted other proprietary interests, including the loss of tourism revenue. The State also appears to present a standing theory based on its quasi-sovereign interests, as *parens patriae*, to secure its residents from the harmful effects of discrimination. We do not reach these arguments because we conclude that the State’s proprietary interests, as an operator of the University of Hawai‘i, and its sovereign interests, in carrying out its refugee programs and policies, are sufficient to confer standing. *See Washington*, 847 F.3d at 1161 n.5.

Legal Assistance for Vietnamese Asylum Seekers, 45 F.3d at 471–72 (“The INA authorizes the immigration of family members of United States citizens and permanent resident aliens. In originally enacting the INA, Congress implemented the underlying intention of our immigration laws regarding the preservation of the family unit. Given the nature and purpose of the statute, the resident appellants fall well within the zone of interest Congress intended to protect.” (internal quotation marks, citations, and alterations omitted)).

Likewise, the State’s efforts to enroll students and hire faculty members who are nationals from the six designated countries fall within the zone of interests of the INA. The INA makes clear that a nonimmigrant student may be admitted into the United States. *See* 8 U.S.C. § 1101(a)(15)(F) (identifying students qualified to pursue a full course of study); 8 C.F.R. § 214.2(f) (providing the requirements for nonimmigrant students, including those in colleges and universities). The INA also provides that nonimmigrant scholars and teachers may be admitted into the United States. *See, e.g.*, 8 U.S.C. § 1101(a)(15)(J) (identifying students, scholars, trainees, teachers, professors, research assistants, specialists, or leaders in fields of specialized knowledge or skill); *id.* § 1101(a)(15)(H) (identifying aliens coming to perform services in a specialty occupation); *id.* § 1101(a)(15)(O) (identifying aliens with extraordinary abilities in the sciences, arts, education, business, or athletics). International students and visiting faculty may qualify for F-1 visas, J-1

visas, H-1B visas, or O-1 visas. *See* Directory of Visa Categories, U.S. Dep’t of State, <https://travel.state.gov/content/visas/en/general/all-visa-categories.html> (last visited June 6, 2017). The INA leaves no doubt that the State’s interests in student- and employment-based visa petitions for its students and faculty are related to the basic purposes of the INA.

The State’s interest in effectuating its refugee resettlement policies and programs also falls within the zone of interests protected by the INA. *See* 8 U.S.C. § 1101(a)(42) (defining “refugees”); *id.* § 1157 (providing the procedure for determining the number of refugee admissions). These provisions of the INA were amended to provide a “systematic procedure” for the admission of refugees into the United States, as well as “uniform provisions for the effective resettlement and absorption of those refugees who are admitted.” Refugee Act of 1980, Pub. L. No. 96-212, § 101, 94 Stat. 102 (1980). The State argues that EO2 upsets this finely-tuned system devised by Congress.

We conclude that Plaintiffs’ claims of injury as a result of the alleged statutory violations are, at the least, “*arguably* within the zone of interests” that the INA protects.⁷ *Bank of Am. Corp. v. City of Miami, Fla.*, 137 S. Ct. 1296, 1303

⁷ The Government also argues that third party prudential standing limitations counsel against this court deciding Plaintiffs’ Establishment Clause claim. To the extent this argument applies to Plaintiffs’ INA-based statutory claim, we reject it because Plaintiffs have shown that they have suffered injuries as a result of EO2.

(2017) (quoting *Ass'n of Data Processing Serv. Orgs., Inc. v. Camp*, 397 U.S. 150, 153 (1970)).

Plaintiffs have standing to assert their INA-based statutory claim that EO2 exceeds the scope of the President's authority under the INA and conflicts with various INA provisions.

B

The Government next argues that Plaintiffs' claims are speculative and not ripe. "Ripeness is peculiarly a question of timing, designed to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements." *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1122 (9th Cir. 2009) (internal quotations marks and alteration omitted). "Our role is neither to issue advisory opinions nor to declare rights in hypothetical cases, but to adjudicate live cases or controversies consistent with the powers granted the judiciary in Article III of the Constitution." *Thomas v. Anchorage Equal Rights Comm'n*, 220 F.3d 1134, 1138 (9th Cir. 2000).

We are unpersuaded by the Government's arguments that *until* a student or faculty member requests a waiver and it is denied, or *until* Dr. Elshikh's mother-in-law requests a waiver and she is denied,⁸ Plaintiffs injuries are not ripe because

⁸ The Government needlessly argues that travel conditions in Syria make it speculative that Dr. Elshikh's mother-in-law would have made her application

they assume “contingent future events that may not occur.” *Texas v. United States*, 523 U.S. 296, 300 (1998) (internal quotation marks omitted)).

Although the waiver may, in theory, provide students, visiting faculty members, or Dr. Elshikh’s mother-in-law an opportunity to obtain visas, the waiver is discretionary. Indeed, no one can count on it. The Order poses hardships to nationals from the six designated countries by barring throughout the suspension period their ability to obtain visas. The waiver provision neither guarantees that waivers will be granted nor provides a process for applying for a waiver; moreover, the ultimate decision is clearly committed to a consular officer’s discretion. *See* 82 Fed. Reg. at 13214 (“Case-by-case waivers *could be appropriate* in circumstances such as the following”) (emphasis added); *id.* at 13219 (stating that nothing in the Order provides any “enforceable” rights). The discretionary waiver is not “a sufficient safety valve,” *Washington*, 847 F.3d at 1169, and is a far cry from the “contingent future” argued by the Government. Here, nationals from the six designated countries, including Dr. Elshikh’s mother-in-law and students who have accepted, or been offered, admission to the University of Hawai‘i, are burdened by EO2 because they are not permitted entry,

interview scheduled for May 24, 2017. This argument does not diminish Dr. Elshikh’s argument that the Order’s suspension of entry of nationals from the six designated countries creates a significant obstacle to reuniting his mother-in-law with him and his family.

and whether they might obtain a waiver is speculative and at the discretion of a consular officer or a Customs and Border Protection official. *See* 82 Fed. Reg. at 13214.

We decline the Government’s invitation to wait until Plaintiffs identify a visa applicant who was denied a discretionary waiver to assess whether Plaintiffs have shown a likelihood of success on the merits of their claims. Regardless of whether Dr. Elshikh’s mother-in-law or the University’s prospective students and faculty members might conceivably obtain such a waiver, they will face substantial hardship if we were to first require that they try to obtain a waiver before we will consider their case. *Cf. Abbott Labs. v. Gardner*, 387 U.S. 136, 149 (1967). We conclude that the claim is ripe for review.

C

Finally, the Government renews the argument it made before this court in *Washington v. Trump* that we may not review EO2 because the consular nonreviewability doctrine counsels that the decision to issue or withhold a visa is not subject to judicial review. *See Li Hing of Hong Kong, Inc. v. Levin*, 800 F.2d 970, 971 (9th Cir. 1986) (“[I]t has been consistently held that the consular official’s decision to issue or withhold a visa is not subject either to administrative or judicial review.”). We reject this argument.

Plaintiffs do not seek review of an individual consular officer’s decision to

grant or to deny a visa pursuant to valid regulations, which could implicate the consular nonreviewability doctrine. Plaintiffs instead challenge “the President’s *promulgation* of sweeping immigration policy.” *Washington*, 847 F.3d at 1162. Courts can and do review both constitutional and statutory “challenges to the substance and implementation of immigration policy.” *Id.* at 1163; *see, e.g., Sale v. Haitian Ctrs. Council, Inc.*, 509 U.S. 155, 187–88 (1993) (addressing the merits of a challenge that an executive order violated the INA and the United Nations Convention Relating to the Status of Refugees); *INS v. Chadha*, 462 U.S. 919, 940–41 (1983) (addressing whether a section of the INA that authorized one House of Congress to invalidate a decision of the Executive to allow a deportable alien to remain in the United States was unconstitutional).

This case is justiciable because Plaintiffs seek judicial review of EO2, contending that EO2 exceeds the statutory authority delegated by Congress and constitutional boundaries. “This is a familiar judicial exercise.” *Zivotofsky ex rel. Zivotofsky v. Clinton*, 566 U.S. 189, 196 (2012). We reject the Government’s argument that the Order is not subject to judicial review. Although “[t]he Executive has broad discretion over the admission and exclusion of aliens, [] that discretion is not boundless. It extends only as far as the statutory authority conferred by Congress and may not transgress constitutional limitations. It is the duty of the courts, in cases properly before them, to say where those statutory and

constitutional boundaries lie.” *Abourezk v. Reagan*, 785 F.2d 1043, 1061 (D.C. Cir. 1986), *aff’d*, 484 U.S. 1 (1987).

Whatever deference we accord to the President’s immigration and national security policy judgments does not preclude us from reviewing the policy at all. *See Rostker v. Goldberg*, 453 U.S. 57, 70 (1981) (“[D]eference does not mean abdication.”); *Holder v. Humanitarian Law Project*, 561 U.S. 1, 34 (2010) (“Our precedents, old and new, make clear that concerns of national security and foreign relations do not warrant abdication of the judicial role.”).

We do not abdicate the judicial role, and we affirm our obligation “to say what the law is” in this case. *Marbury v. Madison*, 5 U.S. 137, 177 (1803). We turn to the merits of the appeal of the preliminary injunction order.

IV

A

A preliminary injunction is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). “A plaintiff seeking a preliminary injunction must establish [1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest.” *Id.* at 20. We may affirm the district court’s entry of the

preliminary injunction “on any ground supported by the record.” *Enyart v. Nat’l Conference of Bar Exam’rs, Inc.*, 630 F.3d 1153, 1159 (9th Cir. 2011).

B

We consider whether Plaintiffs are entitled to preliminary relief based on the likelihood that EO2 violates the INA.⁹ First, we address whether the President complied with the conditions set forth in § 1182(f), which are necessary for invoking his authority. We next address the conflicts between EO2 and other provisions of the INA.

1

Under Article I of the Constitution, the power to make immigration laws “is entrusted exclusively to Congress.” *Galvan v. Press*, 347 U.S. 522, 531 (1954); *see* U.S. Const. art. I, § 8, cl. 4 (“The Congress shall have Power . . . [t]o establish an uniform Rule of Naturalization”); *Fiallo v. Bell*, 430 U.S. 787, 792 (1977) (“[O]ver no conceivable subject is the legislative power of Congress more

⁹ This claim looks at whether the President appropriately exercised his authority under § 1182(f) by satisfying its precondition, and whether, and to what extent, his authority under § 1182(f) is cabined by other provisions of the INA. Because this challenge does not look at whether “the Executive exercises this [delegated and conditional exercise of] power *negatively*,” *Mandel*, 408 U.S. at 770 (emphasis added), nor involves a constitutional challenge by a citizen to a visa denial on the basis of congressionally enumerated standards, *id.* at 769–70, but rather looks at whether the President exceeded the scope of his delegated authority, we do not apply *Mandel*’s “facially legitimate and bona fide reason,” *id.*, standard. *See Sale*, 509 U.S. at 166–77 (reviewing whether the executive order complied with the INA without reference to *Mandel*’s standard).

complete than it is over the admission of aliens.” (internal quotation marks omitted)); *id.* at 796 (“The conditions of entry for every alien, the particular classes of aliens that shall be denied entry altogether, the basis for determining such classification . . . have been recognized as matters solely for the responsibility of the Congress” (internal quotation marks omitted)).

In the INA of 1952, Congress delegated some of its power to the President through Section 212(f), which provides:

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.

8 U.S.C. § 1182(f).

In Section 2(c) of the Order, the President invokes this power along with § 1185(a)¹⁰ to suspend for 90 days the entry of nationals from the six designated

¹⁰ Section 1185(a)(1) states:

Unless otherwise ordered by the President, it shall be unlawful—
 (1) for any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe[.]

8 U.S.C. § 1185(a)(1). The Government does not argue that § 1185(a)(1) provides an independent basis for the suspension of entry. Because, here, this section does not grant the President a meaningfully different authority than § 1182(f), and

countries. *See* 82 Fed. Reg. at 13213. In Section 6(a) of the Order, the President invokes neither section to suspend travel of refugees and to suspend decisions on applications for refugee status for 120 days, but, in Section 6(b), the President invokes § 1182(f) to cap refugee admissions at 50,000 for the 2017 fiscal year. *Id.* at 13215–16.

The parties dispute whether EO2 falls clearly within the President’s congressionally delegated authority. To be sure, § 1182(f) gives the President broad authority to suspend the entry of aliens or classes of aliens. However, this authority is not unlimited. *Cf. Kent v. Dulles*, 357 U.S. 116, 129 (1958) (“[I]f that power is delegated, the standards must be adequate to pass scrutiny by the accepted tests.”); *J.W. Hampton, Jr., & Co. v. United States*, 276 U.S. 394, 409 (1928) (“[L]egislative action is not a forbidden delegation of legislative power” if Congress provides an “intelligible principle to which the person or body authorized . . . is directed to conform.”). Section 1182(f) requires that the President *find* that the entry of a class of aliens into the United States *would be detrimental* to the interests of the United States.¹¹ This section requires that the

because § 1182(f) specifically provides for the President’s authority to suspend entry, our analysis proceeds under § 1182(f), understanding that the “reasonable rules, regulations, and orders” the President prescribes would need to, at a minimum, align with the President’s authority under § 1182(f).

¹¹ We construe the term “detrimental” to have its common-sense, dictionary definition. Detrimental is defined as “causing loss or damage; harmful, injurious,

President's findings support the conclusion that entry of all nationals from the six designated countries, all refugees, and refugees in excess of 50,000 would be harmful to the national interest. There is no sufficient finding in EO2 that the entry of the excluded classes would be detrimental to the interests of the United States.

i

Section 2(c) declares that “the unrestricted entry into the United States of nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen would be detrimental to the interests of the United States” and directs that the entry of nationals from those designated countries be barred for 90 days. 82 Fed. Reg. at 13213. The provision bans more than 180 million people from entry based on their national origin, including nationals who may have never been physically present in those countries. *See* Brief of Former National Security Officials as Amici Curiae, Dkt. No. 108 at 17. Section 2(c) states:

[1] To temporarily reduce investigative burdens on relevant agencies during the review period [of the United States' vetting procedures], [2] to ensure the proper review and maximum utilization of available resources for the screening and vetting of foreign nationals, [3] to ensure that adequate standards are established to prevent infiltration by foreign terrorists, and [4] in light of the national security concerns referenced in section 1 of this order, I hereby proclaim, pursuant to sections 212(f) and 215(a) of the INA, 8 U.S.C. [§§] 1182(f) and 1185(a), that the unrestricted entry into the United States of nationals

harmful.” *Detrimental*, Oxford English Dictionary, <http://www.oed.com/view/Entry/51332?redirectedFrom=detrimental#eid>. Throughout the opinion, in addition to the term “detrimental,” we also use its synonyms “harmful” and “injurious.”

of Iran, Libya, Somalia, Sudan, Syria, and Yemen would be detrimental to the interests of the United States. I therefore direct that the entry into the United States of nationals of those six countries be suspended.

82 Fed. Reg. at 13213. The Government explains that the Order’s objective “is to address the risk that potential terrorists might exploit possible weaknesses in the Nation’s screening and vetting procedures while the review of those procedures is underway.”

We reject the first three reasons provided in Section 2(c) because they relate to preservation of government resources to review existing procedures and ensure adequate vetting procedures. There is no finding that present vetting standards are inadequate, and no finding that absent the improved vetting procedures there likely will be harm to our national interests. These identified reasons do not support the conclusion that the entry of nationals from the six designated countries would be harmful to our national interests.

We turn to the fourth reason—national security concerns—and examine whether it confers a legally sufficient basis for the President’s conclusion that the nationality-based entry restriction is warranted. Section 1(d) of the Order explains that nationals from Iran, Libya, Somalia, Sudan, Syria, and Yemen warrant additional scrutiny because:

Each of these *countries* is a state sponsor of terrorism, has been significantly compromised by terrorist organizations, or contains active conflict zones. Any of these circumstances diminishes the foreign government’s willingness or ability to share or validate important

information about individuals seeking to travel to the United States. Moreover, the significant presence in each of these *countries* of terrorist organizations, their members, and others exposed to those organizations increases the chance that conditions will be exploited to enable terrorist operatives or sympathizers to travel to the United States. Finally, once foreign nationals from these countries are admitted to the United States, it is often difficult to remove them, because many of these *countries* typically delay issuing, or refuse to issue, travel documents.

Id. at 13210 (emphasis added).

Because of these country conditions, the Order concludes that “the risk of erroneously permitting entry of a national of one of these countries who intends to commit terrorist acts or otherwise harm the national security of the United States is unacceptably high.” *Id.* at 13211. The Order further indicates that “hundreds of persons born abroad have been convicted of terrorism-related crimes in the United States[,]” but does not identify the number of nationals from the six designated countries who have been so convicted.¹² *See id.* at 13212.

The Order makes no finding that nationality alone renders entry of this broad class of individuals a heightened security risk to the United States. *See Int’l*

¹² Amicus Cato Institute explains that over the past decade and a half, only twenty-six nationals from the six designated countries have been convicted for any kind of terrorism offense, and that only four nationals from the six designated countries have been convicted of attempting or plotting a terrorist attack in the United States in that time frame. Brief of the Cato Institute as Amicus Curiae, Dkt. No. 170 at 11–12. Since the September 11, 2001 attacks, twelve people have succeeded in carrying out fatal domestic terrorist attacks—none committed by nationals from the six designated countries in EO2. *See* Brief of Foundation of Children of Iran and Iranian Alliance Across Borders as Amici Curiae, Dkt. No. 77 at 23.

Refugee Assistance Project, 2017 WL 2273306, at *31 (Keenan, J., concurring in part and concurring in the judgment) (“[T]he Second Executive Order does not state that any *nationals* of the six identified countries, *by virtue of their nationality*, intend to commit terrorist acts in the United States or otherwise pose a detriment to the interests of the United States.”).

The Order does not tie these nationals in any way to terrorist organizations within the six designated countries. It does not identify these nationals as contributors to active conflict or as those responsible for insecure country conditions. It does not provide any link between an individual’s nationality and their propensity to commit terrorism or their inherent dangerousness.¹³ In short,

¹³ Former Presidents have invoked § 1182(f) under non-exigent circumstances to address compromised security conditions abroad but have tied exclusions to the culpable conduct of barred aliens, such as aliens who contributed to a country’s situation in a specified way or were members of particular narrowly defined and/or dangerous groups. See Kate M. Manuel, *Executive Authority to Exclude Aliens: In Brief* 6–10, Congressional Research Service (2017) (listing categories of aliens excluded under 8 U.S.C. § 1182(f)); see also 9 *Foreign Affairs Manual* § 302.14-3(B)(1)(b) (2016), <https://fam.state.gov/FAM/09FAM/09FAM030214.html> (stating that executive orders issued under § 1182(f) have typically applied to “individuals”; have sometimes been “based on affiliation”; and otherwise have suspended entry “based on objectionable conduct”); Brief of Former Federal Immigration and Homeland Security Officials as Amici Curiae, Dkt. No. 176 at 18–19 (“None of the Executive actions cited elsewhere by the Government, nor any others known to amici, invoked § 1182(f) to suspend entry from one or more countries based on the assumption that nationals from those countries were inherently dangerous.” (footnotes omitted)). President Obama’s Executive Order 13726, for example, suspended the entry into the United States of persons who

the Order does not provide a rationale explaining why permitting entry of nationals from the six designated countries under current protocols would be detrimental to the interests of the United States.¹⁴

were responsible or complicit in particular actions or policies that threaten the stability of Libya. *See* 81 Fed. Reg. 23559 (Apr. 19, 2016).

In two instances, former Presidents have distinguished classes of aliens on the basis of nationality. But these distinctions were made not because of a particular concern that entry of the individuals themselves would be detrimental, but rather, as retaliatory diplomatic measures responsive to government conduct directed at the United States. For example, President Carter’s proclamation barring the future entry of Iranians occurred during the exigent circumstance of the Iranian hostage crisis. This was one of many sanctions imposed to increase political pressure on the Iranian government to ensure the safe return of American hostages. *See* Exec. Order 12172, 44 Fed. Reg. 67947 (Nov. 26, 1979), *amended by* Exec. Order 12206, 45 Fed. Reg. 24101 (Apr. 7, 1980); President Jimmy Carter, *Sanctions Against Iran Remarks Announcing U.S. Actions*, The American Presidency Project (Apr. 7, 1980), <http://www.presidency.ucsb.edu/ws/?pid=33233%20>. President Reagan’s suspension of entry of certain Cuban nationals as immigrants came as a response to the Cuban government’s own suspension of “all types of procedures regarding the execution” of an immigration agreement between the United States and Cuba, which had “disrupt[ed] normal migration procedures between the two countries.” *See* Proclamation No. 5517, 51 Fed. Reg. 30470 (Aug. 22, 1986).

¹⁴ Indeed, the President recently confirmed his assessment that it is the “countries” that are inherently dangerous, rather than the 180 million individual nationals of those countries who are barred from entry under the President’s “travel ban.” *See* Donald J. Trump (@realDonaldTrump), Twitter (June 5, 2017, 6:20 PM), <https://twitter.com/realDonaldTrump/status/871899511525961728> (“That’s right, we need a TRAVEL BAN for certain DANGEROUS countries, not some politically correct term that won’t help us protect our people!”) (emphasis in original); *see also* Elizabeth Landers, White House: Trump’s tweets are “official statements”, CNN (June 6, 2017, 4:37 PM), <http://www.cnn.com/2017/06/06/politics/trump-tweets-official-statements/> (reporting the White House Press Secretary’s confirmation that the President’s tweets are “considered official statements by the President of the United States”).

The Order's discussion of country conditions fails to bridge the gap. Indeed, its use of nationality as the sole basis for suspending entry means that nationals without significant ties to the six designated countries, such as those who left as children or those whose nationality is based on parentage alone, should be suspended from entry. Yet, nationals of other countries who do have meaningful ties to the six designated countries—and may be contributing to the very country conditions discussed—fall outside the scope of Section 2(c). Consequently, EO2's focus on nationality “could have the paradoxical effect of barring entry by a Syrian national who has lived in Switzerland for decades, but not a Swiss national who has immigrated to Syria during its civil war.” *Hawai‘i TRO*, 2017 WL 1011673, at *15 (internal quotation marks and alterations omitted); *see also* Brief of the Cato Institute as Amicus Curiae, Dkt. No. 170 at 14–15 (providing statistics on nationals of the designated countries living in other countries as migrants, refugees, or asylum seekers and explaining that Syrian and Iranian nationals do not gain nationality by virtue of their place of birth).

Although the Order explains that country conditions in the six designated countries lessen their governments' ability to share information about nationals seeking to travel to our country, the Order specifically avoids making any finding

We take judicial notice of President Trump's statement as the veracity of this statement “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2).

that the current screening processes are inadequate. As the law stands, a visa applicant bears the burden of showing that the applicant is eligible to receive a visa or other document for entry and is not inadmissible. *See* 8 U.S.C. § 1361. The Government already can exclude individuals who do not meet that burden. *See id.* The Order offers no further reason explaining how this individualized adjudication process is flawed such that permitting entry of an entire class of nationals is injurious to the interests of the United States.

Finally, the Order relies on 8 U.S.C. § 1187(a)(12) to explain why the six countries have been designated. 82 Fed. Reg. at 13210. In § 1187(a)(12), Congress prevented use of the Visa Waiver Program by dual nationals of, or those who have visited in the last six years, (1) Iraq and Syria, (2) any country designated by the Secretary of State as a state sponsor of terrorism, and (3) any other country designated as a country of concern by the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence. Rather than setting an outright ban on entry of nationals from these countries, Congress restricted access to the tourist Visa Waiver Program and instead required that persons who are nationals of or have recently traveled to these countries enter the United States with a visa. This provision reflects Congress's considered view on similar security concerns that the Order seeks to address. *See Chadha*, 462 U.S. at 951, 959 (explaining that our founders "consciously" chose to

place the legislative process in the hands of a “deliberate and deliberative” body). The Order identifies no new information to justify Section 2(c)’s blanket ban as contrasted with § 1187(a)(12)’s restriction from the Visa Waiver Program. Moreover, relying on § 1187(a)(12) alone, which requires that aliens from these countries undergo vetting through visa procedures, does not explain why their *entry* would be detrimental to the interests of the United States. To the contrary, it effectively negates the Order’s statement of detriment—that the “*unrestricted* entry into the United States of nationals [of the six designated countries] would be detrimental to the interests of the United States.” 82 Fed. Reg. at 13213 (emphasis added). Section 1187(a)(12) dictates that the entry of individuals covered by the Order is never “unrestricted.”

In conclusion, the Order does not offer a sufficient justification to suspend the entry of more than 180 million people on the basis of nationality. National security is not a “talismanic incantation” that, once invoked, can support any and all exercise of executive power under § 1182(f). *United States v. Robel*, 389 U.S. 258, 263–64 (1967); *see also Korematsu v. United States*, 323 U.S. 214, 235 (1944) (Murphy, J., dissenting) (“[T]he exclusion order necessarily must rely for its reasonableness upon the assumption that all persons of Japanese ancestry may have a dangerous tendency to commit sabotage and espionage and to aid our Japanese enemy in other ways. It is difficult to believe that reason, logic or

experience could be marshalled in support of such an assumption.”). Section 1182(f) requires that the President exercise his authority only after meeting the precondition of finding that entry of an alien or class of aliens *would be* detrimental to the interests of the United States. Here, the President has not done so.

ii

Section 6(a) suspends travel of refugees into the United States under USRAP and suspends decisions on applications for refugee status for 120 days but does not specifically announce that the entry of refugees would be detrimental to the interests of the United States. 82 Fed. Reg. at 13215.

Assuming the President also relied on § 1182(f) to suspend USRAP for 120 days, EO2 provides the following information to possibly support the conclusion that refugee admissions would injure the national interest. First, EO2 explains that the screening and vetting procedures associated with USRAP “play a crucial role in detecting foreign nationals who may commit, aid, or support acts of terrorism and in preventing those individuals from entering the United States,” and that it is the policy of the United States to improve screening and vetting procedures associated with USRAP. *Id.* at 13209. Section 1(h) cites two examples of refugees who have been convicted of terrorism-related crimes in the United States:

[1] [I]n January 2013, two Iraqi nationals admitted to the United States as refugees in 2009 were sentenced to 40 years and to life in

prison, respectively, for multiple terrorism-related offenses.^[15]

[2] [I]n October 2014, a native of Somalia who had been brought to the United States as a child refugee and later became a naturalized United States citizen was sentenced to 30 years in prison for attempting to use a weapon of mass destruction^[16]

82 Fed. Reg. at 13212. Section 1(h) also explains that there are “more than 300 persons who entered the United States as refugees [who] are currently the subjects of counterterrorism investigations by the Federal Bureau of Investigation.” *Id.*

EO2 does not reveal any threat or harm to warrant suspension of USRAP for 120 days and does not support the conclusion that the entry of refugees in the interim time period would be harmful. Nor does it provide any indication that present vetting and screening procedures are inadequate.¹⁷ Instead, EO2 justifies

¹⁵ These two Iraqi nationals pleaded guilty to federal terrorism charges for engaging in terrorism against Americans overseas and providing material support to foreign terrorists and did not face charges for planning a domestic terrorist attack. *See* Press Release: Former Iraqi Terrorists Living in Kentucky Sentenced for Terrorist Activities, U.S. Dep’t of Justice, <https://www.justice.gov/opa/pr/former-iraqi-terrorists-living-kentucky-sentenced-terrorist-activities> (Jan. 29, 2013) (last visited June 6, 2017).

¹⁶ This Somali national entered the United States at the age of three in approximately 1994; the conduct underlying his conviction occurred in 2010 when he was nineteen years old. *See United States v. Mohamud*, 843 F.3d 420, 423 (9th Cir. 2016). His background is consistent with DHS’s report that most foreign-born, U.S.-based violent extremists are “likely radicalized several years *after* their entry to the United States,” thus “limiting the ability of screening and vetting officials to prevent their entry because of national security concerns” (emphasis added).

¹⁷ Refugees receive the most thorough vetting of all travelers to the United States in a process that takes eighteen to twenty-four months. By the time refugees are approved for resettlement in the United States, they have been reviewed by the

the 120-day suspension as a review period of USRAP application and adjudication processes. 82 Fed. Reg. at 13215. The Government reiterates that the President directed the suspension “in order to allow the Secretary of State to review application and adjudication processes.” These explanations do not support a finding that the travel and admission of refugees would be detrimental to the interests of the United States.

iii

Section 6(b) of EO2 restricts entry of refugees to no more than 50,000 in the 2017 fiscal year because entry in excess of 50,000 “would be detrimental to the interests of the United States.” 82 Fed. Reg. at 13216. But in accordance with 8 U.S.C. § 1157, President Obama previously determined that the admission of 110,000 refugees to the United States during fiscal year 2017 was justified by humanitarian concerns or otherwise in the national interest. *See* Presidential Determination on Refugee Admissions for Fiscal Year 2017, Presidential Determination No. 2016-13, 81 Fed. Reg. 70315 (Sept. 28, 2016); *see also* Proposed Refugee Admissions for Fiscal Year 2017: Report to the Congress,

United Nations High Commissioner for Refugees, the National Counterterrorism Center, the Federal Bureau of Investigation, the Department of Homeland Security, the Department of Defense, the Department of State, and the U.S. intelligence community. *See* Brief of Former National Security Officials as Amici Curiae, Dkt. No. 108 at 14–16.

<https://www.state.gov/documents/organization/262168.pdf>.¹⁸

To the extent that 60,000 additional refugees can be considered a class of aliens, EO2 makes *no* findings to justify barring entry in excess of 50,000 as detrimental to the interests of the United States. EO2 gives no explanation for why the 50,001st to the 110,000th refugee would be harmful to the national interest, nor does it specify any further threat to national security. And there is not any rationale explaining why the previous target admission of 110,000 refugees this fiscal year was justified by humanitarian concerns or otherwise in the national interest, *see* 8 U.S.C. § 1157(a)(2), but that the entry of more than 50,000 refugees this same fiscal year would be detrimental to the national interest. Here too, the President did not meet the statutory precondition of exercising his authority under § 1182(f) to cap refugee admissions.

The actions taken in Sections 2 and 6 require the President first to make sufficient findings that the entry of nationals from the six designated countries and the entry of all refugees would be detrimental to the interests of the United States. We conclude that the President did not satisfy this precondition before exercising his delegated authority. Plaintiffs have shown a likelihood of success on the merits

¹⁸ As of May 31, 2017, the United States has admitted 46,403 refugees in the 2017 fiscal year. U.S. Dep't of State, Bureau of Population, Refugees, and Migration, Refugee Admissions Report (2017), <http://www.wrapsnet.org/admissions-and-arrivals> (last visited June 6, 2017).

of their claim that the President exceeded his authority under §§ 1182(f) and 1185(a).

2

Plaintiffs contend that Section 2(c) of the Order violates the INA because it discriminates on the basis of nationality, thus violating the non-discrimination mandate of § 1152(a)(1)(A) of the INA. They argue that although the President is given broad authority under § 1182(f), this authority is restrained by § 1152(a)(1)(A).

Contemporaneous to enacting the Civil Rights Act of 1964 and the Voting Rights Act of 1965, Congress passed the INA of 1965 to eliminate the “national origins system as the basis for the selection of immigrants to the United States.” H.R. Rep. No. 89-745, at 8 (1965). Section 1152(a)(1)(A) was enacted as part of that act, and provides:

[N]o person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of the person’s race, sex, *nationality*, place of birth, or place of residence.

8 U.S.C. § 1152(a)(1)(A) (emphasis added). Section 1152(a)(1)(A) contains specific exemptions, and § 1182(f) is not among them.

The Government tries to reconcile the Order’s Section 2(c) with § 1152(a)(1)(A) by arguing that Section 2(c) bars *entry* of nationals from the six designated countries but does not deny the *issuance of immigrant visas* based on

nationality. EO2's suspension of entry on the basis of nationality, however, in substance operates as a ban on visa issuance on the basis of nationality. The Order's text confirms as much. Its primary purpose is to evaluate screening and vetting procedures associated with the visa issuance process. 82 Fed. Reg. at 13209. EO2 affects nationals of the six designated countries who were outside of the United States on the effective date of the Order but did not have a valid visa at specific times, such as the effective date of EO1. 82 Fed. Reg. at 13213. Further, it provides for a waiver so consular officers or Customs and Border Protection officials may authorize the issuance of visas during the suspension period. *Id.* at 13214. The Government also stresses that it should not be required to issue visas for aliens who are validly barred from entry, explaining that "[r]equiring that such aliens be issued visas permitting them to travel to this country, only to be denied entry upon arrival, would create needless difficulties and confusion." Indeed, the Government clarified at oral argument that as a practical matter, the entry ban would be implemented through visa denials. Moreover, the statute makes clear that aliens deemed inadmissible under § 1182, including under § 1182(f) "are ineligible to receive visas," thus confirming the substantial overlap between a denial of entry under § 1182(f) and a visa denial. *See* 8 U.S.C. § 1182(a); *see also Int'l Refugee Assistance Project*, 2017 WL 2273306, at *52 (Thacker, J., concurring) (explaining that the Government's "own arguments and the text and

operation of [EO2] belie [the] notion” that the visa issuance process is a different activity than suspension of entry).

We cannot blind ourselves to the fact that, for nationals of the six designated countries, EO2 is effectively a ban on the issuance of immigrant visas. If allowed to stand, EO2 would bar issuance of visas based on nationality in violation of § 1152(a)(1)(A). The Government did not dispute this point at oral argument, and it stands to reason that the whole system of the visa issuance would grind to a halt for nationals of the six designated countries whose entry is barred from the United States. Issuance of visas will automatically stop for those who are banned based on nationality. Yet Congress could not have used “more explicit language” in “unambiguously direct[ing] that no nationality-based discrimination shall occur.” *Legal Assistance for Vietnamese Asylum Seekers*, 45 F.3d at 473.

The Government additionally argues that § 1152(a)(1)(A) does not displace the President’s preexisting authority under § 1182(f), because the President may validly bar *entry* and the non-discrimination mandate applies strictly to the *issuance of visas*. Based on the plain statutory text, the Government contends that the non-discrimination mandate of § 1152(a)(1)(A) does not reach the President’s suspension of entry under § 1182(f).

This argument, however, presents a clear conflict between § 1152(a)(1)(A) and § 1182, because it would enable the President to restore discrimination on the

basis of nationality that Congress sought to eliminate. It is our duty, if possible, to reconcile the President's statutory authority under § 1182(f) with the non-discrimination mandate of § 1152(a)(1)(A). We begin with the instruction that "all parts of a statute, if at all possible, are to be given effect." *Weinberger v. Hyson, Westcott & Dunning, Inc.*, 412 U.S. 609, 633 (1973); accord *Food & Drug Admin. v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 133 (2000) ("A court must . . . fit, if possible, all parts into an harmonious whole." (internal citation and quotation marks omitted)). We also look "to the design of the statute as a whole and to its object and policy." *Gozlon-Peretz v. United States*, 498 U.S. 395, 407 (1991) (quoting *Crandon v. United States*, 494 U.S. 152, 158 (1990)).

Under the Government's argument, the President could circumvent the limitations set by § 1152(a)(1)(A) by permitting the issuance of visas to nationals of the six designated countries, but then deny them entry. Congress could not have intended to permit the President to flout § 1152(a) so easily. *See Dada v. Mukasey*, 554 U.S. 1, 16 (2008) (courts should not read statutes in such a way that renders them a "nullity" or is "unsustainable").

To avoid this result, and to give effect to § 1152(a)(1)(A), the section "is best read to prohibit discrimination throughout the visa process, which must include the decision whether to admit a visa holder upon presenting the visa."

Brief of Former Immigration and Homeland Security Officials as Amici Curiae,

Dkt. No. 176 at 9. In prohibiting nationality-based discrimination in the issuance of immigrant visas, Congress also in effect prohibited nationality-based discrimination in the admission of aliens. “Congress could not have intended to prohibit discrimination at the embassy, but permit it at the airport gate.” Brief of Technology Companies as Amici Curiae, Dkt. No. 180 at 20. We do not suggest that visa holders must gain automatic entry into the United States, but rather, that visa holders cannot be discriminated against on the basis of “race, sex, nationality, place of birth, or place of residence” throughout the visa process, whether during the issuance of a visa or at the port of entry.¹⁹

Our conclusion that § 1152(a)(1)(A)’s non-discrimination mandate cabins the President’s authority under § 1182(f) is reinforced by other canons of statutory construction.

First, a later enacted, more specific statute generally governs over an earlier, more general one. *See* Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 183–87 (2012). Here, § 1152(a)(1)(A) was enacted in 1965, after § 1182(f) was enacted in 1952. Section 1152(a)(1)(A) is also more

¹⁹ While a foreign national may properly obtain a visa, this does not guarantee entry into the United States because they may otherwise be inadmissible. *See* 8 U.S.C. § 1201(h) (“Nothing in this chapter shall be construed to entitle any alien, to whom a visa or other documentation has been issued, to be admitted to the United States.”); *see also* 8 U.S.C. § 1182 (listing the myriad ways an alien can be deemed inadmissible).

specific, and sets a limitation on the President’s broad authority to exclude aliens—he may do so, but not in a way that discriminates based on nationality. *See RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, 132 S. Ct. 2065, 2071 (2012) (“The general/specific canon is perhaps most frequently applied to statutes in which a general permission or prohibition is contradicted by a specific prohibition or permission. To eliminate the contradiction, the specific provision is construed as an exception to the general one.”).

Second, § 1152(a)(1)(A) specifically identifies exemptions from the non-discrimination mandate, implying that unmentioned sections are not exempted. *See United Dominion Indus., Inc. v. United States*, 532 U.S. 822, 836 (2001) (“The logic that invests the omission with significance is familiar: the mention of some implies the exclusion of others not mentioned.”). Section 1152(a)(1)(A) explicitly exempts three different INA provisions from its application—8 U.S.C. §§ 1101(a)(27), 1151(b)(2)(A)(i), and 1153—all of which deal with giving preference to certain immigrants, such as family members of current citizens and permanent residents. Had Congress likewise intended to permit § 1182(f) to override § 1152(a)(1)(A)’s non-discrimination requirement, it would have done so in the same way it did for the other provisions.

The Government contends that §§ 1182(f) and 1185(a)(1) “have long been understood to permit the president to draw nationality-based distinctions.”

However, as discussed above, *supra* note 13, prior executive orders and proclamations did not suspend classes of aliens on the basis of national origin, but instead on the basis of affiliation or culpable conduct. *See* Kate M. Manuel, *Executive Authority to Exclude Aliens: In Brief* 6–10, Congressional Research Service (2017). The other instances cited by the Government are distinguishable. The executive order at issue in *Sale v. Haitian Centers Council, Inc.*, 509 U.S. 155 (1993), made no nationality-based distinctions and concerned “suspend[ing] the entry of aliens coming by sea to the United States without necessary documentation.” Exec. Order No. 12807, 57 Fed. Reg. 23133 (May 24, 1992). President Carter’s executive orders in response to the Iranian hostage crisis delegated authority to the Secretary of State and the Attorney General to prescribe limitations governing the entry of Iranian nationals and did not ban Iranian immigrants outright. *See* Exec. Order 12172, 44 Fed. Reg. 67947 (Nov. 26, 1979), *amended by* Exec. Order 12206, 45 Fed. Reg. 24101 (Apr. 7, 1980). Finally, President Reagan’s Proclamation 5517 suspended the entry of Cuban nationals coming as immigrants, with some exceptions. 51 Fed. Reg. 30470 (Aug. 22, 1986). The proclamation did not exclude all foreign nationals, as exceptions were provided, and the proclamation was in response to Cuba’s decision ““to suspend all types of procedures regarding the execution’ of the December 14, 1984,

immigration agreement between the United States and Cuba.”²⁰ *Id.* To be clear, Presidents have invoked §§ 1182(f) and 1185(a)(1) to restrict certain aliens or classes of aliens from entering the United States, but EO2 is unprecedented in its scope, purpose, and breadth.

The Government also argues that the President may engage in discrimination on the basis of nationality because of the exception provided in § 1152(a)(1)(B). Section 1152(a)(1)(B) provides, “[n]othing in [§ 1152(a)(1)(A)] shall be construed to limit the authority of the Secretary of State to determine the procedures for the processing of immigrant visa applications or the locations where such applications will be processed.” However, this provision governs the Secretary of State’s manner and place for processing applications, not the President’s asserted ability to deny immigrant visas on the basis of nationality.

Having considered the President’s authority under § 1182(f) and the non-discrimination mandate of § 1152(a)(1)(A), we also conclude that Plaintiffs have shown a likelihood of success on the merits of their claim that Section 2(c) of the Order, in suspending the issuance of immigrant visas and denying entry based on nationality, exceeds the restriction of § 1152(a)(1)(A) and the overall statutory

²⁰ Because these executive actions were not challenged as violations of § 1182(f) or § 1152(a)(1)(A), “the judiciary [has not] address[ed] whether the order[s] complied with those provisions or the Constitution.” *Int’l Refugee Assistance Project*, 2017 WL 2273306, at *45 n.11 (Wynn, J., concurring).

scheme intended by Congress.

3

Aside from the President's failure to make the requisite findings to justify reducing the entry of refugees in fiscal year 2017 as an exercise of authority under § 1182(f), Plaintiffs contend that 8 U.S.C. § 1157 circumscribes the President's actions in setting the number of refugees to be admitted this fiscal year. We agree.

The Refugee Act of 1980 amended the INA "to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States, and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted." Pub. L. No. 96-212, § 101, 94 Stat. 102 (1980).

The Act requires that the President, after consulting with Congress, set the annual admission of refugees before the beginning of every fiscal year:

[T]he number of refugees who may be admitted under this section in any fiscal year . . . shall be such number as the President determines, before the beginning of the fiscal year and after appropriate consultation, is justified by humanitarian concerns or is otherwise in the national interest.

8 U.S.C. § 1157(a)(2). "Appropriate consultation" is defined as "discussions in person by designated Cabinet-level representatives of the President with members of the Committees on the Judiciary of the Senate and of the House of Representatives." *Id.* § 1157(e). After undergoing this process in 2016, President

Obama determined that the admission of 110,000 refugees to the United States during fiscal year 2017 was justified by humanitarian concerns or otherwise in the national interest. *See* 81 Fed. Reg. at 70315. Section 6(b) of EO2 reduced the refugee admission cap for the same year to 50,000. *See* 82 Fed. Reg. at 13216.

The statute requires the President to set the number of annual refugee admissions (1) before the start of the new fiscal year, and (2) after appropriate consultation with Congress. The Government responds that § 1157 only refers to a ceiling—not the floor—for the number of refugees who may be admitted, and that §§ 1182(f) and 1185(a)(1) permit the President to lower the number of refugees permitted to enter.

We disagree. This interpretation reads out the language that the number of refugees who may be admitted *shall be* the number determined by the President. *See* 8 U.S.C. § 1157(a)(2). The Government's argument would require us to conclude that Congress set forth very specific requirements for the President to provide the number and allocation of the refugees to be admitted as justified by humanitarian concerns or the national interest, after appropriate consultation, only to permit the President to order a midyear reduction in the level of refugee admissions, and to do so without consulting Congress. Section 1157 contemplates that the President, after consultation with Congress, may *increase* the number of refugees admitted in the middle of the fiscal year, but does not provide a

mechanism for the President to *decrease* the number of refugees to be admitted mid-year. *See id.* § 1157(b) (describing how, after appropriate consultation, the President may fix a number of additional refugees to be admitted to the United States).

Well-settled interpretive canons further explain why § 1182(f) does not give the President authority to override the requirements of § 1157. First, applying the “later in time” canon, § 1182(f) was adopted in 1952, and § 1157 was adopted in 1980, indicating that this subsequent statute shapes the scope of the President’s authority. *See Brown & Williamson Tobacco Corp.*, 529 U.S. at 143 (“The ‘classic judicial task of reconciling many laws enacted over time, and getting them to ‘make sense’ in combination, necessarily assumes that the implications of a statute may be altered by the implications of a later statute.’” (quoting *United States v. Fausto*, 484 U.S. 439, 453 (1988))).

Second, § 1157, the more specific provision, controls the more general § 1182(f). *See id.* (“This is particularly so where the scope of the earlier statute is broad but the subsequent statutes more specifically address the topic at hand.”); *Radzanower v. Touche Ross & Co.*, 426 U.S. 148, 153 (1976). Section 1157 provides a very specific process for “appropriate consultation” that the President must follow before setting the number of refugees to be admitted to the United States that is justified by humanitarian concerns or is otherwise in the national

interest. “Appropriate consultation” requires in-person discussions between cabinet-level representatives and members of Congress “to review the refugee situation or emergency refugee situation, to project the extent of possible participation of the United States therein, [and] to discuss the reasons for believing that the proposed admission of refugees is justified by humanitarian concerns or grave humanitarian concerns or is otherwise in the national interest” 8 U.S.C. § 1157(e). As part of the consultation, the Executive also must present the following information:

- (1) A description of the nature of the refugee situation.
- (2) A description of the number and allocation of the refugees to be admitted and an analysis of conditions within the countries from which they came.
- (3) A description of the proposed plans for their movement and resettlement and the estimated cost of their movement and resettlement.
- (4) An analysis of the anticipated social, economic, and demographic impact of their admission to the United States.
- (5) A description of the extent to which other countries will admit and assist in the resettlement of such refugees.
- (6) An analysis of the impact of the participation of the United States in the resettlement of such refugees on the foreign policy interests of the United States.
- (7) Such additional information as may be appropriate or requested by such members.

Id. According to the statute, this information would ideally be provided at least two weeks in advance of the discussions. *Id.*

Congress prescribed specific actions the President must take before setting the number of refugees who may be admitted as justified by humanitarian concerns

or as otherwise in the national interest. *See generally* 8 U.S.C. § 1157. The President relied on § 1182(f)—an earlier and more general provision—to conclude that admission of refugees above 50,000 is detrimental to the interest of the United States. But § 1157, a “narrow, precise, and specific” statutory provision, may not be overridden by § 1182(f), a provision “covering a more generalized spectrum” of issues. *Radzanower*, 426 U.S. at 153–54; *see also Nitro–Lift Techs., LLC v. Howard*, 133 S. Ct. 500, 504 (2012) (explaining that the interpretive principle *generalia specialibus non derogant* means that “the specific governs the general” and applies to conflict between “laws of equivalent dignity”).

As a result, Plaintiffs have also shown a likelihood of success on the merits for their argument that Section 6(b) of EO2 conflicts with 8 U.S.C. § 1157.

4

Plaintiffs additionally argue that EO2 conflicts with 8 U.S.C. § 1182(a)(3)(B), which sets forth detailed and “specific criteria for determining terrorism-related inadmissibility.” *Din*, 135 S. Ct. at 2140.

EO2 attempts to eliminate the marginal risk of “erroneously permitting entry of a national of one of these countries who intends to commit terrorist acts,” 82 Fed. Reg. at 13211, by suspending entry of all nationals from the six designated countries. We need not decide the precise scope of § 1182(f) authority in relation to § 1182(a)(3)(B) because the President has not met the precondition to exercising

his power under § 1182(f), that is, of making a detrimentality finding. We note, however, that executive action should not render superfluous Congress's requirement that there be a "reasonable ground to believe" that an alien "is likely to engage after entry in any [specifically defined] terrorist activity," 8 U.S.C. § 1182(a)(3)(B)(i)(II), and other specific grounds for terrorism-related admissibility. *Cf. Abourezk*, 785 F.2d at 1049 n.2 ("The President's sweeping proclamation power [under § 1182(f)] provides a safeguard against the danger posed by any particular case or class of cases *that is not covered* by one of the categories in section 1182(a)." (emphasis added)); *Allende v. Shultz*, 845 F.2d 1111, 1118 (1st Cir. 1988) ("Each subsection [of § 1182(a)] creates a different and distinct ground for exclusion.").

5

Finally, we note that in considering the President's authority, we are cognizant of Justice Jackson's tripartite framework in *Youngstown Sheet & Tube Co. v. Sawyer*. *See* 343 U.S. 579, 635–38 (1952) (Jackson, J., concurring). Section 1182(f) ordinarily places the President's authority at its maximum. "When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate." *Id.* at 635. However, given the express will of Congress through § 1152(a)(1)(A)'s non-discrimination mandate, § 1157's

procedure for refugee admissions to this country, and § 1182(a)(3)(B)’s criteria for determining terrorism-related inadmissibility, the President took measures that were incompatible with the expressed will of Congress, placing his power “at its lowest ebb.” *Id.* at 637. In this zone, “Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for what is at stake is the equilibrium established by our constitutional system.” *Id.* at 638. We have based our decision holding the entry ban unlawful on statutory considerations, and nothing said herein precludes Congress and the President from reaching a new understanding and confirming it by statute. If there were such consensus between Congress and the President, then we would view Presidential power at its maximum, and not in the weakened state based on conflict with statutory law. *See id.* at 635–38.

* * *

In sum, we conclude that Plaintiffs have shown a likelihood of success on the merits at least as to their arguments that EO2 contravenes the INA by exceeding the President’s authority under § 1182(f), discriminating on the basis of nationality, and disregarding the procedures for setting annual admissions of refugees.²¹

²¹ Because this claim relates to EO2’s conflict with the INA, we leave open whether and in what circumstances the President may suspend entry under his

C

The current record is sufficient to permit the court's evaluation of the irreparable harms threatening Plaintiffs. Plaintiffs identify harms, such as prolonged separation from family members, constraints to recruiting and attracting students and faculty members to the University of Hawai'i, decreased tuition revenue, and the State's inability to assist in refugee resettlement. Many of these harms are not compensable with monetary damages and therefore weigh in favor of finding irreparable harm. *See, e.g., Washington*, 847 F.3d at 1169 (identifying harms such as harms to States' university employees and students, separated families, and stranded States' residents abroad); *Regents of Univ. of Cal. v. Am. Broad. Cos., Inc.*, 747 F.2d 511, 520 (9th Cir. 1984) (crediting intangible harms such as the "impairment of their ongoing recruitment programs [and] the dissipation of alumni and community goodwill and support garnered over the years"); *cf. Moore v. City of E. Cleveland, Ohio*, 431 U.S. 494, 503–04 (1977) (explaining that "the Constitution protects the sanctity of the family precisely because the institution of the family is deeply rooted in this Nation's history and tradition").

We conclude Plaintiffs are likely to suffer irreparable harm in the absence of

inherent powers as commander-in-chief or in a time of national emergency. *See, e.g., Legal Assistance for Vietnamese Asylum Seekers*, 45 F.3d at 473.

preliminary relief.

D

In considering the equities of a preliminary injunction, we next “balance the competing claims of injury” and “consider the effect on each party of the granting or withholding of the requested relief.” *Winter*, 555 U.S. at 24.

The district court did not abuse its discretion in finding that the balance of hardships tipped in Plaintiffs’ favor. The Government argues that the injunction causes direct, irreparable injury by constraining the Executive’s authority in “protect[ing] national security on behalf of the entire United States.”²² “[T]he Government’s interest in combating terrorism is an urgent objective of the highest order.” *Humanitarian Law Project*, 561 U.S. at 28. Nonetheless, the President must exercise his authority under § 1182(f) lawfully by making sufficient findings justifying that entry of certain classes of aliens would be detrimental to the national interest and ensuring that such exercise does not conflict with other INA

²² To the extent the Government argues that it is injured simply by nature of the judiciary limiting the President’s authority, *ipso facto*, when it argues that it suffered a “form of irreparable injury” because it was “enjoined by a court from effectuating statutes enacted by representatives of its people,” we reject that argument. *See Robel*, 389 U.S. at 264 (“[The] concept of ‘national defense’ cannot be deemed an end in itself, justifying any exercise of . . . power designed to promote such a goal. Implicit in the term ‘national defense’ is the notion of defending those values and ideals which set this Nation apart.”); *see also Int’l Refugee Assistance Project*, 2017 WL 2273306, at *25 (rejecting the Government’s “institutional injury” argument, as “even the President’s actions are not above judicial scrutiny”).

provisions. Because the President has not done so, we cannot conclude that national security interests outweigh the harms to Plaintiffs. *See Int'l Refugee Assistance Project*, 2017 WL 2273306, at *32 (Keenan, J., concurring in part and concurring in the judgment).

Further, the Government has not put forth evidence of injuries resulting from the preliminary injunction, or how the screening and vetting procedures in place before the Order was enjoined were inadequate such that the Order should take immediate effect. Continuing to enjoin portions of EO2 restores immigration procedures and programs to the position they were in prior to its issuance. *See Washington*, 847 F.3d at 1168; *see also* Brief of Former National Security Officials as Amici Curiae, Dkt. No. 108 at 9 (explaining that a number of amici officials, in office on January 20, 2017 and current on active intelligence, knew of no “credible terrorist threat streams directed against the United States” at that time).

In weighing the harms, the equities tip in Plaintiffs’ favor.

E

Plaintiffs must finally show that preliminary injunctive relief is in the public interest.

National security is undoubtedly a paramount public interest. *See Haig v. Agee*, 453 U.S. 280, 307 (1981) (“[N]o governmental interest is more compelling

than the security of the Nation.”).²³ Although we recognize that “sensitive and weighty interests of national security and foreign affairs” are implicated, *Humanitarian Law Project*, 561 U.S. at 33–34, the President must nonetheless exercise his executive power under § 1182(f) lawfully. The public interest is served by “curtailing unlawful executive action.” *Texas*, 809 F.3d at 187.

The public interests in uniting families and supporting humanitarian efforts in refugee resettlement support the conclusion that the public interest is served by preliminarily enjoining EO2 and maintaining the status quo. *Cf. Solis-Espinoza v. Gonzales*, 401 F.3d 1090, 1094 (9th Cir. 2005) (“Public policy supports

²³ Several amici contend that the Order not only serves no national security interest, but actually harms our security. *See, e.g.*, Brief of Former National Security Officials as Amici Curiae, Dkt. No. 108 at 2 (explaining that the Order will harm the country’s national security and foreign policy interest: “It will endanger troops in the field, and disrupt key counterterrorism and national security partnerships. It will aid the propaganda effort of the Islamic State in Iraq and the Levant (“ISIL”) and support its recruitment message. By feeding the narrative that the United States is at war with Islam, the Order will impair relationships with the very Muslim communities that law enforcement professionals rely on to address the threat of terrorism. And it will have a damaging humanitarian and economic impact.”); Brief of Former Federal Immigration and Homeland Security Officials as Amici Curiae, Dkt. No. 176 at 20–21 (“[T]he Order weakens vetting protocols and procedures by using national-origin discrimination as a substitute for individualized threat assessments. The Order also threatens to fracture critical military, intelligence, and counterterrorism partnerships and hinder cooperation with the very communities with which law enforcement professionals work to disrupt terrorist plots.”); Brief of *Doe* Plaintiffs as Amici Curiae, Dkt. No. 276, Ex. G., U.S. Dep’t of State, Dissent Channel: Alternatives to Closing Doors in Order to Secure Our Borders (voicing the State Department officers’ concerns about EO1). A draft DHS report also concluded that citizenship “is unlikely to be a reliable indicator of potential terrorist activity.”

recognition and maintenance of a family unit. The [INA] was intended to keep families together. It should be construed in favor of family units and the acceptance of responsibility by family members.”); *Kaliski v. Dist. Dir. of INS*, 620 F.2d 214, 217 (9th Cir. 1980) (explaining that “the humane purpose” of the INA is to reunite families).

Amici also have identified specific harms that will result if EO2 takes effect, bolstering the conclusion that the injunction is in the public interest. They explain that EO2 would, *inter alia*: curtail children’s ability to travel to the United States to obtain life-saving medical care, *see* Brief of the Foundation for the Children of Iran and Iranian Alliances Across Borders as Amici Curiae, Dkt. No. 77; undermine the efforts of religious organizations in the United States rendering humanitarian aid, *see* Brief of Episcopal Bishops as Amici Curiae, Dkt. No. 87; compromise the diversity interests that are central to universities, *see* Brief of New York University as Amicus Curiae, Dkt. No. 95; deter international students, faculty, and scholars from studying at American universities and harm the research mission of universities, *see* Brief of Colleges and Universities as Amici Curiae, Dkt. No. 97; impose additional hardship for child refugees already facing violence and trauma, *see* Brief of Professional Society on the Abuse of Children as Amicus Curiae, Dkt. No. 107; immediately harm refugees who will be denied entry and risk the vitality of entire refugee assistance programs and resettlement efforts, *see* Brief of

Interfaith Group of Religions and Interreligious Organizations as Amici Curiae, Dkt. No. 121, Brief of Oxfam America as Amicus Curiae, Dkt. No. 149, Brief of HIAS, IRC, and USCRI as Amici Curiae, Dkt. No. 155, Brief of *Doe* Plaintiffs as Amici Curiae, Dkt. No. 276; uniquely exclude Muslim family members, scholars, religious leaders, and professionals from entry, *see* Brief of Muslim Rights, Professional, and Public Health Organizations as Amici Curiae, Dkt. No. 124, Brief of Muslim Justice League et al. as Amici Curiae, Dkt. No. 207; inflict proprietary harms on the states by harming state colleges, disrupting staffing and research at state medical institutions, and reducing tax revenues and reinvestment of refugee funding into local economies, *see* Brief of Illinois et al. as Amici Curiae, Dkt. No. 125; undermine trust between law enforcement and immigrant communities and inflict financial and social costs, such as loss of tourism dollars, *see* Brief of Chicago et al. as Amici Curiae, Dkt. No. 137; interfere with union members' ability to do their work and serve the American public, *see* Brief of Service Employees International Union et al. as Amici Curiae, Dkt. No. 166; harm American competitiveness by disrupting ongoing business operations and inhibiting technology companies' abilities to attract talent, business, and investment to the United States, *see* Brief of Technology Companies as Amici Curiae, Dkt. No. 180, Brief of Massachusetts Technology Leadership Council as Amicus Curiae, Dkt. No. 194; place victims of gender-based violence at particular

risk, *see* Tahirih Justice Center et al. as Amici Curiae, Dkt. No. 185; interrupt foreign artists' exhibitions and performances in the United States, *see* Brief of the Association of Art Museum Directors et al. as Amici Curiae, Dkt. No. 204; and prevent U.S. citizens and lawful permanent residents from receiving visits from or reuniting with family members, *see* Brief of Human Rights First et al. as Amici Curiae, Dkt. No. 222.

The public interest favors affirming the preliminary injunction. *See Winter*, 555 U.S. at 24 (“In exercising their sound discretion, courts of equity should pay particular regard for the public consequences in employing the extraordinary remedy of injunction.”).

* * *

Plaintiffs have satisfied all four factors to warrant entry of the preliminary injunction. *See id.* at 20. The district court did not abuse its discretion in granting an injunction.

V

With respect to the injunction's scope, the Government contends that the district court erred by enjoining internal government procedures, giving nationwide relief, and entering an order against the President.

We review the scope of a preliminary injunction for abuse of discretion. *McCormack v. Hiedeman*, 694 F.3d 1004, 1010 (9th Cir. 2012). Although the

district court has “considerable discretion in fashioning suitable relief and defining the terms of an injunction,” *Lamb-Weston, Inc. v. McCain Foods, Ltd.*, 941 F.2d 970, 974 (9th Cir. 1991), there are limitations on this discretion. Injunctive relief must be tailored to remedy the specific harms shown by the plaintiffs. *See id.* (“Injunctive relief . . . must be tailored to remedy the specific harm alleged.”); *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979) (“[T]he scope of injunctive relief is dictated by the extent of the violation established . . .”). “An overbroad injunction is an abuse of discretion.” *Stormans*, 586 F.3d at 1140.

A

The Government first argues that the injunction improperly enjoins enforcement of parts of Sections 2 and 6 that are unrelated to any alleged harm to Plaintiffs—specifically, the provisions that pertain to internal government operations and procedures.

Portions of Section 2 require various agencies to conduct a review of worldwide vetting procedures to determine what additional information, if any, is needed from each foreign country to adjudicate a visa application, prepare a report on the results of the worldwide review, submit a list of countries that do not provide requested information to the President, and recommend other lawful restrictions or limitations deemed necessary for the security of the United States. 82 Fed. Reg. at 13212–13. Likewise, during the interim period when refugee

admissions is suspended, Section 6 directs the Secretary of State, in conjunction with the Secretary of Homeland Security and the Director of National Intelligence, to conduct an internal review and implement additional procedures identified by the review. *Id.* at 13215. Section 6 also requires the Secretary of State to review the “existing law” to determine how State and local jurisdictions could have greater involvement in the process of determining refugee placement. *Id.* at 13216.

Although other unenjoined sections of EO2 permit interagency coordination to review vetting procedures, the district court nonetheless abused its discretion in enjoining the inward-facing tasks of Sections 2 and 6. Enjoining the entirety of Sections 2 and 6 was not narrowly tailored to addressing only the harms alleged. For example, internal determinations regarding the necessary information for visa application adjudications do not have an obvious relationship to the constitutional rights at stake or statutory conflicts at issue here. Plaintiffs have not shown how the Government’s internal review of its vetting procedures will harm them. We vacate the preliminary injunction to the extent it enjoins internal review procedures that do not burden individuals outside of the executive branch of the federal government. *See Bresgal v. Brock*, 843 F.2d 1163, 1171 (9th Cir. 1987) (“An injunction against a government agency must be structured to take into account ‘the well-established rule that the government has traditionally been granted the widest latitude in the “dispatch of its own internal affairs.”’” (quoting *Rizzo v.*

Goode, 423 U.S. 362, 378–79 (1976)); *cf. Bowen v. Roy*, 476 U.S. 693, 700 (1986) (explaining that the Free Exercise Clause “affords an individual protection from certain forms of governmental compulsion [but] does not afford an individual a right to dictate the conduct of the Government’s internal procedures”).

B

The Government next argues that the district court erred in enjoining Section 6’s refugee provisions, specifically the suspension of refugees and adoption of the 50,000 refugee cap.

The State alleges that Section 6 will force it to abandon the refugee program that embodies the State’s traditions of openness and diversity. The State has several policies that aid and resettle refugees, and has a “long history of welcoming refugees impacted by war and oppression.” As discussed earlier, OCS, a division of the Department of Labor and Industrial Relations, is directed to “[a]ssist and coordinate the efforts of all public and private agencies providing services which affect the disadvantaged, refugees, and immigrants.” Haw. Rev. Stat. § 371K-4(5). OCS also operates the Refugee Social Services Program and the Refugee Cash and Medical Assistance Program. *See* Department of Labor and Industrial Relations, Office of Community Services, 2017 Hawaii State Plan for Refugee Assistance and Services (2016); <https://labor.hawaii.gov/ocs/files/2013/02/FY17-State-Plan-for-Hawaii.pdf> (last visited June 6, 2017). The State further highlights that aiding

refugees is central to the mission of private organizations, like Catholic Charities Hawai‘i and Pacific Gateway Center.

Since fiscal year 2010, at least twenty refugees have arrived and resettled in Hawai‘i, and in fiscal year 2017 to date, three have resettled there. While this is a small number of refugees, it does not diminish Hawai‘i’s interest in effectuating its refugee programs and investments. Enjoining the suspension and cap would protect the State’s programs and efforts in resettling refugees.

Although the Government is correct in pointing out that most of Plaintiffs’ alleged injuries center on the implementation of Section 2(c), at this preliminary stage of litigation, the district court did not abuse its discretion by enjoining Section 6’s operative provisions suspending refugee admission on the basis of the current record. We therefore reject the Government’s challenge on this point.

C

The Government next contends that the district court erred by enjoining Section 2(c) as to all persons everywhere, rather than redressing only Plaintiffs’ injuries. The Government requests that the nationwide injunction be limited to Plaintiffs only.²⁴

²⁴ The Government also argues that to the extent § 1152(a)(1)(A) cabins executive authority, the injunction entered by the district court can only apply to immigrant visas and should not apply to *nonimmigrant* visas. We decline to narrow the injunction on the grounds proposed by the Government because, even assuming

The district court identified two reasons to support a nationwide injunction. First, the district court emphasized that in certain circumstances, it is appropriate for courts to issue nationwide injunctions. *Hawai‘i PI*, 2017 WL 1167383, at *8. As the Fifth Circuit observed in *Texas v. United States*, nationwide injunctions are particularly appropriate in the immigration context because “immigration laws of the United States should be enforced vigorously and *uniformly*.” 809 F.3d at 187–88; *see* U.S. Const. art. I, § 8, cl. 4 (“The Congress shall have Power . . . [t]o establish an *uniform* Rule of Naturalization”) (emphasis added). Enjoining the conduct as to Plaintiffs may result in “fragmented immigration policy [that] would run afoul of the constitutional and statutory requirement for uniform immigration law and policy.” *Washington*, 847 F.3d at 1166–67 (citing to *Texas*, 809 F.3d at 187–88)).

Second, the district court made clear that the Government did not provide a workable framework for narrowing the geographic scope of the injunction. *See id.* at 1167 (“[E]ven if limiting the geographic scope of the injunction would be desirable, the Government has not proposed a workable alternative form of the TRO that accounts for the nation’s multiple ports of entry and interconnected transit system and that would protect the proprietary interests of the States at issue

the Government is correct, the President failed to meet the precondition to exercising his authority under § 1182(f).

here while nevertheless applying only within the States' borders.''). On appeal, the Government has not offered any new workable method of limiting the geographic scope of the injunction.

An "injunction is not necessarily made over-broad by extending benefit or protection to persons other than prevailing parties in the lawsuit—even if it is not a class action—if such breadth is necessary to give prevailing parties the relief to which they are entitled." *Bresgal*, 843 F.2d at 1170–71. Narrowing the injunction to apply only to Plaintiffs would not cure the statutory violations identified, which in all applications would violate provisions of the INA. *See Int'l Refugee Assistance Project*, 2017 WL 2273306, at *27 (affirming the nationwide injunction because Section 2(c) of EO2 likely violates the Establishment Clause, and its constitutional deficiency "would endure" in all applications); *cf. Nat'l Mining Ass'n v. U.S. Army Corps of Eng'rs*, 145 F.3d 1399, 1409 (D.C. Cir. 1998) ("[W]hen a reviewing court determines that agency regulations are unlawful, the ordinary result is that the rules are vacated—not that their application to the individual petitioners is proscribed." (quoting *Harmon v. Thornburgh*, 878 F.2d 484, 495 n.21 (D.C. Cir. 1989))).

The district court did not abuse its discretion in entering a nationwide preliminary injunction.

D

Finally, the Government argues that the district court erred by issuing an injunction that runs against the President himself. This position of the Government is well taken. Generally, we lack “jurisdiction of a bill to enjoin the President in the performance of his official duties.” *Franklin v. Massachusetts*, 505 U.S. 788, 802–03 (1992) (quoting *Mississippi v. Johnson*, 71 U.S. 475, 501 (1866)); *see id.* at 802 (“[I]njunctive relief against the President himself is extraordinary, and should . . . raise[] judicial eyebrows.”). Injunctive relief, however, may run against executive officials, including the Secretary of Homeland Security and the Secretary of State. *See, e.g., Youngstown Sheet & Tube Co.*, 343 U.S. at 588–89 (holding that President Truman did not act within his constitutional power in seizing steel mills and affirming the district court’s decision enjoining the Secretary of Commerce from carrying out the order); *Franklin*, 505 U.S. at 802–03.

We conclude that Plaintiffs’ injuries can be redressed fully by injunctive relief against the remaining Defendants, and that the extraordinary remedy of enjoining the President is not appropriate here. *See Franklin*, 505 U.S. at 803. We therefore vacate the district court’s injunction to the extent the order runs against the President, but affirm to the extent that it runs against the remaining “Defendants and all their respective officers, agents, servants, employees, and attorneys, and persons in active concert or participation with them.”

E

The district court did err in enjoining the entirety of Sections 2 and 6, particularly the portions that pertain to interagency review, despite the Government's requests for clarification and requests to narrow the injunction to enjoin conduct that actually harms Plaintiffs. The district court abused its discretion in enjoining inward-facing agency conduct because enjoining this conduct would not remedy the harms asserted by Plaintiffs. Further, the district court abused its discretion in enjoining the President. We would not be able to affirm in full the preliminary injunction even if Plaintiffs were also likely to succeed on their constitutional claims, for reasons that enjoining internal review procedures does not remedy harms to Plaintiffs and because it is improper to enjoin the President without necessity. As we have affirmed the injunction in part on statutory grounds, and vacated certain parts on the basis of considerations governing the proper scope of an injunction, we need not consider the constitutional claims here.

VI

We affirm in part and vacate in part the district court's preliminary injunction order. As to the remaining Defendants, we affirm the injunction as to Section 2(c), suspending entry of nationals from the six designated countries for 90 days; Section 6(a), suspending USRAP for 120 days; and Section 6(b), capping the

entry of refugees to 50,000 in the fiscal year 2017. We vacate the portions of the injunction that prevent the Government from conducting internal reviews, as otherwise directed in Sections 2 and 6, and the injunction to the extent that it runs against the President. We remand the case to the district court with instructions to re-issue a preliminary injunction consistent with this opinion.²⁵

AFFIRMED in part; VACATED in part; and REMANDED with instructions. Each party shall bear its own costs on appeal.

²⁵ The Government's motion for a stay pending appeal is **DENIED** as moot.

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Matthew E. Sloan, Alyssa J. Clover, Richard A. Schwartz, and Allison B. Holcombe, Skadden, Arps, Slate, Meagher & Flom LLP, Los Angeles, California; Jennifer H. Berman and Eric J. Gorman, Skadden, Arps, Slate, Meagher & Flom LLP, Chicago, Illinois; Jonathan Fombonne, Sarah Grossnickle, and Noelle M. Reed, Skadden, Arps, Slate, Meagher & Flom LLP, Houston, Texas; Joseph M. Sandman, Skadden, Arps, Slate, Meagher & Flom LLP, Washington, D.C.; Aaron Morris, Immigration Equality, New York, New York; Virginia M. Goggin, New York City Gay and Lesbian Anti-Violence Project, New York, New York; Glenn Magpantay, The National Queer Asian Pacific Islander Alliance, New York, New York; for Amici Curiae Immigration Equality, New York City Gay and Lesbian Anti-Violence Project, and National Queer Asian Pacific Islander Alliance.


Lynn Lincoln Sarko, Alison S. Gaffney, Derek W. Loeser, Amy Williams-Derry, and Tana Lin, Keller Rohrbach L.L.P., Seattle, Washington; La Rond Baker and Emily Chiang, American Civil Liberties Union of Washington Foundation, Seattle, Washington; Laurie B. Ashton, Keller Rohrbach L.L.P., Phoenix, Arizona; Alison Chase, Keller Rohrbach L.L.P., Santa Barbara, California; for Amici Curiae Joseph Doe, James Doe, and the Episcopal Diocese of Olympia.

Patricia S. Rose, Seattle, Washington, for Amici Curiae One Million Kids for Equality and African Human Rights Coalition.

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Directory of Visa Categories

The purpose of your intended travel and other facts will determine what type of visa is required under U.S. immigration law. As a visa applicant, you will need to establish that you meet all requirements to receive the category of visa for which you are applying. When you apply at a U.S. embassy or consulate, a consular officer will determine based on laws, whether you are eligible to receive a visa, and if so, which visa category is appropriate.

Nonimmigrant Visa Categories

The chart below contains many different purposes of temporary travel and the related nonimmigrant visa categories available on this website. Select a visa category below to learn more:

Purpose of Travel	Visa Category	Required: Before applying for visa*
Athlete, amateur or professional (competing for prize money only)	B-1	(NA)
Au pair (exchange visitor)	J	SEVIS
Australian professional specialty	E-3	DOL
Border Crossing Card: Mexico	BCC	(NA)
Business visitor	B-1	(NA)
CNMI-only transitional worker	CW-1	(USCIS)

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Crewmember	D	(NA)
Diplomat or foreign government official	A	(NA)
Domestic employee or nanny - must be accompanying a foreign national employer	B-1	(NA)
Employee of a designated international organization or NATO	G1-G5, NATO	(NA)
Exchange visitor	J	SEVIS
Foreign military personnel stationed in the United States	A-2 NATO1-6	(NA)
Foreign national with extraordinary ability in Sciences, Arts, Education, Business or Athletics	O	USCIS
Free Trade Agreement (FTA) Professional: Chile, Singapore	H-1B1 - Chile H-1B1 - Singapore	DOL
International cultural exchange visitor		USCIS
Intra-company transferee	L	USCIS
Medical treatment, visitor for	B-2	(NA)
Media, journalist	I	(NA)
NAFTA professional worker: Mexico, Canada	TN/TD	(NA)
Performing athlete, artist, entertainer	P	USCIS
Physician	J , H-1B	SEVIS
Professor, scholar, teacher (exchange visitor)	J	SEVIS
Religious worker	R	USCIS

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Specialty occupations in fields requiring highly specialized knowledge	H-1B	DOL then USCIS
Student: academic, vocational	F, M	SEVIS
Temporary agricultural worker	H-2A	DOL then USCIS
Temporary worker performing other services or labor of a temporary or seasonal nature.	H-2B	DOL then USCIS
Tourism, vacation, pleasure visitor	B-2	(NA)
Training in a program not primarily for employment	H-3	USCIS
Treaty trader/treaty investor	E	(NA)
Transiting the United States	C	(NA)
Victim of Criminal Activity	U	USCIS
Victim of Human Trafficking	T	USCIS
Nonimmigrant (V) Visa for Spouse and Children of Lawful Permanent Resident (LPR)	V	(NA)
Renewals in the U.S. - A, G, and NATO Visas		(NA)

***What the abbreviations above mean** - Before applying for a visa at a U.S. embassy or consulate, the following is required:

- **DOL** = The U.S. employer must obtain foreign labor certification from the U.S. Department of Labor, prior to filing a petition with USCIS.
- **USCIS** = U.S. Citizenship and Immigration Services (USCIS) approval of a petition or application (The required petition or application depends on the visa category you plan to apply for.)
- **SEVIS** = Program approval entered in the Student and Exchange Visitor Information System (SEVIS)
- **(NA)** = Not Applicable - Additional approval by another U.S. government agency is not required prior to applying for a visa

Important Notes:

- **About this chart** – It is not a complete list of all travel

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purposes for the visa category. Select a visa category webpage for more information. The chart lists almost all nonimmigrant visa categories, with the exception of several not listed above. Refer to the Foreign Affairs Manual, [9 FAM 402.1](#) for all nonimmigrant visa categories.

- **Canadian NAFTA Professional workers** – A visa not required; apply to U.S. Customs and Border Protection (CBP) at border port of entry.
- **K nonimmigrant visas** – For U.S. citizen fiancé(e) and spouse for immigration related purposes. Refer to [Immigrant Visa Categories](#).

Immigrant Visa Categories

The chart below contains different purposes for immigrating to the United States, and the related immigrant visa categories for which information is available on this website. Select a visa category below to learn more:

Immediate Relative & Family Sponsored	Visa Category
Spouse of a U.S. Citizen	IR1, CR1
Spouse of a U.S. Citizen awaiting approval of an I-130 immigrant petition	K-3 *
Fiancé(e) to marry U.S. Citizen & live in U.S.	K-1 *
Intercountry Adoption of Orphan Children by U.S. Citizens	IR3, IH3, IR4, IH4
Certain Family Members of U.S. Citizens	IR2, CR2, IR5, F1, F3, F4
Certain Family Members of Lawful Permanent Residents	F2A, F2B
Employer Sponsored – Employment	
Employment-Based Immigrants, including (preference group): <ul style="list-style-type: none"> ■ Priority workers [First] ■ Professionals Holding Advanced Degrees and Persons of Exceptional Ability [Second] ■ Professionals and Other Workers [Third] ■ Employment Creation/Investors 	E1 E2 E3, EW3

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[Fifth] ■ Certain Special Immigrants: [Fourth]	C5, T5, R5, I5 S (many**)
Religious Workers	SD, SR
Iraqi and Afghan Translators/Interpreters	SI
Iraqis Who Worked for/on Behalf of the U.S. Government	SQ
Afghans Who Worked for/on Behalf of the U.S. Government	SQ
Other Immigrants	
Diversity Immigrant Visa	DV
Returning Resident	SB

Important Notes:

***K Visas** – Listed with immigrant visas because they are for immigration related purposes.

About this chart - This chart is a list of many immigrant visa categories, but not every immigrant visa category.

**Refer to the Foreign Affairs Manual, [9 FAM 502.1](#) for a listing of all immigrant visa categories.

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detrimental, *adj.* and *n.*

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View as: Outline | [Full entry](#)Quotations: Show all | [Hide all](#) Keywords: On | [Off](#)**Pronunciation:**  /detrɪ'mentəl/**Frequency (in current use):** ●●●●●●●●**Etymology:** < DETRIMENT *n.* + -AL *suffix*¹.**A. *adj.***Causing loss or damage; harmful, injurious, hurtful. [Thesaurus »](#)1656 T. BLOUNT *Glossographia* *Detrimental*, hurtful, dangerous, full of loss.a1661 T. FULLER *Worthies* (1662) Chesh. 183 A gift indeed..loded with no *detrimentall* Conditions.1719 W. WOOD *Surv. Trade* (ed. 2) 84 That the Trade..is most *detrimental* to the Nation.1801 *Med. & Physical Jrnl.* 5 1 Particularly *detrimental* to the constitution.1872 J. YEATS *Growth Commerce* 271 Their admission was *detrimental* to French industry.1875 B. JOWETT tr. Plato *Dialogues* (ed. 2) IV. 53 Paradoxes..which [are]..*detrimental* to the true course of thought.[\(Hide quotations\)](#)**B. *n.***A person or thing that is prejudicial; in *Society slang*, a younger brother of the heir of an estate; an ineligible suitor. [Thesaurus »](#) [Categories »](#)1831 *Westm. Rev.* 14 424 The eldest son is pursued by..damsels, while the younger are termed '*detrimentals*'..and avoided by 'mothers and daughters' as more dangerous company than the plague.1832 F. MARRYAT *Newton Forster* II. vii. 86 These *detrimentals* (as they have named themselves) may be provided for.1854 LADY LYTTON *Behind Scenes* I. ii. iii. 188 There were also plenty of *detrimentals*, such as younger brothers, unpaid red tapeists, heiress-seekers, and political connection-hunters.1870 C. F. GORDON-CUMMING in *Good Words* 137/1 The sisters of the wife being considered *detrimentals*, are placed in Buddhist convents.1886 *Househ. Words* 13 Mar. 400 (Farmer) A *detrimental*, in genteel slang, is a lover, who, owing to his poverty is ineligible as a husband; or one who professes to pay attentions to a lady without serious intention of marriage, and thereby discourages the intentions of others.1893 R. C. PRAED *Outlaw & Lawmaker* II. 80 Mrs. Valliant..thought that the *detrimentals* kept off desirable suitors.[\(Hide quotations\)](#)**This entry has not yet been fully updated (first published 1895).**[Entry history](#)[Entry profile](#)Previous version:
OED2 (1989)**In this entry:**

[detrimen'tality](#)
[detri' mentalness](#)
[detrimental surface](#)

In other dictionaries:


[detrimental: view definition in Oxford Dictionaries](#)

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Entry	Date
detray, v.	c1475
detract, v.	1542
detractation, n.	1623
detrrench, v.	1398
detressed, adj.	1603
detrribalization, n.	1928
detrribalize, v.	1920
detriment, n.	a1440
detriment, v.	1623
detrimental, adj. an...	1656
detrimentally, adv.	1879
detrimentary, adj.	1841
detrimentous, adj.	1648
detrital, adj.	1831
detrîte, adj.	1656
detrîted, adj.	1697
detrîtîc, adj.	1843
detrîtion, n.	1674
detrîtîvorous, adj.	1931

detrimental surface *n.* (of an aeroplane): see quot.

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1916 H. BARBER *Aeroplane Speaks* 58 Active Drift, which is the drift produced by the lifting surfaces. Passive Drift, which is the drift produced by all the rest of the aeroplane—the struts, wires, fuselage, under-carriage, etc., all of which is known as 'detrimental surface'.

[\(Hide quotations\)](#)

DERIVATIVES

detrimentality *n.*

[Thesaurus »](#)

1873 *Daily News* 5 Aug. 5/4 When you are hinting to your fair daughter the detrimentality of Charlie Fraser..who has his subaltern's pay and about 50/ a year thrown in.

[\(Hide quotations\)](#)

detrimentalness *n.*

1727 N. BAILEY *Universal Etymol. Eng. Dict.* II Detrimentalness, prejudicialness.

[\(Hide quotations\)](#)

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9 FAM 302.14

(U) INELIGIBILITY BASED ON SANCTIONED ACTIVITIES - INA 212(A)(3)(C), INA 212(F) AND PP 8693

(CT: VISA-272; 12-20-2016)

(Office of Origin: CA/VO/L/R)

9 FAM 302.14-1 (U) STATUTORY AND REGULATORY AUTHORITY

9 FAM 302.14-1(A) (U) Immigration and Nationality Act

(CT: VISA-272; 12-20-2016)

(U) INA 212(a)(3)(C) (8 U.S.C. 1182(a)(3)(C)); INA 212(a)(3)(D)(iv) (8 U.S.C. 1182(a)(3)(D)(iv)); INA 212(f) (8 U.S.C. 1182(f)).

9 FAM 302.14-1(B) (U) Public Laws

(CT: VISA-272; 12-20-2016)

(U) Section 401 of the Cuban Liberty and Democratic Solidarity (Libertad) Act (Public Law 104-114); Section 616 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277); Section 3205 of the Military Construction Appropriations Act, 2001 (Public Law 106-246); Section 501 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (Public Law 112-158); the Sergei Magitsky Rule of Law Accountability Act of 2012, Title IV of the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 (Public Law 112-208).

9 FAM 302.14-1(C) (U) Presidential Proclamations and Executive Orders

(CT: VISA-272; 12-20-2016)

(U) Executive Order 13606 - Blocking the Property and Suspending Entry Into the United States of Certain Person With Respect to Grave Human Rights Abuses by the Government of Iran and Syria via Information Technology; Executive Order 13608 - Prohibiting Certain Transactions With and Suspending Entry Into the United States of Foreign Sanctions Evaders With Respect to Iran and Syria; Presidential Proclamation 8693 - Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions; Presidential Proclamation 8697 of August 4, 2011 - Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Participate in Serious Human Rights and Humanitarian Law Violations and Other Abuses.

9 FAM 302.14-2 (U) ADVERSE FOREIGN POLICY CONSEQUENCES - INA 212(A)(3)(C)

9 FAM 302.14-2(A) (U) Grounds

(CT:VISA-272; 12-20-2016)

(U) INA 212(a)(3)(C) allows the Secretary of State may exclude, under certain circumstances, any alien whose entry or proposed activities in the United States would have potentially serious adverse foreign policy consequences for the United States.

9 FAM 302.14-2(B) (U) Application

9 FAM 302.14-2(B)(1) (U) Exceptions for Foreign Officials or Candidates for Government Office

(CT:VISA-272; 12-20-2016)

(U) An alien who is an official of a foreign government or purported government, or who is a candidate for election to a foreign government office, may not be excluded under INA 212(a)(3)(C) solely because of any past, current, or expected beliefs, statements, or associations which would be lawful in the United States. In such cases, exclusion must be based on factors related to the alien's entry or proposed activities which go beyond the applicant's beliefs, statements, and associations, and which have the requisite potential for serious adverse foreign policy consequences.

9 FAM 302.14-2(B)(2) (U) Exceptions for Other Aliens

(CT:VISA-272; 12-20-2016)

(U) Aliens other than foreign government officials or candidates for government office may not be excluded because of their past, current, or expected beliefs, statements, or associations, if lawful in the United States, unless the Secretary of State personally determines that the alien's admission would compromise a compelling U.S. foreign policy interest. It should be noted that "compromise a compelling United States foreign policy interest" is a significantly higher standard than the "have potentially serious adverse foreign policy consequences" standard generally required for a finding of inadmissibility under INA 212(a)(3)(C).

9 FAM 302.14-2(B)(3) (U) Reports to Congress

(CT:VISA-272; 12-20-2016)

(U) You should be aware that INA 212(a)(3)(C)(iv) added to the law a permanent requirement that the Secretary of State report, on a timely basis, to the Judiciary Committees of the House and Senate, the House Foreign Affairs Committee, and the Senate Foreign Relations Committee every denial of a visa "on the grounds of foreign policy." The Department has interpreted the words "on a timely basis" to mean within thirty days following the denial. Accordingly, whenever we render an opinion that the entry or proposed activities of an alien would have potentially serious adverse foreign policy consequences within the meaning of section INA 212(a)(3)(C), you will be required to report promptly to the Department the precise date on which the alien's application was denied for that reason.

9 FAM 302.14-2(C) Unavailable

9 FAM 302.14-2(C)(1) Unavailable

(CT: VISA-272; 12-20-2016)

Unavailable

9 FAM 302.14-2(C)(2) Unavailable

(CT: VISA-272; 12-20-2016)

Unavailable

9 FAM 302.14-2(D) (U) Waiver

9 FAM 302.14-2(D)(1) (U) Waivers for Immigrants

(CT: VISA-272; 12-20-2016)

(U) No waiver is available but inadmissibility under INA 212(a)(3)(C) applies only to current circumstances.

9 FAM 302.14-2(D)(2) (U) Waivers for Nonimmigrants

(CT: VISA-272; 12-20-2016)

(U) No waiver is available but inadmissibility under INA 212(a)(3)(C) applies only to current circumstances.

9 FAM 302.14-2(E) Unavailable

9 FAM 302.14-2(E)(1) Unavailable

(CT: VISA-272; 12-20-2016)

Unavailable

9 FAM 302.14-2(E)(2) Unavailable

(CT: VISA-272; 12-20-2016)

Unavailable

9 FAM 302.14-3 (U) SUSPENSION OF ENTRY BY PRESIDENT - INA 212(F)

9 FAM 302.14-3(A) (U) Grounds

(CT: VISA-272; 12-20-2016)

(U) INA 212(f) provides that whenever the President finds that the entry of any aliens or of

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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 deems 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.

9 FAM 302.14-3(B) (U) Application

9 FAM 302.14-3(B)(1) (U) In General

(CT: VISA-272; 12-20-2016)

- a. **(U) Basis for Suspension of Entry:** INA 212(f) authorizes the President to suspend entry into the United States of "any aliens or any class of aliens" or to "impose on the entry of aliens any restrictions he may deem appropriate" for such period as he deems necessary upon determining that their entry "would be detrimental to the interests of the United States."
- b. **(U) Presidential Proclamations:** The President exercises this authority by issuing a Presidential Proclamation ("PP") barring certain aliens or a class of aliens ineligible for entry into the United States or imposing appropriate restrictions on their entry.
 - (1) **(U)** A Presidential Proclamation typically grants the Secretary of State authority to identify individuals covered by the presidential proclamation and waive its application for foreign policy or other national interests.
 - (2) **(U)** Some Presidential Proclamations bar entry based on affiliation, such as:
 - (a) **(U)** PP 7062 (suspends the entry of "members of the military junta in Sierra Leone and members of their families"; and
 - (b) **(U)** PP 6958 (suspends the entry of "members of the Government of Sudan, officials of that Government, and members of the Sudanese armed forces").
 - (3) **(U)** Other Presidential Proclamations suspend the entry of persons based on objectionable conduct. Examples include:
 - (a) **(U)** PP 7524 (suspends the entry of "persons responsible for actions that threaten Zimbabwe's democratic institutions and transition to multi-party democracy"); and
 - (b) **(U)** PP 7750 (suspends the entry of certain "persons engaged in or benefitting from corruption").
 - (4) **(U)** A complete list of Presidential Proclamations may be found on the consular Affairs Website, [here](#).
- c. **(U) INA 212(f) and Other Statutory Inadmissibilities:** Aliens who have engaged in conduct covered by a Presidential Proclamation issued under the authority of section 212(f) may also be inadmissible under other sections of the INA or other statutes. These statutory inadmissibilities are to be considered prior to determining whether a Presidential Proclamation applies. For example, an alien believed to have engaged in public corruption covered by PP 7750, but who also has one or more criminal convictions making him ineligible under INA 212(a)(2) would be denied under the latter authority.

9 FAM 302.14-3(B)(2) Unavailable

(CT: VISA-272; 12-20-2016)

a. **Unavailable**

b. **Unavailable**

9 FAM 302.14-3(B)(3) (U) Presidential Proclamation 8697

(CT:VISA-272; 12-20-2016)

a. (U) In General:

- (1) **(U)** On August 4, 2011, President Obama issued Presidential Proclamation 8697 on the Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Participate in Serious Human Rights and Humanitarian Law Violations and Other Abuses. See the full text at PP 8697. Again, please see CA Web for a list of all Presidential Proclamations.
- (2) **(U)** PP 8697 generally covers the following classes of persons:
 - (a) **(U)** Any alien who planned, ordered, assisted, aided and abetted, committed or otherwise participated in, including through command responsibility, widespread or systematic violence against any civilian population based in whole or in part on race, color, descent, sex, disability, membership in an indigenous group, language, religion, political opinion, national origin, ethnicity, membership in a particular social group, birth, or sexual orientation or gender identity, or who attempted or conspired to do so. (See [9 FAM 302.14-3\(B\)\(3\)](#) paragraph b); or
 - (b) **(U)** Any alien who planned, ordered, assisted, aided and abetted, committed or otherwise participated in, including through command responsibility, war crimes, crimes against humanity, or other serious violations of human rights, or who attempted or conspired to do so. (See [9 FAM 302.14-3\(B\)\(3\)](#) paragraph b below.)
- (3) **(U)** PP 8697 does not apply to an alien if the Secretary determines that the individual's particular entry either would not harm U.S. foreign relations interests or would be in the interests of the United States. This latter determination is to be made in consultation with the Secretary of Homeland Security on matters related to admissibility or inadmissibility within the authority of the Secretary of Homeland Security.

b. **(U) Definitions:** The definitions below were developed to help you determine whether an alien's conduct falls within the scope of PP 8697; they do not represent a definitive state of the Department's views on these issued under international or domestic law.

(1) (U) Widespread or Systematic Violence:

- (a) **(U)** "Widespread" violence can be characterized by its extensive nature. Factors in assessing whether violence was widespread could include the number of victims or locations, and the number, type, or frequency of violent incidents involved.
- (b) **(U)** "Systematic" violence can be characterized by a pattern, policy, or plan, such as an organized nature to the violence in question.

(U) Note: "Widespread or Systematic Violence," like "Other Serious Violations of Human Rights" (see paragraph (2)(c) below), does not require contextual determinations regarding the existence of an "armed conflict" or "state or organizational policies." To the extent that certain acts meet this definition, it is not necessary to determine whether they also or independently meet the definitions in section (2)(a) or (2)(b) below.

(2) (U) War Crimes, Crimes Against Humanity, or Other Serious Violations of Human Rights:

- (a) **(U)** The term “war crimes” refers to serious violations of the laws of war committed by, or conspired, attempted, or ordered to be committed by, any person (civilian or military). War crimes only occur in the context of armed conflict. Internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature generally are not considered “armed conflicts” in this context. The following acts may be examples of “war crimes” (see also, the War Crimes Act, 18 U.S.C. 2441):
- (i) **(U)** Grave breaches of the Geneva Conventions of August 12, 1949, which include any of the following acts against persons (e.g., civilians, detainees, wounded combatants) or property protected under the Geneva Conventions:
 - (A) **(U)** Willful killing;
 - (B) **(U)** Torture or inhuman treatment, including biological experiments;
 - (C) **(U)** Willfully causing great suffering, or serious injury to body or health;
 - (D) **(U)** Extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly;
 - (E) **(U)** Compelling a prisoner of war or other protected person to serve in the forces of the hostile Power;
 - (F) **(U)** Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
 - (G) **(U)** Unlawful deportation or transfer or unlawful confinement of a protected person;
 - (F) **(U)** Taking of hostages.
 - (ii) **(U)** Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided that these buildings are not military objectives;
 - (iii) **(U)** Intentionally directing attacks against the civilian population as such or against individual civilians or civilian objects (objects that are not military objectives);
 - (iv) **(U)** Rape, sexual assault, sexual slavery, or sexual abuse;
 - (v) **(U)** Making use of poison, such as poisoning wells or streams;
 - (vi) **(U)** Maltreatment of dead bodies;
 - (vii) **(U)** Purposeless destruction, such as firing on civilian localities that are undefended and without military significance;
 - (viii) **(U)** Misuse of a flag of truce (e.g., a person using a flag of truce to feign an intention to surrender when there is no such intention);
 - (ix) **(U)** Misuse of the Red Cross emblem (e.g., a person using a red cross to attempt to shield a building from attack when the building is actually being used for military purposes and may lawfully be attacked);
 - (x) **(U)** Pillage (i.e., a commander forcibly taking an enemy civilian’s private property for private or personal use without any military necessity nor other proper legal authorization);

- (xi) **(U)** Summarily executing detainees without trial;
 - (xii) **(U)** Declaring that no quarter be given (i.e., a commander directing his forces not to accept any surrender from the enemy and instead to execute summarily captured enemy persons who have surrendered);
 - (xiii) **(U)** Using measures of intimidation or of terrorism against the civilian population;
 - (xiv) **(U)** Intentionally directing attacks against non-combatant personnel, installations or vehicles used in humanitarian assistance or in peacekeeping missions;
 - (xv) **(U)** Subjecting persons who are in the power of an adverse party to physical mutilation or scientific experiments;
 - (xvi) **(U)** Using human shields;
 - (xvii) **(U)** Ordering the displacement of the civilian population unless the security of the civilians involved or imperative military reasons so demand;
 - (xviii) **(U)** Conscripting or enlisting children under the age of fifteen years into the national armed forces or armed groups or using them to participate actively in hostilities.
- (b) **(U)** "Crimes against humanity" are generally characterized by certain acts that are committed as part of a widespread and systematic attack, as defined in (a) above, directed against a civilian population, where the attack is pursuant to or in furtherance of a state or organizational policy to commit such an attack.
- (i) **(U)** The act itself must be committed with knowledge of the larger attack (e.g., the act must be committed under circumstances in which the perpetrator knew of the attack and was aware of the connection between his or her act and the attack).
 - (ii) **(U)** The attack need not amount to, or occur in the context of, an armed conflict.
 - (iii) **(U)** The types of acts that can amount to crimes against humanity when committed in the circumstances described above in section 2 and 2(a) include:
 - (A) **(U)** Murder;
 - (B) **(U)** Extermination;
 - (C) **(U)** Enslavement;
 - (D) **(U)** Deportation or forcible transfer of a civilian population;
 - (E) **(U)** Imprisonment or other severe deprivation of physical liberty;
 - (F) **(U)** Torture;
 - (G) **(U)** Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
 - (H) **(U)** Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, or gender grounds;
 - (I) **(U)** Enforced disappearances of persons;

- (J) **(U)** Apartheid;
 - (K) **(U)** Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.
 - (c) **(U)** "Other Serious Violations of Human Rights" do not need to be committed within the context of a widespread and systematic attack or an armed conflict. They include:
 - (i) **(U)** acts of slavery, the slave trade, and genocide regardless of who commits the acts; and
 - (ii) **(U)** the following and similar types of acts when committed under color of authority whether at a national, state, provincial, local or municipal level of government:
 - (A) **(U)** Torture or cruel, inhuman or degrading treatment or punishment;
 - (B) **(U)** Prolonged arbitrary detention;
 - (C) **(U)** Enforced disappearance of a person;
 - (D) **(U)** Arbitrary or extrajudicial killings and other flagrant denial of the right to life, liberty or security of a person;
 - (E) **(U)** Rape, enforced prostitution, forced pregnancy, forced abortion, enforced sterilization, or any other form of sexual violence of comparable gravity;
 - (G) **(U)** Abuse of prisoners and detainees;
 - (H) **(U)** Arbitrary imprisonment for political motives;
 - (I) **(U)** Forced labor;
 - (J) **(U)** Egregious suppression, meaning "to put down [by force or otherwise], to subdue, quell or crush," of a person's right to freedom of opinion, belief, expression or association (suppression here covers actions that are more extreme and serious rather than any action that somehow interferes with someone's rights);
 - (K) **(U)** Unlawful recruitment into or use of children in armed forces or armed groups;
 - (L) **(U)** Apartheid or systematic racial discrimination;
 - (M) **(U)** Systematic discrimination against or persecution of members of any identifiable group based in whole or in part on race, color, descent, sex, disability, membership in an indigenous group, language, religion, political opinion, national origin, ethnicity, membership in a particular social group, birth or sexual orientation or gender identity.
- (U)** Discrimination based on "birth," as used here, refers to discrimination against someone because he or she was born out of wedlock, born of stateless parents, was adopted, or is part of a family including such persons. It also could involve discrimination because of descent, especially on the basis of caste and analogous systems of inherited status.
- (d) **(U)** "Command responsibility" can refer to the responsibility of a military commander, a person effectively acting as a military commander, or other superiors that exercise effective control over their subordinates for any of the acts

referred to above committed by a subordinate. Command responsibility exists in circumstances in which the commander knew or should have known that the subordinate was about to commit such acts or was in the process of committing or had committed such acts, and the commander failed to take the necessary and reasonable measures to prevent such acts, to halt such acts, and/or to punish the perpetrators. The commander need not have exercised formal supervisory authority; however, he or she must have exercised effective control over the subordinate, including the power to prevent and punish the prohibited acts of persons under his or her control, in order to be held responsible on this basis.

c. **Unavailable**

- (1) **Unavailable**
- (2) **Unavailable**
- (3) **Unavailable**
- (4) **Unavailable**
- (5) **Unavailable**
- (6) **Unavailable**
- (7) **Unavailable**
- (8) **Unavailable**

d. **Unavailable**

- (1) **Unavailable**
- (2) **Unavailable**
 - (a) **Unavailable**
 - (b) **Unavailable**

*cited in State of Hawaii v. Trump
No. 17-15589, archived on June 14, 2017*

e. **Unavailable**

- (1) **Unavailable**
- (2) **Unavailable**

f. **(U) Revocations:**

- (1) **Unavailable**
- (2) **Unavailable**
- (3) **Unavailable**
- Unavailable**

g. **Unavailable**

h. **Unavailable**

i. **Unavailable**

j. **(U) Confidentiality Under INA 222(f):**

- (1) **Unavailable**
- (2) **Unavailable**
- (3) **Unavailable**

9 FAM 302.14-3(C) Unavailable

(CT: VISA-272; 12-20-2016)

a. Unavailable

(1) Unavailable

(2) Unavailable

b. Unavailable

(1) Unavailable

(2) Unavailable

(3) Unavailable

(4) Unavailable

(a) Unavailable

(b) Unavailable

(i) Unavailable

(ii) Unavailable

(5) Unavailable

(6) Unavailable

(a) Unavailable

(b) Unavailable

(7) Unavailable

(a) Unavailable

(b) Unavailable

(c) Unavailable

cited in State of Hawaii v. Trump
No. 17-15589, archived on June 14, 2017

9 FAM 302.14-3(D) (U) Waivers

9 FAM 302.14-3(D)(1) (U) Waivers for Immigrants

(CT: VISA-272; 12-20-2016)

(U) No waiver is available for immigrants under INA 212(f).

9 FAM 302.14-3(D)(2) (U) Waivers for Nonimmigrants

(CT: VISA-272; 12-20-2016)

(U) No waiver is available for nonimmigrants inadmissible under INA 212(f).

9 FAM 302.14-3(E) Unavailable

9 FAM 302.14-3(E)(1) Unavailable

(CT: VISA-272; 12-20-2016)

Unavailable

9 FAM 302.14-3(E)(2) Unavailable

(CT:VISA-272; 12-20-2016)

Unavailable

9 FAM 302.14-4 (U) INDIVIDUALS WHO AIDED AND ABETTED COLOMBIAN INSURGENT AND PARAMILITARY GROUPS - SECTION 3205 OF PUBLIC LAW 106-246

9 FAM 302.14-4(A) (U) Grounds

(CT:VISA-272; 12-20-2016)

(U) Section 3205 of Public Law 106-246 provides that any alien who provided direct or indirect support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense Organization (AUC) is ineligible for a visa.

9 FAM 302.14-4(B) (U) Application

(CT:VISA-272; 12-20-2016)

(U) [RESERVED]

9 FAM 302.14-4(C) (U) Advisory Opinions

(CT:VISA-272; 12-20-2016)

(U) An AO is not required for a potential Section 3205 ineligibility; however, if you have a question about the interpretation or application of law or regulation, you may request an AO from CA/VO/L/A.

9 FAM 302.14-4(D) (U) Waiver

9 FAM 302.14-4(D)(1) (U) Waivers for Immigrants

(CT:VISA-272; 12-20-2016)

(U) No waiver is available for immigrant visa applicants inadmissible under Section 3205.

9 FAM 302.14-4(D)(2) (U) Waivers for Nonimmigrants

(CT:VISA-272; 12-20-2016)

- a. (U) **Medical Necessity:** Section 3025 may be waived for nonimmigrants if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be inadmissible is necessary for medical reasons.
- b. (U) **Criminal Prosecution or Investigations:** Section 3025 may be waived for a nonimmigrant to permit the prosecution of the individual or when the individual has

cooperated fully with the investigation of crimes committed by individuals associated with the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Arm (ELN), or the United Colombian Self Defense Organization (AUC).

- c. **(U) National Interest:** The President may waive the limitation for a nonimmigrant if he determines that the waiver is in the national interest.

9 FAM 302.14-4(E) Unavailable

9 FAM 302.14-4(E)(1) Unavailable

(CT: VISA-272; 12-20-2016)

Unavailable

9 FAM 302.14-4(E)(2) Unavailable

(CT: VISA-272; 12-20-2016)

Unavailable

9 FAM 302.14-5 (U) INDIVIDUALS INVOLVED IN CONFISCATION OF PROPERTY OF A U.S. NATIONAL - SECTION 401 OF LIBERTAD

9 FAM 302.14-5(A) (U) Grounds

(CT: VISA-272; 12-20-2016)

(U) Section 401 of Public Law 104-114 of the Cuban Liberty and Democratic Solidarity (Libertad) Act (hereinafter the "Libertad Act") renders ineligible an individual who:

- (1) **(U)** has confiscated property a claim to which is owned by a U.S. national;
- (2) **(U)** has directed or overseen the confiscation of property a claim to which is owned by a U.S. national;
- (3) **(U)** has converted, for personal gain, confiscated property a claim to which is owned by a U.S. national;
- (4) **(U)** has trafficked in confiscated property a claim to which is owned by a U.S. national;
- (5) **(U)** is a corporate officer, principal, or shareholder with a controlling interest of an entity which has been involved in the confiscation of property or trafficking in confiscated property, a claim to which is owned by a U.S. national; or
- (6) **(U)** is a spouse, minor child, or agent of a person described in (a) through (e) above.

9 FAM 302.14-5(B) (U) Application

9 FAM 302.14-5(B)(1) (U) In General

(CT: VISA-272; 12-20-2016)

(U) Title IV, Section 401 of Public Law 104-114 of the Cuban Liberty and Democratic Solidarity (Libertad) Act (hereinafter the "Libertad Act") makes excludable from the United States, upon determination of the Secretary of State, either through denial of a visa or exclusion at the port of entry, any alien who has confiscated property of United States nationals or who traffics in such property after the enactment date of the (Helms-Burton) law, March 12, 1996. The purpose of this section of the Libertad Act was to discourage foreign investment in expropriated properties in Cuba, the claims to which are owned by U.S. nationals. In addition to any one individual who meets the definition of trafficking or confiscation (see section 401(b) of the Libertad Act), this inadmissibility applies to a corporate officer, principal, or controlling shareholder in a company or entity that has been involved in such confiscations or trafficking or, is a spouse, minor child, or agent of any person who has been involved in such trafficking or confiscation.

9 FAM 302.14-5(B)(2) (U) Definitions

(CT:VISA-272; 12-20-2016)

(U) Unless otherwise defined herein, the terms associated with section 401 of the Libertad Act are defined as they appear in the Libertad Act (e.g., "confiscate" or "trafficking") or in the Immigration and Nationality Act (e.g., "minor child"):

- (1) (U) "Agent" means a person who acts on behalf of a corporate officer, principal, or shareholder with a controlling interest to carry out or facilitate acts or policies that result in a determination under section 401(a) of the Libertad Act;
- (2) (U) "Corporate Officer" means the president; chief executive officer; principal financial officer; principal accounting officer (or, if there is no accounting officer, the controller); any vice president of the entity in the charge of a principal business unit, division or function (such as sales, administration or finance); or any other officer or person who performs policy-making functions for the entity. Corporate officers of a parent or subsidiary of the entity may be deemed corporate officers of the entity if they perform policy-making functions for the entity;
- (3) (U) "Principal" means:
 - (a) (U) When the entity is a general partnership, any general partner and any officer or employee of the general partnership who performs a policy-making function for the partnership;
 - (b) (U) When the entity is a limited partnership, any general partner and any officer or employee of a general partner of the limited partnership who performs a policy-making function for the limited partnership;
 - (c) (U) When the entity is a trust, any trustee and any officer or employee of the trustee who performs policy-making for the trust; and
 - (d) (U) Any other person who performs similar policy-making functions for an entity;
- (4) (U) "Shareholder with a controlling interest" means a person possessing the power, directly or indirectly, to direct or cause the direction of the management and policies of the entity through the ownership of voting securities; and
- (5) (U) "Transactions and uses of property incident to lawful travel in Cuba" are such incidental transactions and uses of confiscated property as are necessary to the conduct of lawful travel in Cuba (see [9 FAM 302.11-5](#)).

9 FAM 302.14-5(B)(3) (U) Determination of Inadmissibility Under Libertad Act

(CT:VISA-272; 12-20-2016)

- a. **(U)** The Secretary of State has delegated authority to the Assistant Secretary of State for Western Hemisphere Affairs to make determinations of excludability and visa ineligibility under section 401(a) of the Libertad Act. The Office of the Coordinator for Cuban Affairs in the Bureau of Western Hemisphere Affairs (WHA/CCA) at the Department is the central point of contact for all inquiries about implementation of Title IV of the Libertad Act.
Determinations of ineligibility and inadmissibility under Title IV will be made when facts or circumstances exist that would lead the Department reasonably to conclude that a person has engaged in confiscation or trafficking after March 12, 1996.
- b. **(U)** These determinations are made by the Department (WHA) and not by posts. The CLASS lookout system code for such refusals is 401, with the annotation "refuse Helms-Burton" appearing in the comment field of the CLASS entry. If, while processing a visa application, information comes to light that suggests an applicant may be involved in confiscation or trafficking, or post is unsure whether the 401 hit relates to the particular applicant, posts should forward the information to the Department, slugged to Bureau of Western Hemisphere Affairs/Office of Cuban Affairs (WHA/CCA), and request a Helms-Burton advisory opinion (see [9 FAM 302.11-5\(C\)](#) for styling of such request). This could occur, for example, if a new spouse had married an individual known to be involved in trafficking, but the new spouse had not yet been entered into CLASS; or, an individual recently had become an agent for a trafficking entity, but had not yet been entered into CLASS as such. You should note that it is not sufficient in itself for a determination under section 401(a) that a person has merely had business dealings with a person for whom a determination is made under section 401(a).
- c. **(U)** Any section 401(a) determination must be entered in CLASS. Entry into CLASS is the exclusive means by which you and the United States Citizenship and Immigration Services (USCIS) will verify that the alien has been determined to be excludable under section 401 of the Libertad Act. If the determination of inadmissibility has already been made, there is no need to refer the case to the Department.

9 FAM 302.14-5(B)(4) (U) Notification of Finding of Section 401(a) Ineligibility or Excludability Under Libertad Act

(CT:VISA-272; 12-20-2016)

- a. **(U) In General:** An alien who may be the subject of a determination under section 401(a) of the Libertad Act will be notified by registered mail from the Office of the Coordinator for Cuban Affairs (CCA). This notification will inform the alien that his or her name will be entered into the Department visa lookout system and the Department of Homeland Security (DHS) port-of-entry screening system, and that he or she will be denied a visa upon application or have his or her visa revoked 45 days after the date of the notification letter.
- b. **(U) Contesting a Finding Under Section 401(a) of the Libertad Act:** After receiving notification from the Department (WHA/CCA), an applicant may, at any time, submit information to WHA/CCA to attempt to show that he or she is not part of a confiscation or trafficking arrangement. If such information leads the Department to reasonably conclude that the applicant or company has not, or is no longer, engaged in confiscation or trafficking, that the original determination was in error, or that an exception applies under section 401(b)(2)(B) of the Libertad Act, the Department may review and/or reverse its

determination. If such information comes forward within 45 days of the original notification of the exclusion, and the Department determines that the applicant should not be inadmissible, the applicant's name will not be entered into the lookout system. If the lookout entry has been made, and the Department reverses the decision, the Department will notify you and USCIS through appropriate channels of the reversal of the original decision and delete the lookout entry from the system.

- c. **(U)** The Department may review a determination made under Title IV of the Libertad Act at any time, as appropriate, based on receipt of information that may lead to any of the above findings.
- d. **(U) Exemptions from a Finding Under Section 401(a) of the Libertad Act:**
 - (1) **(U)** The Department (WHA) may grant an exemption from visa ineligibility for diplomatic and consular personnel of foreign governments and representatives to and officials of international organizations. An applicant may also request from the Department an exemption for medical reasons or for purposes of litigation of an action under Title III of the Libertad Act to the extent permitted under section 401(c) of the Libertad Act. The Department may impose appropriate conditions on any exemption granted.
 - (2) **(U)** Although applicants are to request exemptions from the Department, it is probable that they will submit such requests at consular posts. If the case is time-sensitive (i.e., medical emergencies, travel by foreign officials, imminent court appearances), you should submit the request by immediate cable to the Department in the same format as an advisory opinion request (see [9 FAM 302.11-5\(C\)](#) below). In all other cases, you will provide the applicant with the following address to which he or she is to direct the request:

Office of the Coordinator for Cuban Affairs,
HST Room 3234
Department of State, Washington, D.C. 20520
(202) 647-7488
(202) 647-7050 (Fax)
Attn: Consular Unit
- e. **(U) Effect of Divesting from Trafficking Arrangement:** Divesting from a trafficking arrangement averts the inadmissibility, as specifically excluded from the definition of trafficking is the sale or abandonment of confiscated property in Cuba for purposes of disengaging from Cuba. If the applicant can prove to the Department that he or she divested the property for the purpose of eliminating ties with Cuba, then the section 401 ineligibility will be removed.

9 FAM 302.14-5(B)(5) (U) Revocation of Previously Issued Visa Because of Section 401 Ineligibility

(CT:VISA-272; 12-20-2016)

(U) Forty-five (45) days after an alien has received the notification letter, the alien's visa will be revoked in accordance with INA 221(i) (see [9 FAM 302.14-5\(B\)\(4\)](#) above) under the consular officer's general authority to revoke visas (assuming the alien has a visa and has not submitted adequate rebuttal evidence within the 45-day period). However, if you have reason to believe the alien in question is in the United States, you must notify the Department,

WHA/CCA, and CA/VO/L/A.

9 FAM 302.14-5(B)(6) (U) Other Inquiries by Alien Regarding Section 401 Ineligibility

(CT:VISA-272; 12-20-2016)

(U) Any inquiry received by you outside the context of a visa application, as may be likely from aliens who have been notified of their inadmissibility or who are concerned that the Department is building a case against them, should be referred to the Office of the Coordinator for Cuban Affairs (see [9 FAM 302.14-5\(B\)\(4\)](#) above).

9 FAM 302.14-5(C) (U) Advisory Opinions

9 FAM 302.14-5(C)(1) (U) In General

(CT:VISA-272; 12-20-2016)

(U) If, after encountering a 401 CLASS hit and re-interviewing the applicant, you are unable to determine whether the hit relates to that particular applicant, you must refuse the application under section 221(g) and submit a Helms-Burton advisory opinion request WHA/CCA.

9 FAM 302.14-5(C)(2) (U) Preparing Cable

(CT:VISA-272; 12-20-2016)

(U) The cable should contain the following key elements:

Subject line: Helms-Burton Advisory Opinion Request

TAGS: REL, CVIS, CU, Appropriate host country TAG

Caption/slug line: Dept. for WHA/CCA (NOTE: Do not slug for CA/VO.)

The advisory opinion request should provide WHA/CCA with the exact hit, as it appears in CLASS, the full name, date and place of birth of applicant, his or her employer and position, other relevant biographic information on the applicant, and any other relevant information.

9 FAM 302.14-5(D) (U) Waiver

9 FAM 302.14-5(D)(1) (U) Waivers for Immigrants

(CT:VISA-272; 12-20-2016)

(U) No waiver is available for immigrant visa applicants inadmissible under Section 401.

9 FAM 302.14-5(D)(2) (U) Waivers for Nonimmigrants

(CT:VISA-272; 12-20-2016)

(U) Section 401 may be waived for nonimmigrants where the Secretary of State finds, on a case by case basis, that entry into the United States of the individual who would otherwise be inadmissible is necessary for medical reasons or for purposes of litigation under the Cuban Libertad Act.

9 FAM 302.14-5(E) Unavailable

9 FAM 302.14-5(E)(1) Unavailable

(CT: VISA-272; 12-20-2016)

Unavailable

9 FAM 302.14-5(E)(2) Unavailable

(CT: VISA-272; 12-20-2016)

Unavailable

9 FAM 302.14-6 (U) SPECIALLY DESIGNATED NATIONALS - PP 8693**9 FAM 302.14-6(A) (U) Grounds**

(CT: VISA-272; 12-20-2016)

Unavailable

9 FAM 302.14-6(B) (U) Application**9 FAM 302.14-6(B)(1) (U) Scope**

(CT: VISA-272; 12-20-2016)

(U) The information below addresses certain non-statutory visa sanctions, but is not intended to be a comprehensive list of all visa-related Presidential Proclamations, Executive Orders, and other non-statutory visa sanctions.

9 FAM 302.14-6(B)(2) (U) Presidential Proclamation 8693

(CT: VISA-272; 12-20-2016)

- a. **(U) Role of the Department of Treasury:** IEEPA sanctions implemented by the EOs are enforced by the Department of the Treasury's Office of Foreign Assets Control (OFAC). Designated individuals and organizations are listed on OFAC's Specially Designated Nationals (SDN) list.
- b. **Unavailable**
 - (1) **Unavailable**
 - (2) **Unavailable**
 - (3) **Unavailable**
 - (4) **Unavailable**
 - (5) **Unavailable**
 - (6) **Unavailable**
- c. **Unavailable**

d. **Unavailable**

9 FAM 302.14-6(B)(3) (U) Executive Order 13606

(CT:VISA-272; 12-20-2016)

a. **Unavailable**

- b. **(U) Criteria for Sanctions:** The EO imposes sanctions, including suspension of immigrant and nonimmigrant entry into the United States, of aliens who are either listed in the Annex to the EO, or designated subsequently under the EO. Any alien who is later designated must meet the following criteria, as laid out in E.O. 13606:

- (1) **Unavailable**
- (2) **Unavailable**
- (3) **Unavailable**
- (4) **Unavailable**

c. **(U) Designating Individuals and Entering CLASS Records:**

- (1) **Unavailable**
- (2) **Unavailable**
- (3) **Unavailable**
- (4) **Unavailable**

d. **(U) Confidentiality Under** INA 222(f):

- (1) **Unavailable**
- (2) **(U)** See [9 FAM 603.1](#) for further information on INA 222(f).

9 FAM 302.14-6(B)(4) (U) Executive Order 13608 Prohibiting Certain Transactions With and Suspending Entry Into the United States of Foreign Sanctions Evaders with Respect to Iran and Syria

(CT:VISA-272; 12-20-2016)

- a. **(U) Background:** On April 30, 2012, President Obama issued Executive Order 13608 on Foreign Sanctions Evaders ("FSE EO"), under the International Emergency Economic Powers Act, which targets foreign individuals and entities that have violated, attempted to violate, conspired to violate, or caused a violation of U.S. sanctions against Iran or Syria, or that have facilitated deceptive transactions on behalf of Iran.

b. **(U) General Consequences of Designation:**

- (1) **(U) Designees are generally cut off from doing business with U.S. companies and individuals.** The FSE EO prohibits all transactions or dealings involving such person in or related to (i) any goods, services, or technology in or intended for the United States, or (ii) any goods, services or technology provided by or to United States persons, wherever located.
- (2) **(U) Designees are generally restricted from entering the United States, either for immigrant or nonimmigrant purposes.** See more on the specific criteria set forth in [9 FAM 302.14-6\(B\)\(3\)](#) paragraph c below. Restriction of entry must not apply where entry of the person into the United States would not be contrary to the interests

of the United States, as determined by the Secretary of State.

- c. **(U) Criteria for Restricting Immigrant and Nonimmigrant Entry Into the United States:** The FSE EO restricts immigrant and nonimmigrant entry into the United States, of aliens who meet the following criteria, as listed in E.O. 13608:
- (1) **(U)** Has violated, attempted to violate, conspired to violate, or caused a violation of any license, order, regulation, or prohibition contained in, or issued pursuant to any Executive Order ("EO") related to the national emergencies declared in E.O. 12957 March 15, 1995, or in E.O. 13338 of May 11, 2004, as modified in scope in subsequent EOs;
 - (2) **(U)** Has violated, attempted to violate, conspired to violate, or caused a violation of any license, order, regulation, or prohibition to the extent such conduct relates to property and interests in property of any person subject to U.S. sanctions concerning Iran or Syria, E.O. 13382 of June 28, 2005, any E.O. subsequent to E.O. 13382 of June 28, 2005 that relates to the national emergency declared in E.O. 12938 of November 14, 1994, or any E.O. relating to the national emergency declared in E.O. 13224 of September 23, 2001;
 - (3) **(U)** Has facilitated deceptive transactions for or on behalf of any person subject to U.S. sanctions concerning Iran or Syria; or
 - (4) **(U)** Is owned or controlled by, or is acting or purporting to act for or on behalf of, directly or indirectly, any person determined to meet the criteria set forth above.

9 FAM 302.14-6(C) Unavailable

9 FAM 302.14-6(C)(1) (U) PS 8693

(CT: VISA-272; 12-20-2016)

a. Unavailable

- (1) Unavailable
- (2) Unavailable

b. Unavailable

c. Unavailable

d. Unavailable

e. Unavailable

f. Unavailable

g. Unavailable

- (1) Unavailable
- (2) Unavailable
- (3) Unavailable

h. Unavailable

i. Unavailable

9 FAM 302.14-6(D) (U) Waiver

9 FAM 302.14-6(D)(1) (U) Waivers for Immigrants

(CT:VISA-272; 12-20-2016)

(U) No waiver is available for immigrant visa applicants.

9 FAM 302.14-6(D)(2) (U) Waivers for Nonimmigrants

(CT:VISA-272; 12-20-2016)

(U) No waiver is available for nonimmigrant visa applicants.

9 FAM 302.14-6(E) Unavailable

9 FAM 302.14-6(E)(1) Unavailable

(CT:VISA-272; 12-20-2016)

Unavailable For more information on refusals codes see [9 FAM 303.3-4\(A\)](#).

9 FAM 302.14-6(E)(2) Unavailable

(CT:VISA-272; 12-20-2016)

Unavailable

9 FAM 302.14-7 (U) IRAN THREAT REDUCTION AND SYRIA HUMAN RIGHTS ACT - SECTION 501 OF PUBLIC LAW 112-158

9 FAM 302.14-7(A) (U) Grounds

(CT:VISA-272; 12-20-2016)

(U) **In General:** Section 501 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (Public Law 112-158) makes ineligible for a visa or admission any alien who is a citizen of Iran who seeks to enter the United States to participate in coursework at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) to prepare the alien for a career in the energy sector of Iran or in nuclear science or nuclear engineering or a related field in Iran.

9 FAM 302.14-7(B) (U) Application

9 FAM 302.14-7(B)(1) (U) Effective Date

(CT:VISA-272; 12-20-2016)

(U) Section 501 applies to applications for new or renewed visas filed on or after August 10, 2012. Visa applications filed before August 10, 2012 are not subject to Section 501.

9 FAM 302.14-7(B)(2) (U) Common Visa Classes

(CT:VISA-272; 12-20-2016)

(U) You are most likely to encounter potential ineligibilities under Section 501 with aliens applying for an F visa. However, you may also encounter aliens applying for other visa classifications including, but not limited to, B, H3, H4, J, and M.

9 FAM 302.14-7(B)(3) (U) Determining Participation in Coursework and Intent to Return to Iran

(CT:VISA-272; 12-20-2016)

(U) A citizen of Iran is ineligible for a visa or admission if he or she meets either of the following conditions:

(1) Unavailable

- (2) (U)** Intends to participate in coursework at an institution of higher education in the United States in any field related to nuclear science or nuclear engineering or a related field in Iran. (Any case relating to potential coursework in fields related to nuclear science or nuclear engineering or a related field should be processed pursuant to [9 FAM 302.5-2](#).)

9 FAM 302.14-7(B)(4) (U) Energy Sector Definition

(CT:VISA-272; 12-20-2016)

(U) For purposes of Section 501, the term "energy sector" is defined to include activities to develop petroleum or natural gas resources, or nuclear power in Iran, but does not include alternative energy resources such as electric, solar, or wind power.

9 FAM 302.14-7(B)(5) (U) Refusals

(CT:VISA-272; 12-20-2016)

(U) If you determine that the alien is ineligible as described in [9 FAM 302.14-7\(A\)\(1\)](#) you must deny the applicant under refusal code "ITRA." Applicants who may be ineligible under [9 FAM 302.14-7\(A\)\(2\)](#) above should be processed per [9 FAM 302.5](#).

9 FAM 302.14-7(B)(6) (U) Point of Contact

(CT:VISA-272; 12-20-2016)

(U) Questions, including those related to fields of study that may render an applicant ineligible, can be directed to the Iran visa specialists or point of contact (POC) CA/VO/SAC as found on the "Who's Who in CA" Intranet page.

9 FAM 302.14-7(C) Unavailable

(CT:VISA-272; 12-20-2016)

Unavailable

9 FAM 302.14-7(D) (U) Waiver

9 FAM 302.14-7(D)(1) (U) Waivers for Immigrants

(CT: VISA-272; 12-20-2016)

(U) No waiver is available for immigrant visa applicants inadmissible under Section 501.

9 FAM 302.14-7(D)(2) (U) Waivers for Nonimmigrants

(CT: VISA-272; 12-20-2016)

(U) No waiver is available for nonimmigrant visa applicants inadmissible under Section 501.

9 FAM 302.14-7(E) Unavailable

9 FAM 302.14-7(E)(1) Unavailable

(CT: VISA-272; 12-20-2016)

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9 FAM 302.14-7(E)(2) Unavailable

(CT: VISA-272; 12-20-2016)

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9 FAM 302.14-8 (U) SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012 - SECTION 405 OF PUBLIC LAW 112-208

*cited in State of Hawaii v. Trump
No. 17-15589, archived on June 14, 2017*

9 FAM 302.14-8(A) (U) Grounds

(CT: VISA-272; 12-20-2016)

(U) The Sergei Magnitsky Rule of Law Accountability Act of 2012, Public Law 112-208, Title IV, ("the Act") requires that the President provide to Congress and publish in the Federal Register a list of persons involved in abuses in the Magnitsky case, as well as persons involved in gross human rights violations against whistleblowers or advocates for human rights or democratic freedoms in Russia (Section 404); that persons on the list will be ineligible to hold or obtain visas to enter the United States (Section 405); and that persons on the list will be subject to financial sanctions (Section 406).

9 FAM 302.14-8(B) (U) Application

9 FAM 302.14-8(B)(1) (U) Scope

(CT: VISA-272; 12-20-2016)

(U) This guidance addresses the visa sanctions portion of the Act only.

9 FAM 302.14-8(B)(2) Unavailable*(CT:VISA-272; 12-20-2016)***Unavailable****9 FAM 302.14-8(B)(3) (U) Presidential Delegation of Authorities***(CT:VISA-272; 12-20-2016)*

- a. **(U)** The President has delegated the functions and authorities set forth in Public Law 112-208, sections 404 and 406, to the Secretary of State and the Secretary of the Treasury. In accordance with the Act and the delegation of authorities, no later than 120 days after the date of the enactment of the Act, the Secretary of State and Secretary of Treasury were required to provide the appropriate congressional committees with a list of persons determined to meet the criteria set forth in Section 404(a) of the Act. The submission was completed on April 12th, 2013.

b. **Unavailable**

c. **Unavailable**

9 FAM 302.14-8(C) Unavailable*(CT:VISA-272; 12-20-2016)*

a. **Unavailable**

(1) **Unavailable**

(2) **Unavailable**

b. **Unavailable**

c. **Unavailable**

d. **Unavailable**

e. **Unavailable**

f. **Unavailable**

g. **Unavailable**

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9 FAM 302.14-8(D) (U) Waiver**9 FAM 302.14-8(D)(1) (U) Waivers for Immigrants***(CT:VISA-272; 12-20-2016)*

(U) No waiver is available for immigrant visa applicants inadmissible under Magnitsky.

9 FAM 302.14-8(D)(2) (U) Waivers for Nonimmigrants*(CT:VISA-272; 12-20-2016)*

- a. **(U) In General:** The Act allows the Secretary of State to authorize a waiver of the visa ineligibilities for nonimmigrants to meet U.S. obligations under the U.N. Headquarters Agreement or other international obligations, or in cases in the national security interests of

the United States.

- b. **(U) Congressional Notification:** Note that prior to granting such a waiver, the Secretary is required to provide the appropriate congressional committees with notice and a justification for the waiver. If the waiver is being granted notification must be made no later than 15 days prior to granting the waiver. It is therefore imperative that you notify your VO/SAC analyst as soon as possible if you believe there are applicable grounds on which to seek a waiver.

9 FAM 302.14-8(E) Unavailable

9 FAM 302.14-8(E)(1) Unavailable

(CT:VISA-272; 12-20-2016)

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9 FAM 302.14-8(E)(2) Unavailable

(CT:VISA-272; 12-20-2016)

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9 FAM 302.14-9 (U) PARTICIPATION IN POLITICAL KILLINGS - SECTION 616 OF PUBLIC LAW 105-277

9 FAM 302.14-9(A) (U) Grounds

(CT:VISA-272; 12-20-2016)

(U) Section 616 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277) prohibits the issuance of a visa to any person who:

- (1) **(U)** has been credibly alleged to have ordered, carried out, or materially assisted in the extrajudicial and political killings of Antoine Izmary, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yvez Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;
- (2) **(U)** has been included in the list presented to former President Jean-Bertrand Aristide by former National Security Council Adviser Anthony Lake in December 1995, and acted upon by President Rene Preval;
- (3) **(U)** was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1965, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted in those murders, per a June 28, 1995, letter to the then minister of Justice of the Government of Haiti, Jean-Joseph Erume;
- (4) **(U)** was a member of the Haitian High Command during the period 1991 through 1994, and has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in:

- (a) **(U)** The September 1991 coup against any person who was a duly elected government official of Haiti (or a member of the family of such official), or
- (b) **(U)** The murders of thousands of Haitians during the period 1991 through 1994; or
- (5) **(U)** has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

9 FAM 302.14-9(B) (U) Application

(CT:VISA-272; 12-20-2016)

(U) Section 616 will not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons or such person has cooperated fully with the investigation of these political murders. If the Secretary of State exempts any such person, the Secretary will notify the appropriate congressional committees in writing.

9 FAM 302.14-9(C) (U) Advisory Opinions

(CT:VISA-272; 12-20-2016)

(U) An AO is not required for a potential Section 616 ineligibility; however, if you have a question about the interpretation or application of law or regulation, you may request an AO from CA/VO/L/A

9 FAM 302.14-9(D) (U) Waiver

9 FAM 302.14-9(D)(1) (U) Waivers for Immigrants

(CT:VISA-272; 12-20-2016)

(U) There is no waiver available for immigrant visa applicants found inadmissible under Section 616.

9 FAM 302.14-9(D)(2) (U) Waivers for Nonimmigrants

(CT:VISA-272; 12-20-2016)

(U) There is no waiver available for nonimmigrant visa applicants found inadmissible under Section 616.

9 FAM 302.14-9(E) Unavailable

9 FAM 302.14-9(E)(1) Unavailable

(CT:VISA-272; 12-20-2016)

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9 FAM 302.14-9(E)(2) Unavailable

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John Woolley and Gerhard Peters

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JIMMY CARTER

XXXIX President of the United States: 1977-1981

Sanctions Against Iran Remarks Announcing U.S. Actions.

April 7, 1980

Ever since Iranian terrorists imprisoned American Embassy personnel in Tehran early in November, these 50 men and women—their safety, their health, and their future—have been our central concern. We've made every effort to obtain their release on honorable, peaceful, and humanitarian terms, but the Iranians have refused to release them or even to improve the inhumane conditions under which these Americans are being held captive.

The events of the last few days have revealed a new and significant dimension in this matter. The militants controlling the Embassy have stated they are willing to turn the hostages over to the Government of Iran, but the Government has refused to take custody of the American hostages. This lays bare the full responsibility of the Ayatollah Khomeini and the Revolutionary Council for the continued illegal and outrageous holding of the innocent hostages. The Iranian Government can no longer escape full responsibility by hiding behind the militants at the Embassy.

It must be made clear that the failure to release the hostages will involve increasingly heavy costs to Iran and to its interests. I have today ordered the following steps.

First, the United States of America is breaking diplomatic relations with the Government of Iran. The Secretary of State has informed the Government of Iran that its Embassy and consulates in the United States are to be closed immediately. All Iranian diplomatic and consular officials have been declared persona non grata and must leave this country by midnight tomorrow.

Second, the Secretary of the Treasury will put into effect official sanctions prohibiting exports from the United States to Iran, in accordance with the sanctions approved by 10 members of the United Nations Security Council on January 13 in the resolution which was vetoed by the Soviet Union. Although shipment of food and medicine were not included in the U.N. Security Council vote, it is expected that exports even of these items to Iran will be minimal or nonexistent.

Third, the Secretary of Treasury will make a formal inventory of the assets of the Iranian Government, which were frozen by my previous order, and also will make a census or an inventory of the outstanding claims of American citizens and corporations against the Government of Iran. This accounting of claims will aid in designing a program against Iran for the hostages, for the hostage families, and other U.S. claimants. We are now preparing legislation, which will be introduced in the Congress, to facilitate processing and paying of these claims.

Fourth, the Secretary of Treasury [State] and the Attorney General will invalidate all visas issued to Iranian citizens for future entry into the United States, effective today. We will not reissue visas, nor will we issue new visas, except for compelling and proven humanitarian reasons or where the national interest of our own country requires. This directive will be interpreted very strictly.

In order to minimize injury to the hostages, the United States has acted at all times with exceptional patience and restraint in this crisis. We have supported Secretary-General Waldheim's activities under the U.N. Security Council mandate to work for a peaceful solution. We will continue to consult with our allies and other friendly governments on the steps we are now taking and on additional measures which may be required.

I am committed to resolving this crisis. I am committed to the safe return of the American hostages and to the

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preservation of our national honor. The hostages and their families, indeed all of us in America, have lived with the reality and the anguish of their captivity for 5 months. The steps I have ordered today are those that are necessary now. Other action may become necessary if these steps do not produce the prompt release of the hostages.

Thank you very much.

Note: The President spoke at 3:10 p.m. to reporters assembled in the Briefing Room at the White House.

Citation: Jimmy Carter: "Sanctions Against Iran Remarks Announcing U.S. Actions.," April 7, 1980. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=33233>.

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**Donald J. Trump**

@realDonaldTrump

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6:20 PM - 5 Jun 2017

**Diva** @sammypolsen12 · Jun 5

Replying to @realDonaldTrump

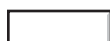
But u dnt want saudi on that list of dangerous countries, saudi is the birth place of 9/11 attackers, why don't u want saudi on the list 45?

**Diva** @sammypolsen12 · Jun 5

Its maybe because you have businesses with the saudi's?, which in that case its all bullshit & this is all for ideological & racist reasons?

**Diva** @sammypolsen12 · Jun 5

Take 2 of these and call me in the morning if the symptoms persist. second thoughts don't call me. put saudi on the list to show ur serious

**Diva** @sammypolsen12 · Jun 5**Diva** @sammypolsen12 · Jun 5

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America was his target, "Bullseye!" #MOAB What a mess

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White House: Trump's tweets are 'official statements'

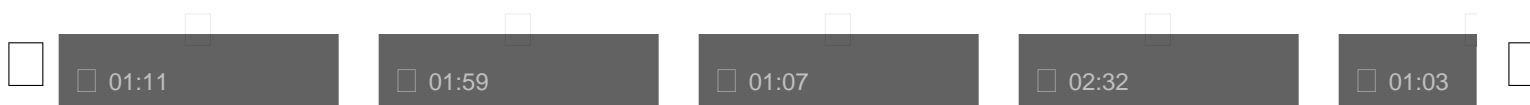
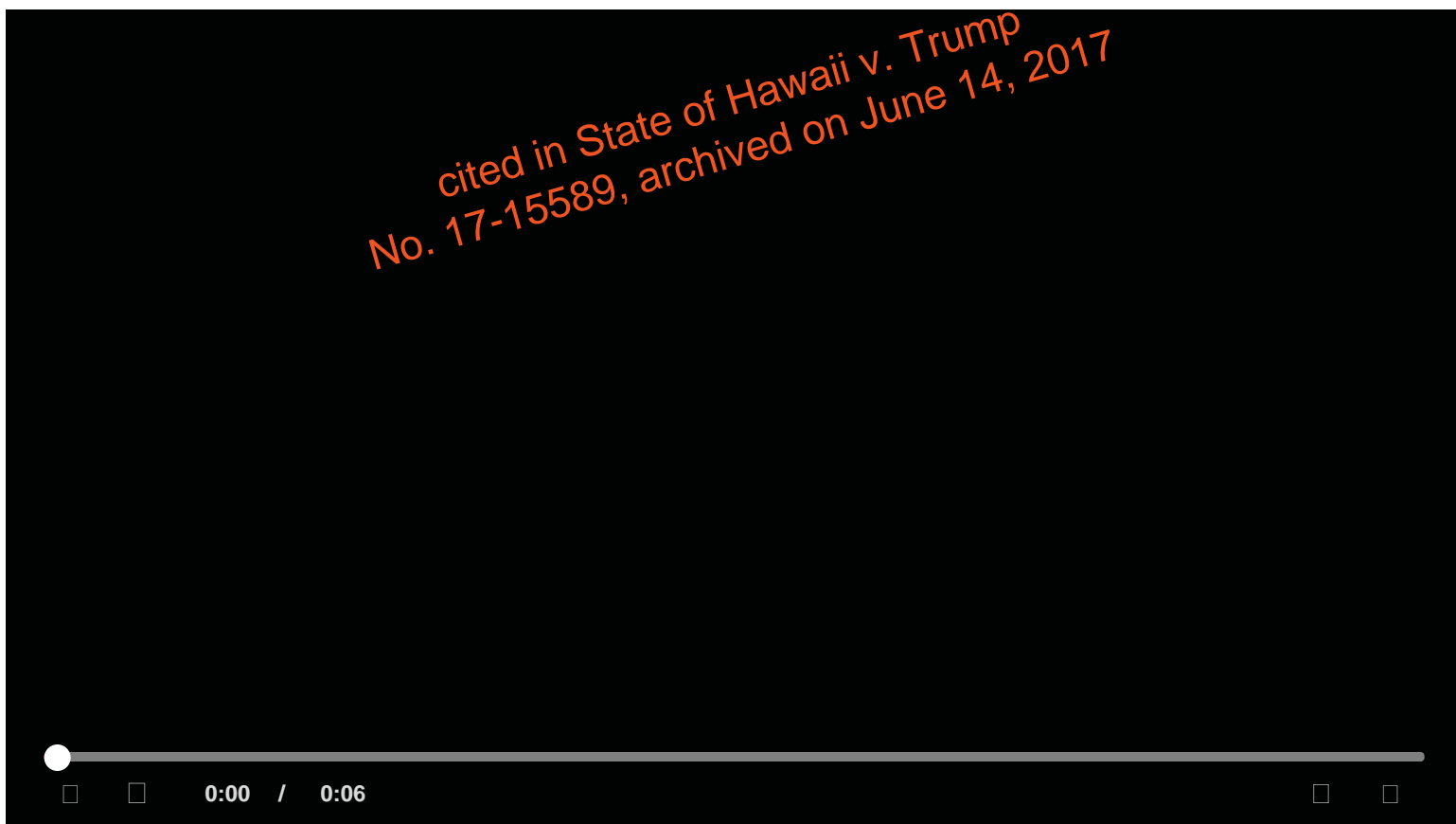


By [Elizabeth Landers](#), CNN

Updated 4:37 PM ET, Tue June 6, 2017



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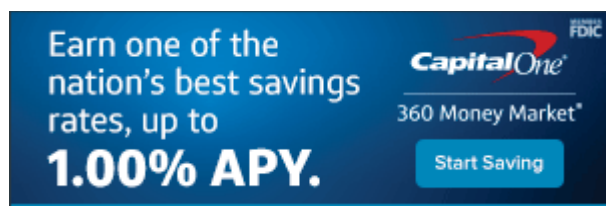
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Spicer made the comments Monday

He was asked how Trump's tweets should be taken



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Related Article: Trump's stalled presidency: Legislative agenda sputters amid Russia cloud

Washington (CNN) — White House press secretary Sean Spicer said Tuesday President Donald Trump's tweets are indeed official statements.

"The President is the President of the United States, so they're considered official statements by the President of the United States," Spicer said, when asked during his daily briefing how they should be characterized. Spicer did not indicate whether that included both of the President's Twitter handles: @realDonaldTrump and @POTUS.

Spicer, who fields a lot of questions about the meaning of the President's tweets, was asked if Trump undermines his own agenda-setting when he tweets. On Monday, for example, rather than focusing on his administration's planned roll out of a week focused on infrastructure, Trump knocked his Justice Department's handling of his travel ban in the wake of a terrorist attack in London.

"The President is the most effective messenger on his agenda," Spicer said. He then touted Trump's 110 million followers across social media platforms.

"And the same people critiquing his use of it now critiqued it during the election and it turned out pretty well for him," Spicer said.

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After his aides rolled out a week on infrastructure rebuilding, the President has undercut their messages and briefings, taking to social media to admonish the "MSM" (mainstream media) and call forcefully for a travel ban from certain countries.

In a follow-up question, another reporter asked about the ACLU's tweet that they will use the President's tweets in building a case in the Supreme Court: "Yes, we may incorporate @realDonaldTrump's tweets about the ban into our Supreme Court argument."

"We've made it clear that the danger is real the law is clear, and there is no question that we should prevail," Spicer said.

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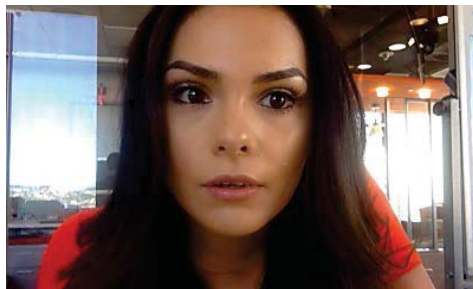
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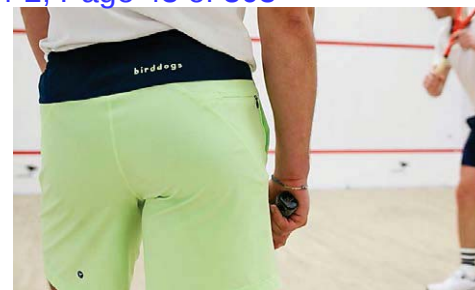
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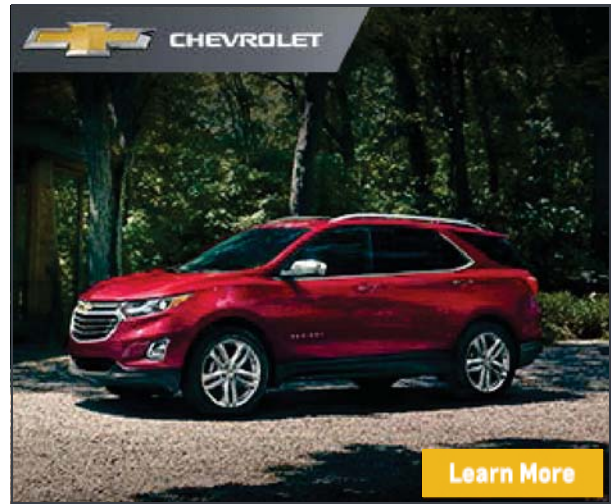


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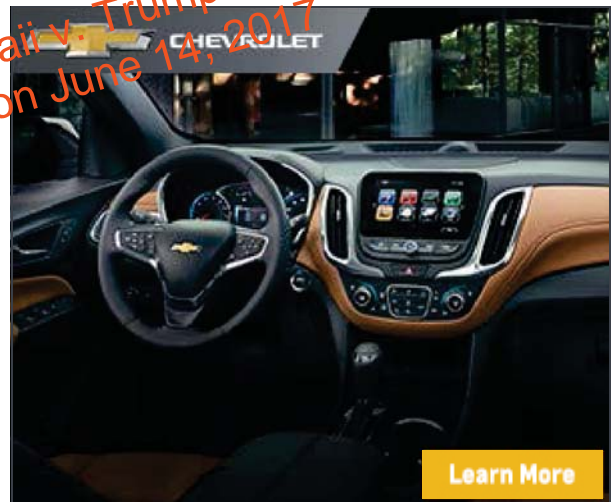
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Tuesday, January 29, 2013

Former Iraqi Terrorists Living in Kentucky Sentenced for Terrorist Activities

Defendants Attempted to Ship Weapons and Money from U.S. to Iraqi Insurgents
Defendants Admitted to Extensive Terrorist Activities Against U.S. Soldiers in Iraq

Two Iraqi citizens living in Bowling Green, Ky., who admitted using improvised explosive devices (IEDs) against U.S. soldiers in Iraq and who attempted to send weapons and money to Al-Qaeda in Iraq (AQI) for the purpose of killing U.S. soldiers, were sentenced today to serve federal prison terms by Senior Judge Thomas B. Russell in U.S. District Court for the Western District of Kentucky.

The sentences was announced Lisa Monaco, Assistant Attorney General for National Security; David J. Hale, U.S. Attorney for the Western District of Kentucky; and Perrye K. Turner, Special Agent in Charge of the FBI Louisville Division.

Mohanad Shareef Hammadi, 25, a former resident of Iraq, was sentenced to life in federal prison, and Waad Ramadan Alwan, 31, a former resident of Iraq, was sentenced to 40 years in federal prison, followed by a life term of supervised release. Both defendants had pleaded guilty to federal terrorism charges.

"These two former Iraqi insurgents participated in terrorist activities overseas and attempted to continue providing material support to terrorists while they lived here in the United States. With today's sentences, both men are being held accountable," said Assistant Attorney General Monaco. "I thank the dedicated professionals in the law enforcement and intelligence communities who were responsible for this successful outcome."

"These are experienced terrorists who willingly and enthusiastically participated in what they believed were insurgent support operations designed to harm American soldiers in Iraq," stated U.S. Attorney Hale. "The serious crimes of both men merit lengthy punishment, and only the value of Alwan's immediate and extensive cooperation with law enforcement justifies our



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recommendation of a reduced sentence for him. Bringing these men to justice is the result of a comprehensive law enforcement effort. The FBI agents of the Louisville Division, along with the federal and local law enforcement members of the Joint Terrorism Task Forces here in Kentucky, including the Bowling Green Police Department, and our many other partners, are to be commended.”

“Protecting the United States from terrorist attacks remains the FBI's top priority,” said FBI Special Agent in Charge Turner. “Using our growing suite of investigative and intelligence capabilities, FBI agents and analysts assigned to our Bowling Green office were able to neutralize a potential threat. Our local Joint Terrorism Task Force, comprised of FBI Agents and other local, state and federal agencies from across the Commonwealth, remains committed to dismantling extremist networks and cutting off financing and other forms of support provided by terrorist sympathizers, whether they are operating in Kentucky or worldwide.”

“Today, the sentencing of Alwan and Hammadi represents the culmination of the extensive, effective and focused efforts of the U.S. Attorney's Office and the Kentucky Division of the FBI for their roles in the investigation and prosecution of these would-be terrorists. I want to thank U.S. Attorney David Hale, the Kentucky Division of the FBI and the members of the FBI Bowling Green local office for their individual and collective efforts in bringing Alwan and Hammadi to justice for their crimes against the people of Kentucky and the United States,” stated Chief Doug Hawkins, Bowling Green Police Department.

Alwan, whose fingerprints were found on an unexploded IED found in Iraq, pleaded guilty earlier in the case on Dec. 16, 2011, to all counts of a 23-count federal indictment. He pleaded guilty to conspiring to kill U.S. nationals abroad; conspiring to use a weapon of mass destruction (explosives) against U.S. nationals abroad; distributing information on the manufacture and use of IEDs; attempting to provide material support to terrorists and to AQI and conspiring to transfer, possess and export Stinger missiles.

Hammadi pleaded guilty on Aug. 21, 2012, to a 12-count superseding indictment. Charges against him included attempting to provide material support to terrorists and to AQI; conspiring to transfer, possess and export Stinger missiles; and making a false statement in an immigration application. At today's sentencing, at the request of the United States, Alwan received a reduced sentence due to his cooperation with federal law enforcement. The United States asked for no reduction of Hammadi's sentence.

According to information presented by the United States in connection with today's sentencings, Hammadi and Alwan both admitted, in FBI interviews that followed waiver of their Miranda rights, to participation in the purported material support operations in Kentucky, and both provided the FBI details of their prior involvement in insurgent activities while living in Iraq. Both men believed their activities in Kentucky were supporting AQI. Alwan admitted participating in IED attacks against U.S. soldiers in Iraq, and Hammadi admitted to participating in 10 to 11 IED attacks as well as shooting at a U.S. soldier in an observation tower.

Court documents filed in this case reveal that the Bowling Green office of the FBI's Louisville Division initiated an investigation of Alwan in which they used a confidential human source (CHS). The CHS met with Alwan and recorded their meetings and conversations beginning in August 2010. The CHS represented to Alwan that he was working with a group to ship money and weapons to Mujahadeen in Iraq. From September 2010 through May 2011, Alwan participated in ten separate operations to send weapons and money that he believed were destined for terrorists in Iraq. Between October 2010 and January 2011, Alwan drew diagrams of multiple types of IEDs and instructed the CHS how to make them. In January 2011, Alwan recruited Hammadi, a fellow Iraqi national living in Bowling Green, to assist in these material support operations. Beginning in January 2011 and continuing until his arrest in late May 2011, Hammadi participated with Alwan in helping load money and weapons that he believed were destined for terrorists in Iraq.

Documents filed by the United States describe in detail the material support activities of the men in Bowling Green. Without Hammadi present, Alwan loaded money and weapons he believed were being sent to Iraq on five occasions from September 2010 through February 2011, handling five rocket-propelled grenade launchers, five machine guns, two sniper rifles, two cases of C4 explosive and what he believed to be \$375,000. After Hammadi joined Alwan in January 2011, the two men loaded money and weapons together on five occasions from January to May 2011. Together, on these five occasions, they loaded five rocket-propelled grenade launchers, five machine guns, five cases of C4 explosive, two sniper rifles, one box of 12 hand grenades, two Stinger surface-to-air missile launchers and what they believed to be a total of \$565,000. Alwan and Hammadi were recorded by video during these operations.

In speaking with the CHS, Alwan spoke of his efforts to kill U.S. soldiers in Iraq, stating “lunch and dinner would be an American.” Hammadi told the CHS that he had experience in Iraq with “Strelas” (a Russian made, portable, shoulder-fired surface-to-air missile launcher) and discussed shipping “Strelas” in future operations.

According to the charging documents, Hammadi entered the United States in July 2009, and, after first residing in Las Vegas, moved to Bowling Green. Hammadi and Alwan were arrested on May 25, 2011, in Bowling Green on criminal complaints. Both defendants were closely monitored by federal law enforcement authorities in the months leading up to their arrests. Neither was charged with plotting attacks within the United States. All of the weapons, including Stinger missiles, had been rendered inert before being handled by Hammadi and Alwan. The weapons and money handled by the men in the United States were never provided to AQI, but instead were carefully controlled by law enforcement as part of the undercover operation.

This case was investigated by the Louisville Division of the FBI. Assisting in the investigation were members of the Louisville and Lexington Joint Terrorism Task Forces, U.S. Immigration and Customs Enforcement, U.S. Marshals Service, U.S. Department of Defense, U.S. Citizenship and Immigration Services and the Bowling Green Police Department.

The prosecution was handled by Assistant U.S. Attorneys Michael Bennett and Bryan Calhoun from the U.S. Attorney's Office for the Western District of Kentucky and Trial Attorney Larry Schneider from the Counterterrorism Section of the Justice Department's National Security Division.

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No. 17-15589, archived on June 14, 2017

**PROPOSED REFUGEE ADMISSIONS
FOR
FISCAL YEAR 2017**

REPORT TO THE CONGRESS

SUBMITTED ON BEHALF OF
THE PRESIDENT OF THE UNITED STATES
TO THE
COMMITTEES ON THE JUDICIARY
UNITED STATES SENATE

AND
UNITED STATES HOUSE OF REPRESENTATIVES

IN FULFILLMENT OF THE REQUIREMENTS OF
SECTIONS 207(d)(1) and (e)
OF THE
IMMIGRATION AND NATIONALITY ACT

**UNITED STATES DEPARTMENT OF STATE
UNITED STATES DEPARTMENT OF HOMELAND SECURITY
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES**



INTRODUCTION

This *Proposed Refugee Admissions for Fiscal Year 2017: Report to the Congress* is submitted in compliance with Sections 207(d)(1) and (e) of the Immigration and Nationality Act (INA). The Act requires that before the start of the fiscal year and, to the extent possible, at least two weeks prior to consultations on refugee admissions, members of the Committees on the Judiciary of the Senate and the House of Representatives be provided with the following information:

- (1) A description of the nature of the refugee situation;
- (2) A description of the number and allocation of the refugees to be admitted and an analysis of conditions within the countries from which they came;
- (3) A description of the plans for their movement and resettlement and the estimated cost of their movement and resettlement;
- (4) An analysis of the anticipated social, economic, and demographic impact of their admission to the United States;¹
- (5) A description of the extent to which other countries will admit and assist in the resettlement of such refugees;
- (6) An analysis of the impact of the participation of the United States in the resettlement of such refugees on the foreign policy interests of the United States; and
- (7) Such additional information as may be appropriate or requested by such members.

This report contains information as required by Section 602(d) of the International Religious Freedom Act of 1998 (Public Law 105-292, October 27, 1998, 112 Stat. 2787) (IRFA) about religious persecution of refugee populations eligible for consideration for admission to the United States. This report meets the reporting requirements of Section 305(b) of the North Korean Human Rights Act of 2004 (Public Law 108-333, October 18, 2004, 118 Stat. 1287) by providing information about specific measures taken to facilitate access to the United States refugee program for individuals who have fled “countries of particular concern” for violations of religious freedoms, identified pursuant to Section 402(b) of the IRFA.

ⁱ Detailed discussion of the anticipated social and economic impact, including secondary migration, of the admission of refugees to the United States is being provided in the *Report to the Congress* of the Refugee Resettlement Program, Office of Refugee Resettlement, Department of Health and Human Services.

FOREWORD

On the occasion of World Refugee Day, June 20, President Obama reaffirmed our nation's commitment to helping refugees and our leading role in providing safe haven. This commitment comes in the midst of an unprecedented global migration and refugee crisis. There is currently a higher number of refugees, asylum-seekers, and internally displaced persons – more than 65 million – than at any time on record. The United States leads the world in providing humanitarian aid to crises overseas and also accepts more refugees for resettlement through the United Nations refugee agency (UNHCR) than any other country.

While starting life anew in the United States may be daunting, it also offers hope and unparalleled opportunity. It is a chance not only to escape from violence and persecution but to make a fresh start. The assistance the American people provide helps newcomers find their footing and become a part of their new communities. Refugees are not the only ones who benefit; they add to America's vitality and diversity and make substantial contributions to our economic and cultural life.

Resettlement in a third country is a solution for some of the world's most vulnerable refugees. As a matter of principle, the U.S. Refugee Admissions Program (USRAP) offers the possibility of resettlement to refugees regardless of their location, national origin, health status, occupational skills, or level of educational attainment.

U.S. Resettlement Program Growing

In FY 2016, the Administration aims to reach the ceiling of 85,000 refugee arrivals established by the President, and in FY 2017 will strive to admit 110,000 refugees. This represents a 57 percent increase over a two-year period from the 70,000 refugees admitted to the United States in 2015. In the current fiscal year, more refugees are likely to be resettled to the United States from the Near East/South Asia region than in any year on record, as well as more refugees from Africa than in any of the past dozen years. In order to achieve this, the Department of State and Department of Homeland Security (DHS) expanded operations in Jordan, Tanzania, and Uganda, interviewing nearly 25,000 refugee applicants. By co-locating and surging staff, the USRAP significantly reduced the time between certain steps in the process, including UNHCR referral, pre-screening, DHS interview, and medical screening, and thus decreased overall processing time without curtailing the program's robust security checks.

Increasing the refugee admissions ceiling to 110,000 in FY 2017 will require cooperation among several U.S. government agencies, including close interagency coordination on security checks and other requirements. As a public-private partnership, the program also depends on the support of American non-governmental organizations, charities, faith-based groups and thousands of volunteers and caring people in hundreds of communities across the country.

Leaders' Summit on Refugees

On September 20, 2016, President Obama will host the Leaders' Summit on Refugees at the United Nations for countries that have made new and significant commitments to increase international humanitarian assistance; to create greater opportunities for legal resettlement or other legal pathways for admission to safe countries; and to enact policies that allow refugees to be self-reliant, including by increasing the number of refugees worldwide in school by one million, and the number of refugees granted the legal right to work by one million.

President Obama also launched a private sector Call to Action in advance of this year's UN General Assembly to draw on the expertise, resources and entrepreneurial spirit of the private sector to help refugees. The Call to Action asks companies to make "new, measurable and significant commitments that will have a durable impact on refugees residing in countries on the frontlines of the global refugee crisis and in countries of resettlement, like the United States." The Call to Action is focused on generating corporate commitments

"Today, on World Refugee Day, we recognize the challenges and hardships that refugees face, honor their courage and resilience in the face of overwhelming obstacles, and celebrate their many valuable contributions to our Nation.

This year's commemoration comes as the UN High Commissioner for Refugees reports that more people are displaced by rising violence, insecurity, and persecution than at any time on record. More than 65 million people around the world – more than the population of France, or California and Texas combined – have been driven from their homes. More than half are children. The scale of this human suffering is almost unimaginable; the need for the world to respond is beyond question.

Every day, members of the international community, humanitarian organizations, civil society, and individual citizens work to assist these vulnerable populations. For our part, the United States provides more humanitarian assistance to refugees than any other nation and maintains the world's largest refugee resettlement program. We support programs that provide food, water, shelter, and medical care to refugees, and fight for their rights to safety, dignity and long-term livelihood opportunities.

Today, we commemorate the spirit and strength of refugees worldwide and the dedication of those who help them on and after their journeys. Protecting and assisting refugees is a part of our history as a Nation, and we will continue to alleviate the suffering of refugees abroad, and to welcome them here at home, because doing so reflects our American values and our noblest traditions as a Nation, enriches our society, and strengthens our collective security."

President Barack Obama
June 20, 2016
In commemoration of World Refugee Day

in three key areas: facilitating access to education; increasing employment opportunities for refugees; and helping refugees to get the resources they need to become self-reliant. Commitments can be directed towards refugees resettled in the United States or located anywhere in the world.

Syrian Resettlement on the Rise

The refugee crisis caused by the conflict in Syria is the worst the world has witnessed in a generation, generating more than 5 million refugees in the region. The U.S. government is deeply committed to assisting the Syrian people and has provided nearly \$5.6 billion in humanitarian assistance since the start of the crisis, more than any other donor. While the vast majority of Syrians would prefer to return home when the conflict ends, it is clear that some remain extremely vulnerable in their countries of asylum and would benefit from resettlement. The United States will meet or exceed the goal of admitting 10,000 Syrian refugees in FY 2016 and aims to admit a significantly higher number in FY 2017.

The United States is one of 32 countries that have agreed to accept referrals from UNHCR as part of its ambitious international effort to secure permanent or temporary resettlement for up to 10 percent of Syrian refugees. As of mid-2016, UNHCR has secured commitments from these countries to admit more than 220,000 Syrians for permanent resettlement, humanitarian admission, private sponsorship, or academic scholarships.

“Today, we honor refugees’ resilience and courage. We also recognize the tremendous contributions made by local and international non-governmental organizations on the front lines of delivering life-saving assistance. This year’s commemoration comes at a time when brutal conflicts are forcing record numbers of innocent people to flee, and challenging the world to find better ways to protect them. The war in Syria alone has displaced more than 11 million people – half of that nation’s pre-war population. Millions more have fled Daesh’s atrocities in Iraq, civil wars in Yemen and South Sudan, political violence in Burundi, and Boko Haram’s rampages through Nigeria, Cameroon, Niger, and Chad.

The number of forcibly displaced people is the largest ever recorded. Sixty-five million people are refugees, internally displaced or seeking asylum, five million more than a year ago.

The refugees we welcome to the United States will join previous generations who have come to this country to escape violence and persecution – threats to human life and dignity that remain all too real today. History celebrates such moments when we have overcome bias and fear, and opened our doors. Those who have walked through them have made immeasurable contributions to our community of citizens and enriched our lives. Their achievements are a testament to the potential all humans have to heal, to overcome loss, to start over, and to the obligation we share, to give future generations that chance.”

Secretary John Kerry
June 20, 2016

In commemoration of World Refugee Day

Protecting Vulnerable Children and Others in Central America

In December 2014, the Administration established an in-country refugee and parole program for children in El Salvador, Guatemala, and Honduras. Under the initial program, lawfully present parents in the United States could file to bring their unmarried children under age 21 to join them in this country, and in certain circumstances, an in-country parent could be approved to travel with the approved child to the United States. In July 2016, the Administration announced an expansion of the program to include the following relatives, when accompanied by a child under age 21: sons and daughters age 21 and older and/or married, the biological parent of the child even if not married to the U.S.-based lawfully present parent, and certain caregivers who are also related to the U.S.-based lawfully present parent. As of August 2016, parents have submitted more than 9,500 applications and more than 700 children have arrived to join parents in the United States. Thousands more will be joining parents in the coming months as an increasing number of interviews have been conducted and applications are being approved.

In July 2016, the Government of Costa Rica announced that it had entered into a protection transfer arrangement (PTA) with UNHCR and the International Organization for Migration to provide protection to vulnerable individuals and families from El Salvador, Guatemala, and Honduras. Under the PTA, Costa Rica will serve as a temporary site to host Central Americans awaiting completion of their refugee application process and onward resettlement to the United States or another third country. For cases not requiring immediate transfer to Costa Rica, we have also moved to establish an in-country referral program for residents of El Salvador, Guatemala, and Honduras. Under this program, UNHCR will assist in identifying vulnerable individuals who will be considered for refugee protection in the United States after being screened and interviewed by the U.S. Government in their countries of origin.

Ensuring National Security in the Refugee Admissions Program and Combatting Fraud

The USRAP continues to employ rigorous security measures to protect against threats to our national security and is committed to deterring and detecting fraud among those seeking to resettle in the United States.

Refugees of every nationality are subject to the highest level of security checks for any category of traveler to the United States. This multi-step screening process includes intensive biographic and biometric screening involving multiple federal intelligence, security, and law enforcement agencies including the National Counterterrorism Center, the Federal Bureau of

Investigation, and the Departments of State, Defense, and Homeland Security. A step-by-step guide to the process is posted at the following link:

<https://www.whitehouse.gov/blog/2015/11/20/infographic-screening-process-refugee-entry-united-states>.

The USRAP continues to work on an interagency basis not only to maintain the highest rigor in screening refugee applicants, but also continually to seek ways to strengthen existing procedures.

Sharing Best Practices on Resettlement and Integration

Beginning in mid-2015, interest in refugee resettlement in the United States, Canada, and Europe has surged. National and local resettlement agencies in the United States have reported receiving a remarkable number of offers of assistance including donations of household and personal goods, housing, and willingness to ‘sponsor’ or befriend refugees. At the same time, some elected officials have publicly stated their opposition to resettling certain refugees in their states. These dynamics have sparked a debate about admitting refugees to this country and increased interest in learning more about the program in communities large and small throughout the country.

The White House Task Force on New Americans was established by President Obama in November 2014 to strengthen integration efforts nationwide and build welcoming communities for all immigrants, including refugees. As stated in the preamble to the one-year progress report, this interagency effort was launched “to develop a coordinated federal strategy to better integrate new Americans into communities and support state and local efforts to do the same.” Sixteen core goals and 48 recommendations were made to enhance the civic, linguistic, and economic integration of new Americans. Various campaigns, initiatives, pilots, partnerships, websites, and best practices were launched and shared by federal agencies, state and local governments, White House offices, businesses, educators, community and faith-based organizations, and philanthropists.

Numerous foreign government and civic leaders approached the United States this year to learn about the U.S. Refugee Admissions Program and to seek information about establishing or improving refugee resettlement programs in their countries. The Department of State has been deeply involved in helping to design programs for groups visiting the United States who are interested in refugee resettlement and integration, and in showcasing the best examples of successful local and national programs. These groups have met with federal officials, toured national resettlement agency headquarters, and visited dozens of local communities throughout the country to meet representatives from the public

and private agencies and organizations that welcome refugees and other immigrants every day.

Conclusion

America's reputation as a nation of refuge provides a beacon of hope for persecuted people around the world and serves as a model for new resettlement nations. Through the USRAP, our government, cooperating private partners, and American citizens in communities throughout the country demonstrate day in and day out the generosity and core values of our nation.

cited in *State of Hawaii v. Trump*
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I. OVERVIEW OF U.S. REFUGEE POLICY

At the end of 2015, the estimated refugee population worldwide stood at 21.3 million, with 16.1 million under the mandate of the United Nations High Commissioner for Refugees (UNHCR). This represents an increase of 1.7 million refugees under UNHCR mandate in one year. The United States actively supports efforts to provide protection, assistance, and durable solutions to these refugees, as these measures fulfill our humanitarian interests and further our foreign policy and national security interests. Under the authority of the Migration and Refugee Assistance Act of 1962, as amended, the United States contributes to the programs of UNHCR, the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and other international and non-governmental organizations that provide protection and assistance to refugees, internally displaced persons (IDPs), victims of conflict, stateless persons, and other vulnerable migrants. These contributions are used to address the legal and physical protection needs of refugees and to furnish basic assistance such as water, sanitation, food, health care, shelter, education, and other services. The United States monitors these programs to ensure the most effective use of resources, maximizing humanitarian impact for the beneficiaries.

The United States and UNHCR recognize that most refugees desire safe, voluntary return to their homeland. In 2015, some 201,400 refugees voluntarily repatriated to their country of origin – a nearly 60% increase over 2014, but unfortunately, still low. Refugee repatriation operations brought refugees home to Afghanistan, Sudan, Somalia, and Central African Republic, among others. These operations were carried out to protect returning refugees as well as to help them contribute to the stabilization, reconstruction, and development of their home countries.

Where opportunities for refugees' safe and voluntary return remain elusive, the United States and its partners pursue self-sufficiency and temporary, indefinite, or permanent local integration in countries of asylum. The Department of State encourages host governments to protect refugees and to allow them to integrate into local communities. The State Department further promotes local integration by funding programs to enhance refugee self-reliance and support community-based social services. Groups that have availed themselves of opportunities for local integration in recent years include Afghans in India, Angolans in Zambia, Burundians in Tanzania, Liberians and Sierra Leoneans in seven countries across West Africa, and Colombians in Ecuador, Costa Rica, Panama and Venezuela. Mali agreed to provide birth certificates to some 8,000 Mauritanian refugee children, paving the way for them to eventually apply for Malian citizenship.

UNHCR estimates that there are at least 10 million people worldwide who are not recognized as nationals of any state and are therefore stateless. Without citizenship in any country, many stateless persons are unable to move freely, to access basic services such as health care and schools, to work legally, to own property, or to access police protection and systems of justice. The United States supports UNHCR's mandate to prevent and reduce statelessness, including its Global Campaign to End Statelessness by 2024. The United States is encouraging States to address gaps in citizenship laws that result in statelessness, to eliminate provisions that discriminate against women, to facilitate naturalization for stateless persons, and to ensure universal birth registration. U.S. contributions to UNHCR's core budget support efforts to prevent and address statelessness in Burma, the Dominican Republic, Cote d'Ivoire, Nepal, Sudan, Syria, and elsewhere. In addition, the Department of State seeks to use the U.S. Refugee Admissions Program (USRAP) to demonstrate leadership and encourage other countries to do more to help stateless people and refugees in protracted situations. This approach is reflected in, for example, the current resettlement of protracted Rohingya refugees from Burma who were born outside Burma, mostly in Malaysia and Thailand.

The United States, like UNHCR, recognizes that resettlement in third countries is a vital tool for providing certain refugees protection and/or a durable solution. For some refugees, resettlement is the best, and perhaps the only, alternative. In particular, stateless refugees who arrive in the United States for resettlement not only find a durable solution to their displacement, but are also placed on a path that will afford the opportunity to naturalize and resolve their stateless status.

For more than a decade, the U.S. government has provided financial support to expand and improve UNHCR's resettlement capacity, principally by funding staff and construction of facilities. As a result, UNHCR has substantially increased referrals to the United States and other resettlement countries, submitting more than 134,000 individuals for resettlement in 2015 – an increase of nearly 30% over 2014. We plan to continue to work with UNHCR and consult with host governments on group referrals. We will continue to assess resettlement needs and allow qualified NGOs to refer refugee applicants to the program.

The United States has also supported UNHCR's efforts to expand the number of countries active in resettlement. In 2015, UNHCR referred refugees to 27 countries for resettlement consideration. Over 90 percent of refugees referred for resettlement were referred to the United States, Australia, and Canada. Smaller numbers of referrals were made to Austria, Belgium, Brazil, Czech Republic,

Denmark, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Japan, Monaco, Netherlands, New Zealand, Norway, Portugal, Republic of Korea, Spain, Sweden, Switzerland, Uruguay, and the United Kingdom.

While the overall number of refugees referred by UNHCR and the percentages resettled by various countries fluctuate from year to year, the United States aims to ensure that at least 50 percent of all refugees referred by UNHCR worldwide are considered for resettlement in the United States, depending on the availability of funds. Some 64 percent of UNHCR-referred refugees who were resettled in 2015, were resettled in the United States (see Table VIII).

The foreign policy and humanitarian interests of the United States are often advanced by addressing refugee issues in asylum and resettlement countries. In some cases, the United States has been able to use its leadership position in resettlement to promote and secure other durable solutions for refugees, or advance other human rights or foreign policy objectives. The United States is by far the largest single donor to UNHCR, providing over \$1.33 billion in FY 2015. During the past few years, U.S. resettlement efforts in Africa, the Middle East, and East Asia have helped energize efforts by UNHCR and other countries to ensure that first asylum is maintained for larger refugee populations and that local integration or third country resettlement are options offered to those in need. In certain locations, the prompt resettlement of politically sensitive cases has helped defuse regional tensions.

During its history, the USRAP has responded to changing circumstances. The end of the Cold War dramatically altered the context in which the USRAP operated. The program shifted its focus away from large groups concentrated in a few locations (primarily refugees from Vietnam, the former Soviet Union, and the former Yugoslavia) and began to admit refugees representing over 50 nationalities per year. Today, officials from the Department of Homeland Security's U.S. Citizenship and Immigration Services (DHS/USCIS) often conduct refugee applicant interviews in remote locations and focus on the individuals and populations who most need third country resettlement opportunities.

While maintaining the United States' leadership role in humanitarian protection, an integral part of this mission is to ensure that refugee resettlement opportunities go only to those who are eligible for such protection and who do not present a risk to the safety and security of our country. Accordingly, the USRAP is committed to deterring and detecting fraud among those seeking to resettle in the United States and continues to employ rigorous security measures to protect against threats to our national security.

Refugees resettled in the United States enrich our nation. The USRAP is premised on the idea that refugees should become economically self-sufficient as quickly as possible. The Department of State works domestically with agencies participating in the Reception and Placement (R&P) program to ensure that refugees receive services in the first 30 to 90 days after arrival in accordance with established standards. During and after the initial resettlement period, the Office of Refugee Resettlement at the Department of Health and Human Services (HHS/ORR) provides technical assistance and funding to states, the District of Columbia, and nonprofit organizations to help refugees become self-sufficient and integrated into U.S. society. ORR programs use formula and discretionary grants to provide cash and medical assistance, employment and training programs, and other services to newly arriving and recently arrived refugees. Refugees arriving in the United States are expected to be future U.S. citizens. Refugees are immediately authorized to work upon resettlement in the United States, and after one year in this country are required to apply for lawful permanent resident status. Five years after admission, a refugee who has been granted lawful permanent resident status is eligible to apply for citizenship.

*cited in State of Hawaii v. Trump
No. 17-15589, archived on June 14, 2017*

REFUGEE ADMISSIONS PROGRAM FOR FY 2017**PROPOSED CEILINGS****TABLE I**

**REFUGEE ADMISSIONS IN FY 2015 AND FY 2016
PROPOSED REFUGEE ADMISSIONS BY REGION FOR FY 2017²**

REGION	FY 2015 ACTUAL ARRIVALS	FY 2016 CEILING	FY 2016 PROJECTED ARRIVALS	PROPOSED FY2017 CEILING
Africa	22,472	25,000	27,500	35,000
East Asia	18,469	13,000	14,000	12,000
Europe and Central Asia	2,363	4,000	4,000	4,000
Latin America/Caribbean	2,050	3,000	1,500	5,000
Near East/South Asia	24,579	34,000	38,000	40,000
Regional Subtotal	69,933	79,000	85,000	96,000
Unallocated Reserve		6,000		14,000
Total	69,933	85,000	85,000	110,000

Generally, to be considered a refugee, a person must be outside his or her country of nationality or, if stateless, outside his or her country of last habitual residence. Additionally, under the Immigration and Nationality Act (INA) § 101(a)(42)(B), the President may specify circumstances under which individuals who are within their countries of nationality or last habitual residence may be considered a refugee for purposes of admission to the United States. The FY 2017 refugee admissions proposal recommends continuing such in-country processing for specified persons in Iraq, Cuba, Eurasia and the Baltics, Honduras, El Salvador and Guatemala. Persons for whom resettlement is requested by a U.S. ambassador in any location in the world may also be considered, with the understanding that those within their countries of nationality or last habitual residence will only be referred to the USRAP following Department of State consultation with USCIS at the Department of Homeland Security (DHS). Likewise, the U.S. will consider

² These proposed figures assume enactment by Congress of the President's Budget levels related to the U.S. Refugee Admissions Program elements.

accepting a limited number of referrals from qualified NGOs of highly vulnerable individuals within their countries of nationality or last habitual residence following Department of State consultation with USCIS.

Unallocated Reserve

This proposal includes 14,000 unallocated admissions numbers to be used if needed for additional refugee admissions from any region. The unallocated numbers would only be used following notification to Congress.

ADMISSIONS PROCEDURES

Eligibility Criteria

The Department of State's Bureau of Population, Refugees, and Migration (PRM) is responsible for coordinating and managing the USRAP. A critical part of this responsibility is determining which individuals or groups from among the millions of refugees worldwide will have access to U.S. resettlement consideration. PRM coordinates within the Department of State, as well as with DHS/USCIS and other agencies, in carrying out this responsibility.

Section 207(a)(3) of the INA states that the USRAP shall allocate admissions among refugees "of special humanitarian concern to the United States in accordance with a determination made by the President after appropriate consultation." Which individuals are "of special humanitarian concern" to the United States for the purpose of refugee resettlement consideration is determined through the USRAP priority system. There are currently three priorities or categories of cases:

- Priority 1 – Individual cases referred to the program by virtue of their circumstances and apparent need for resettlement;
- Priority 2 – Groups of cases designated as having access to the program by virtue of their circumstances and apparent need for resettlement; and
- Priority 3 – Individual cases from designated nationalities granted access for purposes of reunification with family members already in the United States.

(Note: Refugees resettled in the United States may also seek the admission of spouses and unmarried children under 21 who are still abroad by filing a "Following to Join" petition, which obviates the need for a separate refugee claim adjudication. This option is described in more detail in the discussion of Following to Join cases below.)

Access to the USRAP under one of the above-listed processing priorities does not necessarily mean an applicant meets the statutory definition of a “refugee” or is admissible to the United States under the INA. Applicants who are eligible for access to the USRAP within the established priorities are presented to DHS/USCIS officers for interview. The ultimate determination as to whether an applicant can be admitted as a refugee is made by DHS/USCIS in accordance with criteria set forth in the INA and various security protocols.

Although the access categories to the USRAP are referred to as “processing priorities,” it is important to note that entering the program under a certain priority does not establish precedence in the order in which cases will be processed. Once cases are established as eligible for access under one of the three processing priorities, they all undergo the same processing steps.

PRIORITY 1 – INDIVIDUAL REFERRALS

Priority 1 (P-1) allows consideration of refugee claims from persons of any nationality,³ usually with compelling protection needs, for whom resettlement appears to be the appropriate durable solution. Priority 1 cases are identified and referred to the program by UNHCR, a U.S. Embassy, or a designated NGO. UNHCR, which has the international mandate worldwide to provide protection to refugees worldwide, has historically referred the vast majority of cases to the United States under this priority. Some NGOs providing humanitarian assistance in locations where there are large concentrations of refugees have also undergone training by PRM and DHS/USCIS and have been designated as eligible to provide Priority 1 referrals.

Process for Priority 1 Individual Referral Applications

Priority 1 (P-1) referrals from UNHCR and NGOs are submitted to the appropriate Regional Refugee Coordinator, who forwards the referrals to the appropriate Resettlement Support Center (RSC) for case processing and scheduling of the DHS/USCIS interview. PRM’s Office of Admissions reviews embassy referrals for completeness and may consult with DHS/USCIS in considering these referrals.

A U.S. ambassador may make a Priority 1 referral for persons still in their country of origin if the ambassador determines that such cases are in need of exceptional treatment and the Departments of State (PRM) and Homeland Security

³ Referrals of North Koreans and Palestinians require State Department and DHS/USCIS concurrence before they may be granted access to the USRAP.

(DHS/USCIS) concur. When a Priority 1 referral cannot be made, in some limited cases, a Department of State request to DHS/USCIS for parole may be an appropriate option.

PRIORITY 2 – GROUP REFERRALS

Priority 2 (P-2) includes specific groups (within certain nationalities, clans, or ethnic groups; sometimes in specified locations) identified by the Department of State in consultation with DHS/USCIS, NGOs, UNHCR, and other experts whose members are in need of resettlement. Some Priority 2 groups are processed in their country of origin. The process of identifying the group and its characteristics includes consideration of whether the group is of special humanitarian concern to the United States and whether individual members of the group will likely be able to qualify for admission as refugees under U.S. law. Groups may be designated as Priority 2 during the course of the year as circumstances dictate, and the need for resettlement arises. PRM plays the coordinating role for all group referrals to the USRAP.

There are two distinct models of Priority 2 access to the program: open access and predefined group access, often upon the recommendation of UNHCR. Under both models, Priority 2 designations are made based on shared characteristics that define the group. In general, these characteristics are the reason members of the group have been persecuted in the past or face persecution in the future.

The open-access model for Priority 2 group referrals allows individuals to seek access to the program on the basis of meeting designated criteria. To establish an open-access Priority 2 group, PRM, in consultation with DHS/USCIS, and (as appropriate) with UNHCR and others, defines the specific criteria for access. Once the designation is in place, applicants may approach the program at any of the processing locations specified as available for the group to begin the application process. Applicants must demonstrate that they meet the specified criteria to establish eligibility for access to the USRAP.

The open-access model has functioned well in the in-country programs, including the long-standing programs in Eurasia and the Baltics, and in Cuba. It was also used successfully for Vietnamese for nearly thirty years (1980-2009), and Bosnian refugees during the 1990s. It is now in use for Iranians belonging religious minorities, Iraqis with links to the United States, and individuals from El Salvador, Guatemala, and Honduras with lawfully present parents in the United States.

The RSCs responsible for handling open-access Priority 2 applications, working under the direction of PRM, make a preliminary determination as to whether individual applicants qualify for access and should be presented to DHS/USCIS for interview. Applicants who clearly do not meet the access requirements are “screened out” prior to the DHS/USCIS interview.

In contrast to an open-access group, a predefined group designation is normally based on a UNHCR recommendation that lays out eligibility criteria that should apply to individuals in a specific location. Once PRM, in consultation with DHS/USCIS, has established the access eligibility criteria for the group, the referring entity (usually UNHCR) provides the biographical data of eligible refugee applicants for processing. This type of group referral is advantageous in situations in which the intensive labor required to generate individual UNHCR referrals would be impracticable, potentially harmful to applicants due to delays, or counterproductive. Often, predefined groups are composed of persons with similar persecution claims. The predefined group referral process saves the labor intensive individual referral step and can conserve scarce UNHCR resources. In recent years, predefined groups have included certain Burmese in Thailand, certain Bhutanese in Nepal, and certain Congolese in Tanzania and Rwanda. Predefined group referrals with clear, well-defined eligibility criteria and several methods for cross-checking group membership can serve as a fraud deterrent as well, preventing non-group members from gaining access to the USRAP by falsely claiming group membership. Once an individual gains access to processing via a P-2 designation, all other processing steps are the same as for those referred by P-1, including individual pre-screening and USCIS interviews, and all security and medical checks.

FY 2017 Priority 2 Designations

In-country processing programs

The following ongoing programs that process individuals still in their country of origin under Priority 2 group designations will continue in FY 2017, all of which are “open-access” type P-2s:

Eurasia and the Baltics

This Priority 2 designation applies to Jews, Evangelical Christians, and Ukrainian Catholic and Orthodox religious adherents identified in the Lautenberg Amendment, Public Law No. 101-167, § 599D, 103 Stat. 1261 (1989) (codified at 8 U.S.C. § 1157) as amended (“Lautenberg Amendment”), with close family in the

United States. With annual renewal of the Lautenberg Amendment, these individuals are considered under a reduced evidentiary standard for establishing a well-founded fear of persecution.

Cuba

Included in this Priority 2 program are human rights activists, members of persecuted religious minorities, former political prisoners, forced-labor conscripts, and persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs.

Iraqis Associated with the United States

Under various Priority 2 designations, including those set forth in the Refugee Crisis in Iraq Act, employees of the U.S. Government, a U.S. government-funded contractor or grantee, U.S. media or U.S. NGOs working in Iraq, and certain family members of such employees, as well as beneficiaries of approved I-130 (immigrant visa) petitions, are eligible for refugee processing in Iraq.

Persons in El Salvador, Guatemala, and Honduras

Under this Priority 2 program that was expanded in July 2016, certain lawfully present parents in the United States can request access to a refugee interview for sons and daughters still in the country of origin, as well as the biological parent of an unmarried child under 25 and caregivers.

Groups of Humanitarian Concern outside the Country of Origin

The following Priority 2 groups are already designated and, in most cases, undergoing processing with significant arrivals anticipated during FY 2016. (Additional Priority 2 groups may be designated over the course of FY 2017.)

Pre-defined Group Access P-2s:

Ethnic Minorities and others from Burma in camps in Thailand

Under this existing Priority 2 designation, individuals who have fled Burma, are registered in one of nine refugee camps along the Thai/Burma border, are identified by UNHCR as in need of resettlement, and expressed interest prior to January 2014 (depending on the location), are eligible for processing.

Ethnic Minorities from Burma in Malaysia

Under this Priority 2 designation, members of ethnic minorities from Burma who are recognized by UNHCR as refugees in Malaysia and identified as being in need of resettlement are eligible for processing.

Bhutanese in Nepal

Under this existing Priority 2 designation, Bhutanese refugees registered by UNHCR in camps in Nepal, identified as in need of resettlement, and expressed interest prior to June 30, 2014, are eligible for processing.

Congolese in Rwanda

Under this new Priority 2 designation, certain Congolese refugees in Rwanda who arrived between 1994 and 2005 were verifiably registered in 2011 or 2012 and identified as in need of resettlement are eligible for processing.

Congolese in Tanzania

Under this Priority 2 designation signed in May 2015, certain Congolese refugees registered by UNHCR in Tanzania whose residence in Nyaragusu camp was confirmed in a 2013-2014 UNHCR verification exercise are eligible for processing.

Open Access Model P-2s:Iranian Religious Minorities

Under this Priority 2 designation, Iranian members of certain religious minorities are eligible for processing and are considered under a reduced evidentiary standard for establishing a well-founded fear of persecution, pursuant to annual renewal of the Lautenberg Amendment as amended in 2004 by Sec. 213 of Title II, Division E, of the Consolidated Appropriations Act of 2004, P.L. 108-199, 118 Stat. 3 (“the Specter Amendment”).

Iraqis Associated with the United States

Under various Priority 2 designations, including those set forth in the Refugee Crisis in Iraq Act, employees of the U.S. government, a U.S. government-funded contractor or grantee, U.S. media or U.S. NGOs working in Iraq, and certain family members of such employees, as well as beneficiaries of approved I-130 (immigrant visa) petitions, are eligible for refugee processing. This program is operating in Jordan and Egypt, in addition to the in-country program in Iraq.

Syrian Beneficiaries of Approved I-130 petitions

Under this new Priority 2 designation, Syrian beneficiaries of approved I-130 immigrant visa petitions, for whom immigrant visas have not yet been issued, are

eligible for refugee processing. For U.S. citizens, eligible relationships to the U.S. based petitioner include spouse, children (regardless of age or marital status), siblings and parents. For lawful permanent residents, eligible relationships to the petitioner include spouse and unmarried children (regardless of age).

PRIORITY 3 – FAMILY REUNIFICATION

The Priority 3 (P-3) category affords USRAP access to members of designated nationalities who have immediate family members in the United States who initially entered as refugees or were granted asylum. At the beginning of each fiscal year, PRM, in consultation with DHS/USCIS, establishes the list of nationalities eligible for processing under this priority. The PRM Assistant Secretary may modify the list during the year, in consultation with DHS/USCIS, but additions or deletions are generally made to coincide with the fiscal year.

Inclusion on the P-3 list represents a finding by PRM that the nationality is of special humanitarian concern to the United States for the purpose of family-reunification refugee processing. Eligible nationalities are selected following careful review of several factors. UNHCR's annual assessment of refugees in need of resettlement provides insight into ongoing refugee situations which could create the need for family-reunification processing. In addition, prospective or ongoing repatriation efforts and U.S. foreign policy interests must be weighed in determining which nationalities should be eligible.

The P-3 program has undergone significant changes in recent years. In order to qualify for access under the P-3 program, an applicant must be outside of his or her country of origin, be registered or have legal status in the country of asylum, have had an Affidavit of Relationship (AOR) filed on his or her behalf by an eligible family member in the United States during a period in which the nationality was included on the eligibility list, and have been cleared for onward processing by the DHS/USCIS Refugee Access Verification Unit (RAVU).

Family members who are eligible to file an AOR are persons who were admitted to the United States as refugees or were granted asylum, including persons who are lawful permanent residents of the United States or U.S. citizens who initially were admitted to the United States as refugees or were granted asylum. The U.S.-based filer must be at least 18 years of age at the time the AOR is filed and must file the AOR within 5 years of the date he or she entered the United States as a refugee or was granted asylum. The USRAP may reject any AOR for a relationship that does not comport with public policy, such as under-age or plural marriages.

The following family members of the U.S.-based family members are qualified for P-3 access: spouse, unmarried children under 21, and/or parents. A U.S.-based family member may apply for a same-sex spouse if a legal marriage was conducted and documented. Cognizant that same-sex marriage is not legal in the vast majority of refugee-producing and refugee-hosting countries, the United States will allow a qualifying individual to file for P-3 access for a same-sex partner if he or she can provide evidence that he/she had a relationship with the partner for at least one year overseas prior to the submission of the AOR and considered that person to be his/her spouse or life partner, and that the relationship is ongoing, together with evidence that legal marriage was not an obtainable option due to social and/or legal prohibitions.

Under certain circumstances, a U.S.-based individual may file for P-3 access for an opposite-sex partner if he or she can provide evidence that he/she had a relationship with the partner for at least one year overseas prior to the submission of the AOR and considered that person to be his/her spouse or life partner, and that the relationship is ongoing, together with evidence that legal marriage was not an obtainable option due to social and/or legal prohibitions.

In addition to the qualifying family members of a U.S.-based individual identified above, the qualifying family member's spouse and unmarried children under 21 may derive refugee status from the principal applicant for refugee status.

On a case-by-case basis, an individual may be added to a qualifying family member's P-3 case if that individual:

- 1) lived in the same household as the qualifying family member in the country of nationality or, if stateless, last habitual residence; AND
- 2) was part of the same economic unit as the qualifying family member in the country of nationality or, if stateless, last habitual residence; AND
- 3) demonstrates exceptional and compelling humanitarian circumstances that justify inclusion on the qualifying family member's case.

These individuals are not "spouses" or "children", under INA 207(c)(2)(A) and thus cannot derive their refugee status from the Principal Applicant. They must, therefore, independently establish that they qualify as a refugee.

FY 2017 Priority 3 Nationalities

P-3 processing is available to individuals of the following nationalities:

Afghanistan
 Bhutan
 Burundi
 Central African Republic
 Colombia
 Cuba
 Democratic People's Republic of Korea (DPRK)
 Democratic Republic of Congo (DRC)
 El Salvador
 Eritrea
 Ethiopia
 Guatemala
 Haiti
 Honduras
 Iran
 Iraq
 Mali
 Somalia
 South Sudan
 Sudan
 Syria
 Uzbekistan

*cited in State of Hawaii v. Trump
 No. 17-15589, archived on June 14, 2017*

FOLLOWING-TO-JOIN FAMILY REUNIFICATION PETITIONS

Under 8 CFR Section 207.7, a principal refugee admitted to the United States may request following-to-join benefits for his or her spouse and/or unmarried children under the age of 21 who were not previously granted refugee status. Once in the United States, and within two years of admission, the refugee may file a Form I-730 Refugee/Asylee Relative Petition⁴ with DHS/USCIS for each eligible family member. If the Form I-730 petition is approved by DHS/USCIS' Service Center Operations Directorate, preliminarily or finally, (signifying adequate proof of eligibility based on a file review), the State

⁴ This petition is used to file for the relatives of both refugees and asylees, also known as Visa 93 and Visa 92 cases respectively. The U.S. Refugee Admissions Program handles only Visa 93 cases, which are counted within the annual refugee admissions ceiling. Visa 92 cases are not considered to be refugee admissions cases and are not counted in the number of refugees admitted annually.

Department's National Visa Center then forwards the petition to the USCIS office,⁵ embassy, or consulate nearest to the location of the beneficiary for travel eligibility determination.

Individuals who gain access to the USRAP through an approved I-730 petition are interviewed by DHS/USCIS or consular officers to verify the relationships claimed in the petition, as well as to examine any applicable bars to status and admissibility to the United States. Beneficiaries are not required to establish past persecution or a well-founded fear of persecution, as they derive their status from the refugee relative in the United States who filed the petition. Beneficiaries of I-730 petitions may be processed within their country of origin or in other locations

Certain relatives in the United States may file an I-730 Refugee/Asylee Relative Petition and seek Priority 3 access for their qualifying family members (if eligible) simultaneously. In some cases, the I-730 petition will be the only option as the family members are still in their country of origin. It is also important to note that unlike the P-3 process, the I-730 or "follow-to-join" process does not allow the relative in the United States to petition for parents.

DHS/USCIS REFUGEE ADJUDICATIONS

Section 207(c) of the INA grants the Secretary of the Department of Homeland Security authority to admit, at his or her discretion, any refugee who is not firmly resettled in a third country, who is determined to be of special humanitarian concern, and who is admissible to the United States. The authority to determine eligibility for refugee status has been delegated to USCIS. In 2005, DHS/USCIS restructured the Refugee Affairs Division and established the Refugee Corps, a specially trained cadre of officers dedicated to adjudicating applications for refugee status. The Refugee Corps provides DHS/USCIS with the necessary resources and flexibility to respond to an increasingly diversified refugee admissions program. In each quarter of FY 2016, on average, USCIS deployed approximately 100 Refugee Officers, Supervisory Refugee Officers, and fingerprinters, plus an additional 70 USCIS officers on temporary assignment, to 20-25 locations around the world to interview refugee applicants. DHS/USCIS also devotes substantial resources to security vetting, anti-fraud, and training

⁵Beginning in 2016, the final adjudication of I-730 petitions transferred to most USCIS international field offices are made by USICS international staff.

related to refugee processing, and it has strong partnerships with the law enforcement, national security, and intelligence communities to maintain and promote the integrity of the USRAP.

In order to support the increased refugee admissions ceilings in FY 2016 and FY 2017, the Refugee Affairs Division has been authorized to increase its staffing from 158 to 292 employees, which includes adjudicators, headquarters staff, and supervisors/managers.

The Eligibility Determination

In order to be approved for classification as a refugee, an applicant must meet the refugee definition contained in § 101(a)(42) of the INA. That section provides that a refugee is a person who is outside his or her country of nationality or last habitual residence and is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. As mentioned above, the President may specify special circumstances under which a person can meet the refugee definition when he or she is still within his or her country of origin. The refugee definition excludes a person who has ordered, incited, assisted, or otherwise participated in persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Further, an applicant who has been “firmly resettled” in a third country may not be admitted as a refugee under INA Section 207. Applicants are also subject to various statutory grounds of inadmissibility, including criminal, security, and public health grounds, some of which may be waived or from which applicants may be exempted.

The grounds of inadmissibility that apply to refugee applicants include the broad terrorism-related inadmissibility grounds (TRIG) at Section 212(a)(3)(B) of the INA. Beginning in 2005, the Departments of Homeland Security, State, and Justice began to exercise a discretionary Secretarial authority to exempt certain categories of refugee applicants from TRIG inadmissibility based on a determination that they did not represent a threat to the United States and otherwise merited an exemption for humanitarian purposes. In FY 2015, DHS/USCIS began implementing two new exemptions for individuals who provided insignificant or “certain limited” material support (including through routine commercial or social

transactions, in the course of providing humanitarian assistance, or under subduress pressure), to undesignated terrorist organizations. As of June 2016, more than 14,900 TRIG exemptions have been granted to refugee applicants.⁶

A DHS/USCIS officer conducts a non-adversarial, face-to-face interview of each refugee applicant designed to elicit information about the applicant's claim for refugee status and any grounds of ineligibility. The officer asks questions about the applicant's experiences in the country of origin, including problems and fears about returning (or remaining), as well as questions concerning the applicant's activities, background, and criminal history. The officer also considers evidence about conditions in the country of origin and assesses the applicant's credibility and claim.

Background Security Checks

Refugee applicants of all nationalities are required to undergo background security checks. Security checks include biographic name checks for all refugee applicants and biometric (fingerprint) checks for refugee applicants within certain age limits. PRM, through its overseas Resettlement Support Centers, initiates required biographic name checks, while USCIS is responsible for collecting biometric data for screening. Biographic and biometric information is vetted against a broad array of law enforcement, intelligence community, and other relevant databases to help confirm identity, to check for any criminal or other derogatory information (including watchlist information), and to identify information that would inform lines of questioning during the interview. Refugee applicants must clear all required security checks prior to final approval of their application.

PROCESSING ACTIVITIES OF THE DEPARTMENT OF STATE

Overseas Processing Services

In most processing locations, PRM engages an NGO, an international organization (IO), or U.S. embassy contractors to manage a Resettlement Support Center (RSC) that assists in the processing of refugee applicants for admission to the United States. RSC staff pre-screen applicants to determine preliminarily if they qualify for one of the applicable processing priorities and to prepare cases for

⁶ Over 6,700 of these exemptions pertained to Burmese refugee applicants. Approximately 6,930 of the exemptions related to applicants who provided material support to a terrorist organization under duress – for example, Iraqi applicants who paid a ransom for a kidnapped family member. Please note that there was a typographical error for the number of total TRIG exemptions in the FY 2015 Report to Congress; as of June 2015, more than 13,560 TRIG exemptions had been granted to refugee applicants.

DHS/USCIS adjudication. The RSCs assist applicants in completing documentary requirements and schedule DHS/USCIS refugee eligibility interviews. If an applicant is conditionally approved for resettlement by DHS/USCIS, RSC staff guide the refugee through post-adjudication steps, including obtaining medical screening exams and attending cultural orientation programs. The RSC obtains sponsorship assurances and, once all required steps are completed, including all necessary security clearances, refers the case to IOM for transportation to the United States.

In FY 2016, NGOs (Church World Service, HIAS, and International Rescue Committee) worked under cooperative agreements with PRM as RSCs at locations in Austria (covering Austria and as of June, Israel), Kenya (covering sub-Saharan Africa), and Thailand (covering East Asia). International organizations (IOM and the International Catholic Migration Commission) supported refugee processing activities based in Ecuador, Jordan, Russia, Nepal, and Turkey which covered Latin America, the Middle East, South and Central Asia, and Europe. The Department of State supported refugee processing in Havana, Cuba.

Cultural Orientation

The Department of State strives to ensure that refugees who are accepted for admission to the United States are prepared for the profound life changes they will experience by providing cultural orientation programs prior to departure for the United States as well as upon arrival. It is critical that refugees have a realistic idea of what their new lives will be like, what services will be available to them, and what their responsibilities will be.

Every refugee family is offered a copy of *Welcome to the United States*, a resettlement guidebook developed with contributions from refugee resettlement workers, resettled refugees, and government officials. The current edition is available in twelve languages: Arabic, Burmese, Chin, Dari, English, Farsi, Karen, Kinyarwanda, Nepali, Somali, Spanish, and Swahili. The previous (2007) edition is still available in eight other languages: Albanian, Amharic, Bosnian/Croatian/Serbian, French, Kirundi, Russian, Tigrinya, and Vietnamese. Through this book, refugees have access to accurate information about the initial resettlement period before they arrive in the United States. The *Welcome to the United States* refugee orientation video is available in 12 languages: Arabic, Burmese, Chin, Dari, English, Farsi, Karen, Kinyarwanda, Nepali, Somali, Spanish, and Swahili. The 2004 version of the video is available in four other languages: Karenni, Kirundi, Russian, and Tigrinya. All of these materials are available to download free of charge at www.COResourceExchange.org.

In addition, the Department of State funds one- to five-day pre-departure orientation classes for eligible refugees at sites throughout the world. In an effort to further bridge the information gap for certain refugee groups, brief video presentations featuring the experience of recently resettled refugees of the same ethnic group are made available to refugee applicants overseas. Groups featured include refugees from Bhutan, Burma, the Democratic Republic of Congo, Cuba, Darfur, and Iraq. *Faces of Resettlement* shows five individuals who entered the United States as refugees, from Bhutan, Burma, Burundi, Iraq, and Sudan. Each of them tells their own story of the ways in which they are rebuilding their lives in their new communities. *Faces of Resettlement* also includes interviews with receiving community members. This video is accompanied by discussion guides for community members, service providers, and refugees.

The Department of State also offers a curriculum for cultural orientation after refugees' arrival in the United States. Based on Reception and Placement (R&P) Program objectives and indicators, the curriculum was developed to provide domestic cultural orientation providers with lesson plans, tools, and techniques to help refugees develop the knowledge, skills, and attitudes they will need to adjust to new life in the U.S. In addition to lesson plans, the publication contains a User's Guide; a section on staff preparation; and a section on tools for trainers and orientation development, with sub-sections on topics such as instructional approach, working with groups of different sizes, incorporating English into orientation, and conducting needs assessments. A companion toolkit includes a model assessment intended to provide domestic orientation providers with a sample tool for assessing refugee understanding of orientation topics during the R&P period.

Transportation

The Department of State funds the international transportation of refugees resettled in the United States through a program administered by IOM. The cost of transportation is provided to refugees in the form of a loan. Refugees are responsible for repaying these loans over time, beginning six months after their arrival, although it is possible to request a deferral based on inability to begin paying at that time.

Reception and Placement (R&P)

In FY 2016, PRM funded cooperative agreements with nine private resettlement agencies to provide initial resettlement services to refugees arriving in the United States. The R&P agencies are responsible for providing initial reception and core services (including housing, furnishings, clothing and food, as

well as assistance with access to medical, employment, educational, and social services) to arriving refugees. These services are provided according to standards of care within a framework of outcomes and indicators developed jointly by the NGO community, state refugee coordinators, and U.S. government agencies. The nine organizations maintain a nationwide network of 309 affiliated offices in 180 locations to provide services. Two of the organizations also maintain a network of 27 affiliated offices through which unaccompanied refugee minors are placed into foster care, a program administered and funded by HHS/ORR.

Using R&P funds from PRM supplemented by funds and in-kind contributions from private and other sources, the participating agencies provide the following services, consistent with the terms of the R&P cooperative agreement:

- Sponsorship;
- Pre-arrival resettlement planning, including placement;
- Reception on arrival;
- Basic needs support (including housing, furnishings, food, and clothing) for at least 30 days;
- Cultural orientation;
- Assistance with access to health, employment, education, and other services, as needed; and
- Development and implementation of an initial resettlement service plan for each refugee.

OFFICE OF REFUGEE RESETTLEMENT (ORR)

Through the Refugee Act, Congress directed HHS/ORR to provide refugees with resettlement assistance that includes employment training, English language training, cash assistance (in a manner that promotes early independence), and job placement – including providing women with equal opportunities to employment as men. ORR's mission is to help refugees transition into the United States by providing benefits and assistance to achieve self-sufficiency and become integrated members of society as soon as possible. To this end, ORR funds and administers various programs, some of which are highlighted below.

State-Administered and Wilson-Fish Programs

Under ORR's state-administered or Wilson-Fish (WF) programs, refugees not eligible for Temporary Assistance for Needy Families (TANF) or Supplemental Security Income (SSI) are eligible to receive up to eight months of *Refugee Cash Assistance (RCA)*. Refugees not eligible for Medicaid are eligible to

receive up to eight months of *Refugee Medical Assistance (RMA)* upon arrival. In state-administered programs that operate a publicly administered RCA program (33 states) RCA benefits are based on cash benefit levels established by state TANF programs. In states that operate their RCA program through a Public-Private Program (PPP) model (5 States) and WF states (12 States plus one county), the RCA benefit is based on the higher of the RCA rates outlined in the ORR regulations or the state TANF rates.

The WF program is an alternative to the traditional state-administered program, and is usually administered by local resettlement agencies. The WF program emphasizes early employment and economic self-sufficiency by integrating cash assistance, case management, and employment services, and by incorporating innovative strategies for the provision of cash assistance (e.g. financial bonuses for early employment). WF programs also serve as a replacement for the State when the State government declines to participate in the ORR-funded refugee assistance program.

ORR also provides states/WF programs with *Formula Refugee Social Services (RSS)* and *Targeted Assistance (TAG)* funds. ORR distributes these funds based on arrival numbers and refugee concentration levels in counties with a high utilization of public assistance. Funding is time limited and refugees can only access RSS and TAG services up to five years after arrival. These services include: employment services, on-the-job training, English language instruction, vocational training, case management, translation/interpreter services, social adjustment services, health-related services, home management, childcare and transportation.

Additionally, to assist specific groups of refugees, ORR administers the specialized programs through states/WF programs, including Cuban-Haitian, Older Refugees, Refugee School Impact, and Targeted Assistance.

ORR Matching Grant Program

The ORR Matching Grant program (MG) is provided through the nine national resettlement agencies that provide R & P services and their resettlement affiliates in 42 states. The objective of MG is to guide newly-arrived refugee households toward economic self-sufficiency through employment within four to six months of program eligibility (which usually begins on the date of arrival in the United States). In MG, self-sufficiency is defined as total household income from employment that enables a family unit to support itself without receipt of public

cash assistance. For each MG participant, ORR awards \$2,200 to participating national resettlement agencies, which then allocate funds to their networks of local affiliates. Agencies provide a 50% match to every federal dollar.

Through the ORR MG Program, local service providers ensure core maintenance services for a minimum of 120 days which include housing, transportation, food, and a cash allowance. Clients also receive intensive case management and employment services throughout the 180 day service period. Refugees who are unable to attain self-sufficiency by day 120 or 180 may access RCA for the remainder of the eight month eligibility period. In FY 2015, nearly 30,000 individuals were newly enrolled in the program, and of those enrolled in the program for 180 days, 82% achieved self-sufficiency. Approximately 30% of refugees who arrive in a fiscal year participate in the ORR MG Program.

ORR Refugee Health

ORR addresses the health and emotional well-being of refugees by providing technical assistance on Refugee Medical Assistance and domestic refugee medical screening, supporting mental health awareness, managing the Services for Survivors of Torture and Refugee Health Promotion grant programs, and other health initiatives.

ORR Unaccompanied Refugee Minor (URM) Program

ORR provides funds to 15 states which administer over 20 Unaccompanied Refugee Minor (URM) programs. States contract with local licensed foster care agencies that provide specialized placements and services to URM. URM live in various placements including: traditional and therapeutic foster homes, group homes, semi-independent and independent living and residential treatment centers, and homes of relatives. URM receive various services including: English language training, educational and vocational training, cultural preservation, social integration, family tracing, permanency planning, independent living, medical care, and mental health care. ORR regulations require states to provide services to URM in parity with the state's Title IV-B foster care plan.

Other ORR Discretionary Refugee Service Programs

ORR also provides funding to non-profit agencies to carry out special initiatives or programs for refugees including: case management, ethnic community development, home-based child care business development, individual development accounts, microenterprise development, and agricultural projects.

The Preferred Communities Program is implemented through the nine resettlement agencies and focuses on building capacity to receive an increasingly vulnerable refugee population. The program supports long-term case management services to the more at risk populations including, but not limited to, women heads of household and refugees with significant medical and mental health needs. Additionally, the program has allowed resettlement agencies the flexibility to address unanticipated arrivals such as refugees arriving in underserved areas, increased Cuban/Haitian arrivals and secondary migrants.

ORR Technical Assistance

ORR provides technical assistance (TA) to resettlement stakeholders through various organizations that have relevant expertise. Currently ORR's TA providers assist stakeholders in the areas of community engagement/integration, employment, mental health, youth initiatives, services to survivors of torture, and monitoring.

cited in *State of Hawaii v. Trump*
No. 17-15589, archived on June 14, 2017

REGIONAL PROGRAMS

TABLE II

PROPOSED FY 2017 REGIONAL CEILINGS BY PRIORITY

<u>AFRICA</u>	
Priority 1 Individual Referrals	20,000
Priority 2 Groups	14,500
Priority 3 Family Reunification Refugees	500
<u>Total Proposed:</u>	<u>35,000</u>
<u>EAST ASIA</u>	
Priority 1 Individual Referrals	1,800
Priority 2 Groups	10,000
Priority 3 Family Reunification Refugees	200
<u>Total Proposed:</u>	<u>12,000</u>
<u>EUROPE / CENTRAL ASIA</u>	
Priority 1 Individual Referrals	990
Priority 2 Groups	3,000
Priority 3 Family Reunification Refugees	10
<u>Total Proposed:</u>	<u>4,000</u>
<u>LATIN AMERICA / CARIBBEAN</u>	
Priority 1 Individual Referrals	950
Priority 2 Groups	4,000
Priority 3 Family Reunification Refugees	50
<u>Total Proposed:</u>	<u>5,000</u>
<u>NEAR EAST / SOUTH ASIA</u>	
Priority 1 Individual Referrals	19,000
Priority 2 Groups	20,900
Priority 3 Family Reunification Refugees	100
<u>Total Proposed:</u>	<u>40,000</u>
<u>UNALLOCATED RESERVE</u>	<u>14,000</u>
<u>TOTAL PROPOSED CEILING:</u>	<u>110,000</u>

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AFRICA

There are currently nearly 5 million refugees across the African continent, constituting roughly 25 percent of the global refugee population. Refugee numbers in Africa increased by nearly half a million in 2015 due to new or intensified conflicts across the continent. There has been some progress finding opportunities for local integration in host countries in Africa but limited refugee repatriation. Third country resettlement has increased from the continent but falls short of needs.

New and ongoing conflicts in three countries – Burundi, Nigeria, and South Sudan – are responsible for the growth in refugee numbers in 2015 and 2016. In Burundi, early 2015 election-related violence and the aftermath forced over 250,000 refugees to flee to neighboring Democratic Republic of Congo (DRC), Rwanda, Tanzania, and Uganda; this outflow is expected to continue throughout 2016. Instability and violence in Nigeria, Cameroon, Chad, and Niger have displaced more than 2.4 million people in the region, including 2.2 million Nigerian internally displaced persons (IDPs) and some 170,000 Nigerian refugees to neighboring countries. Cameroon, Niger and Chad continue to struggle with rising numbers of IDPs. In South Sudan, ethnic-fueled political conflict that erupted in December 2013 continues. Nearly 1.7 million South Sudanese are internally displaced and total refugee numbers have now reached nearly 840,000.

Ongoing conflict in the DRC and Sudan has also continued to generate new refugee outflows over the past few years. Conflict in eastern DRC since mid-2012 has led steady flows of Congolese to seek asylum in Uganda, Rwanda, and Burundi, bringing the total number of Congolese refugees to nearly 534,000. Conflict in Sudan's Darfur region continued to displace people internally. The ongoing conflict with rebel groups in Sudan's Southern Kordofan and Blue Nile states has forced some 300,000 Sudanese refugees to flee to South Sudan, Ethiopia, and Kenya since June 2011. The steady outflow of Eritreans also continues, not only to refugee camps in Ethiopia and eastern Sudan, but also further north as Eritreans attempt to migrate to Europe and beyond. Some 450,000 Eritreans have fled political repression, forced conscription, and economic collapse over the past decade.

Africa's refugee numbers have also been augmented by conflicts beyond the continent, primarily in the neighboring Near East region. North Africa has long hosted large numbers of Palestinian refugees. The ongoing crisis in Syria has added more than 140,000 new refugees to the region including 120,000 in Egypt and 18,000 in Libya. The crisis in Yemen has led some 15,000 Yemenis and Somalis living in Yemen to flee to Djibouti and Somalia in 2015 to date, with

higher numbers expected. No progress was made over the past year in seeking a resolution to the Western Saharan conflict that would enable an estimated 90,000 Sahrawi refugees in Algeria to return home.

Most African countries honor the principle of first asylum and most have allowed refugees to remain – and in many cases to effectively integrate economically and/or socially – until voluntary repatriation is possible. Some countries, such as Cameroon, Egypt, and Sudan, have forcibly returned refugees over the past year. For countries growing weary of hosting large refugee caseloads, we continue to advocate for first asylum and inclusion for refugees. And, for those countries that lack formal mechanisms for asylum, we continue to advocate for the establishment of such systems in consultation with UNHCR.

Religious Freedom

In Sub-Saharan Africa, people are generally free to practice their chosen religions. Governments regularly provide for and respect freedom of religion, although in some countries, such as Eritrea and Sudan, religious freedom is limited, particularly in the midst of ethnic and other conflicts.

The Government of the State of Eritrea is responsible for severe religious freedom abuses. In recent years the country has engaged in serious religious repression by harassing, arresting, and detaining members of independent evangelical groups, including Pentecostals and Jehovah's Witnesses (who lost certain rights of citizenship for not participating in the 1993 national referendum). Detainees are held in harsh conditions and some have died in custody. The government has also sought greater control over the four state-approved religious groups: the Eritrean Orthodox Church, the Roman Catholic Church, the Evangelical (Lutheran) Church, and the Sunni Islamic community. The government reportedly holds individuals who are jailed for their religious affiliation at various locations. Often detainees are not formally charged, accorded due process, or allowed access to their families. While many are ostensibly jailed for evasion of military conscription, significant numbers were being held solely for their religious beliefs; the U.S. Committee for International Religious Freedom (USCIRF) estimates that between 1,200 and 3,000 individuals are being detained on religious grounds. At least three Jehovah's Witnesses had been detained since September 24, 1994 (almost 22 years), reportedly for evading compulsory military service, a term far beyond the maximum legal penalty of two years for refusing to perform national service.

In Sudan, the government continues to deny permits for the construction of new churches, detain church members, close or demolish pre-existing churches, restrict non-Muslim religious groups and missionaries from operating in or entering the country, censor religious materials and leaders, and arrest or intimidate suspected proselytizers. The government places restrictions on non-Muslims in a manner that is inconsistent with domestic and international obligations to uphold freedom of religion. Although there is no penalty for converting from another religion to Islam, converting from Islam is punishable by death. Authorities express their strong prejudice against conversion by occasionally subjecting converts to intense scrutiny, ostracism, and intimidation, or by encouraging converts to leave the country.

Both Eritrea and Sudan are currently designated as “Countries of Particular Concern” (CPC) for particularly severe violations of religious freedom by the Department of State under the International Religious Freedom Act of 1998. The USRAP continues to be available through Priority 1 referrals to Sudanese, Eritrean, and other refugees who are victims of religious intolerance. Refugees from Eritrea and Sudan with certain refugee or asylee family members in the United States have access to the USRAP through Priority 3.

In Somalia the provisional federal constitution provides for freedom of religion within limits, although it enshrines Islam as the state religion. The law prohibits proselytism for any religion other than Islam. Since its inception in July 2012, the Federal Government of Somalia has made incremental progress to establish institutions and expanding its authority, but its capacity to enforce the provisional constitution remains extremely limited, particularly outside of Mogadishu. There have been reports that non-Muslim individuals experience discrimination, violence, and detention because of their religious beliefs. Refugees from Somalia with certain refugee or asylee family members in the United States also have access to the USRAP through Priority 3.

Voluntary Repatriation

Voluntary repatriation to improved conditions in the home country is the most common and desirable durable solution, however there have been few refugee returns on the continent in recent years. Recent outflows have far surpassed repatriation reversing a trend of falling refugee numbers since the mid-1990s. Large-scale organized repatriations to Angola, Liberia, Rwanda, and Burundi are largely complete, but residual populations remain. In the case of Burundi, many who returned in the early 2000s have fled again. UNHCR recommended cessation of prima facie refugee status for refugees from Angola and Liberia effective June 30, 2012, and for pre-1999 caseload Rwandan refugees

effective June 30, 2013. Efforts continue to repatriate those who still wish to return and to locally integrate residual populations where asylum countries agree to provide permanent residence or citizenship. The local integration of former Angolan refugees in Zambia progressed though resources are a constraint.

Smaller-scale repatriation efforts continue throughout the continent. In West Africa, out of an estimated 300,000 individuals who fled the 2010-2011 election-related violence in Côte d'Ivoire, over 240,000 have now returned home. Repatriation was delayed in 2014 and 2015 due to the Ebola crisis and related border closures but started up again in December 2015. UNHCR anticipates assisting with the return of 25,000 Ivoirian refugees from Liberia in 2016. In Mali, while UNHCR is not yet promoting refugee return to northern Mali, more than 40,000 refugees have returned spontaneously in to safe regions under government control but periodic outbreaks of violence in 2015 in northern Mali have deterred would-be returnees and caused new refugee outflows to Niger during the year.

In East Africa, the repatriation to South Sudan that started in 2005 was largely concluded in 2011 with the return of more than 370,000 refugees. However, due to widespread conflict since 2013, all repatriation has stopped and the focus has instead shifted to emergency response to the new refugees. UNHCR, the Government of Kenya, and the Government of Somalia signed a tripartite agreement in 2013 that established a legal framework for the voluntary repatriation of Somali refugees from Kenya, and UNHCR has supported the voluntary return of approximately 13,300 Somalis to date to nine identified "safe" areas within Somalia. Most parts of Somalia, however, are not conducive to safe and sustainable refugee return. Despite the efforts of some asylum countries, including Israel, to repatriate Eritrean refugees, UNHCR has strongly discouraged returns to Eritrea given ongoing political repression and harsh treatment of returnees.

In Central Africa, while there were over 500,000 refugee returns to Burundi from 2002 to 2014, election-related violence that erupted in Burundi in April 2015, has generated over 250,000 refugees to date, many of them former refugees. Although the majority of Rwandan refugees returned home in the late 1990's, some 100,000 are thought to remain in exile. With the cessation of prima facie refugee status for pre-1999 Rwandan refugees on June 30, 2013, most remaining Rwandans will be required either to repatriate or to seek non-refugee means of remaining in asylum countries. UNHCR had made significant progress in repatriating Congolese to eastern DRC earlier in the past decade. However, renewed hostilities between the Congolese government and other armed groups across eastern DRC erased most of these gains. Eastern DRC is too insecure for large-scale refugee return at this point. UNHCR did conclude its repatriation program for some 130,000 Congolese refugees to western DRC's Equateur

Province from 2012 through 2014. The relatively peaceful elections in the Central African Republic have raised hopes of refugee repatriation but while we anticipate some spontaneous returns to assess the situation, most refugees are still wary.

Local Integration

While most African countries adhere to encampment policies for refugees, many have allowed, or even encouraged, refugees to pursue economic activities, a sort of de facto integration, by providing land for refugee farmers or permitting refugees to open small businesses. Despite such de facto integration, refugees residing among the local population do not necessarily enjoy the same rights, entitlements to social services, or economic opportunities available to citizens or permanent residents. As a result, this piecemeal integration is often an interim, rather than a durable, solution for many African refugees. However, strengthened partnerships with development actors, including the World Bank, shows promise in facilitating more sustainable socio-economic integration of refugees.

In recent years, a number of African countries have offered more formal integration as a durable solution for residual refugee populations who will not or cannot repatriate. Among member countries of the Economic Community of West African States (ECOWAS), the issuance of identity documents by home governments and subsequent regularization of immigration status allows refugees to access legal residency and the right to work in host countries; Ivoirians will be the latest refugee population to benefit under these ECOWAS protocols as UNHCR pursues local integration for those who wish to remain in their countries of asylum in the coming years. Senegal offered Mauritanian refugees who wished to remain in Senegal the option of becoming Senegalese citizens in 2007, and UNHCR, in partnership with the Senegalese government, launched a campaign in 2012 to provide digitized and biometric identity cards to some 19,000 refugees (of whom 14,000 were Mauritanians). The card guarantees holders the same rights as Senegalese citizens, including the right to residence in the country and to travel to ECOWAS member states. In 2015, Mali provided birth certificates to some 8,000 Mauritanian refugee children, facilitating access to state services such as education and paving the way for them to eventually apply for Malian citizenship.

In Southern Africa, the Government of Zambia has offered local integration to some 15,000 former Angolan refugees and up to 4,000 Rwandans. The 2012 initiative offers permanent residence status to the former Angolan refugees -- mainly refugees who arrived before 1986, were born in Zambia, or are married to Zambians. The Government of Zambia has approved 6,000 applicants who meet eligibility criteria.

In East Africa, the Government of Tanzania has finalized citizenship for nearly 200,000 1972-era Burundi former refugees. While not offering a formal integration program, Uganda has permitted refugees to live and work outside of camps – most are in rural settlements where they have access to land or in urban areas. Ethiopia formally introduced an out-of-camp policy for Eritrean refugees in August 2010, allowing Eritreans to live outside camps if they are able to support themselves or if they have someone to sponsor them financially. Approximately 3,500 Eritreans are part of this program now. While it does not give Eritrean refugees the right to work, it does offer the ability to pursue additional educational opportunities, including tertiary education. In 2013, Sudan agreed to issue work permits to some 30,000 Eritrean refugees who wish to work outside of refugee camps in eastern Sudan, although only a handful have been issued permits to date.

Third-Country Resettlement

Given the political and economic volatility in many parts of Africa, resettlement to third countries outside the region is an essential durable solution and element of protection for certain refugees. With limited opportunities for permanent integration in many countries of asylum and the protracted nature of some refugee situations, the need for third-country resettlement of African refugees is expected to continue. In recent years, UNHCR has increasingly viewed resettlement as an important tool of protection for refugees in Africa, and has increased resettlement referrals this past year.

FY 2016 U.S. Admissions

We project 27,500 African refugee arrivals in FY 2016. Two countries of origin – Somalia and DRC – still account for the vast majority of U.S. refugee admissions from Africa, followed by Eritrea, Sudan and Ethiopia. UNHCR's enhanced Congolese Resettlement Strategy effort has reached its stated goal to refer 50,000 DRC refugees for resettlement from Rwanda, Uganda, Tanzania and Burundi to resettlement countries over five years. In FY 2016, the number of Congolese resettled to the United States (more than 14,000) will for the first time surpass the number of Somalis. UNHCR will continue to refer Congolese refugees from the four countries, as the resettlement need for Congolese from the eastern Congo still exists.

We expect to admit nearly 7,000 refugees from our two largest processing locations in Africa: Kenya and Ethiopia, plus another 600 from other locations in East Africa. Close to 5,500 refugees will depart for the United States from Kenya this year, mostly Somalis in the Kakuma and Dadaab camps. PRM continues to fund movements of refugee applicants from Dadaab to Kakuma for the purposes of

DHS/USCIS interview and adjudication, since DHS/USCIS staff cannot work at Dadaab due to the security conditions. Applicants return to Dadaab for medical exams and other post-DHS/USCIS steps until their departure for the United States. Admissions from Ethiopia also continue to be strong, with approximately 3,500 U.S. arrivals projected this year. Populations include primarily Somalis from camps in the east and Eritreans from the northern camps, including approximately 60 Eritrean unaccompanied refugee minors. We also will resettle smaller numbers of Sudanese from camps in the west.

The United States continues to interview refugees from the Central African Republic in southern Chad and Sudanese Darfuri refugees in eastern Chad. We expect to admit nearly 600 refugees from Chad in FY 2016, part of an effort to build a large resettlement operation for Darfuri refugees in eastern Chad. An additional 450 refugees from various locations in West Africa are also expected to be admitted in FY 2016.

From Southern Africa, we expect to admit 2,500 refugees – primarily Somalis from South Africa and Congolese from Malawi, Namibia, Zambia, and Zimbabwe.

Outside of sub-Saharan Africa, we anticipate approximately 3,000 Sudanese, Somali, Ethiopian, Eritrean, and other sub-Saharan African refugees who will be arriving primarily from Egypt, Malta, or via one of the UNHCR Emergency Transit Centers in Romania and Slovakia. In all, we expect to admit refugees of nearly 30 African nationalities, processed in dozens of countries, during FY 2016.

FY 2017 U.S. Resettlement Program

We propose 35,000 resettlement numbers for African refugees in FY 2017 that will largely parallel the populations admitted in FY 2016. As a result of discussions within the Department of State, UNHCR, the NGO community, and DHS/USCIS to identify caseloads, PRM has identified a number of nationalities and groups for processing during FY 2017.

In the Great Lakes region, processing of Congolese in Rwanda, Uganda, and Tanzania (and Burundi if the situation allows) is expected to result in a total of 15,000 departures. Approximately 10,000 of these admissions will be the result of a P-2 group designation for Congolese refugees in Tanzania and from the camps in Rwanda. Departures from Uganda will result in 5,000 arrivals. It is yet to be determined whether the violence in Burundi that has prevented processing of Congolese there will result in lower arrival numbers from Burundi in FY 2016.

From East Africa, we expect to resettle just over 9,000 refugees each from Kenya and Ethiopia, primarily Somalis and Eritreans. We also expect UNHCR to continue referring Eritrean unaccompanied refugee minors at a rate of about 100 per year from refugee camps in northern Ethiopia.

From southern Africa, we expect to admit 3,000 refugees consisting primarily of Somalis from South Africa and Congolese from Mozambique, Malawi, Namibia, Zambia, and Zimbabwe.

In eastern Chad, UNHCR is establishing infrastructure for a robust resettlement program for Sudanese Darfuris with funding from PRM. This will be in addition to the continued processing of Central African Republic refugees from southern Chad. Total admission numbers from West Africa and Chad are expected to be approximately 1,000.

Outside of sub-Saharan Africa, we anticipate 2,000 Sudanese, Somali, Ethiopian, Eritrean and other sub-Saharan African refugees will be admitted from Egypt and Malta, and through the Emergency Transit Centers in Slovakia and Romania.

Proposed FY 2017 Africa program to include arrivals from the following categories:

<i>Priority 1 Individual Referrals</i>	<i>20,000</i>
<i>Priority 2 Groups</i>	<i>14,500</i>
<i>Priority 3 Family Reunification</i>	<i><u>500</u></i>
<i>Total Proposed Ceiling</i>	<i>35,000</i>

EAST ASIA

Several countries in East Asia host large and diverse refugee and asylum seeker populations. Recent years have seen important developments for these groups. Thailand, Bangladesh, and Malaysia continue to host large numbers of Burmese refugees and asylum-seekers, and thousands more are in the capital cities of Bangkok, Kuala Lumpur, and New Delhi, including Burmese, Pakistanis, Sri Lankans, West Africans, Syrians, Palestinians, and others. The number of persons of concern to UNHCR across the archipelago of Indonesia has also increased to nearly 13,800, including some 6,400 refugees, in recent years.

The U.S. government continues to press for meaningful political and democratic reforms in Burma, as well as a national ceasefire agreement with ethnic minority groups. The international community is engaged in discussions regarding the voluntary return of Burmese refugees, but acknowledges that ongoing conflict with armed ethnic groups, particularly in Kachin and Shan States, peace and national reconciliation efforts, and limited access to humanitarian and development assistance make large-scale return of refugees in safety and with dignity a slow, gradual process.

The resettlement of more than 100,000 Burmese refugees from Thailand since 2006 – including more than 85,000 to the United States – has significantly reduced the number of Burmese refugees in the camps who are eligible for the U.S. P-2 resettlement program. After more than seven years of large-scale resettlement, we have arrived at the natural conclusion of the group resettlement program with specific eligibility criteria for Burmese refugees who were re-registered by UNHCR in 2005 and formally registered by the Royal Thai Government (RTG). P-2 processing should conclude within one year. Those who do not exercise this option will be able to remain in the camps until safe and voluntary returns are possible. The United States will continue to accept individual referrals from UNHCR for all nationalities, including registered Burmese.

Since 2006, UNHCR Malaysia has operated the second largest refugee status determination program in the world and Malaysia is currently one of the largest resettlement countries in the U.S. program with some 8,200 projected refugee departures in FY16 and more than 69,500 since 2006. As of the end of March 2016, there were 158,794 persons of concern registered with UNHCR in Malaysia of which 144,197, or 90.8 percent, are from Burma. In addition, some 14,600 asylum-seekers and refugees from various countries – primarily Pakistan, Iraq, Somalia, Syria, Yemen, and Sri Lanka – are registered with UNHCR. Malaysia is not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, but generally tolerates the presence of refugees.

The systematic persecution and discrimination of members of the Rohingya minority from Rakhine State, Burma have resulted in large numbers fleeing Rakhine State to seek safety in Bangladesh, Thailand, Malaysia, and other countries in the region for over five decades. The mid-2015 migrant crisis in the Indian Ocean began to unfold on May 1 when Thai authorities discovered mass graves of migrants in the south and began cracking down on migrant smuggling operations. The Administration continues to actively support the ongoing regional response that stresses the need to address the root causes of the crisis in source countries, including by promoting and protecting the human rights of members of vulnerable populations in source countries.

The last large influx of approximately 250,000 Rohingya from Rakhine State to the Cox's Bazar district in southeastern Bangladesh began in July 1991. Between 1992 and 2005, over 236,000 UNHCR-registered Rohingya refugees were voluntarily repatriated from Cox's Bazar to Rakhine State, most of them immediately after their arrival to Bangladesh. No repatriation operation has taken place since. UNHCR supports over 32,600 refugees in two official refugee camps (Kutupalong and Nayapara) in Cox's Bazar. In addition, the Government of Bangladesh (GOB) estimates that **300,000 – 500,000** undocumented Rohingya currently reside in various villages and towns outside the refugee camps and in makeshift settlement sites.

In February 2014, the Government of Bangladesh (GOB) announced its national strategy on "Myanmar Refugees and Undocumented Myanmar Nationals in Bangladesh". The GOB completed the main census of the undocumented Rohingya during the first half of June and plans to publish the census results in December. The issuance of information cards will follow which we understand will ensure protection and access to basic services, including freedom of movement, access to livelihood, and education opportunities to the Rohingya who took part in the census. The U.S. government is encouraged by GOB commitments made in the national strategy, including the resumption of third country resettlement. We are prepared to resume resettlement activity immediately upon notification by the GOB that we may proceed. In addition, we expect ongoing UNHCR referrals of urban Burmese in India.

As reflected in the North Korean Human Rights Act, the United States remains deeply concerned about the human rights situation of North Koreans both inside the Democratic People's Republic of Korea (DPRK) and in various countries in the region. The United States began resettling interested, eligible North Korean refugees and their family members in 2006 and remains committed to continuing this program.

Religious Freedom

Although many governments in East Asia do not restrict religious freedom, religious believers face serious persecution in several countries. The DPRK, China, and Burma are designated by the Department of State as Countries of Particular Concern (CPCs) under the International Religious Freedom Act of 1998 for systematic, ongoing, and egregious violations of religious freedom.

The DPRK severely restricts religious freedom, including organized religious activity, except for that which is supervised tightly by officially recognized groups linked to the government. Although the DPRK constitution

provides for “freedom of religious belief,” genuine religious freedom does not exist. Information about the day-to-day life of religious persons in the country is limited. Religious and human rights groups outside of the country have provided numerous reports that members of underground churches have been beaten, arrested, tortured, or killed because of their religious beliefs.

While the constitutions of China, Burma, and Vietnam provide for freedom of religion, in practice, these governments restrict or repress religious activities of some members of religious communities in a manner that is inconsistent with their commitments to uphold freedom of religion.

The Chinese government continues to harass and interfere with unregistered religious groups, most notably the unofficial Catholic churches loyal to the Holy See, Protestant “house churches,” some Muslim groups (especially ethnic Uighur Muslims in the Xinjiang Uighur Autonomous Region), members of the Falun Gong, and Tibetan Buddhists reverent to the Dalai Lama. China additionally reprimanded members of government-sanctioned churches for advocacy on behalf of their church communities. Certain religious or spiritual groups are banned by law. The criminal law defines some banned groups as “evil cults” and those belonging to them can be sentenced to prison or administrative detention. This includes Falun Gong and some other qigong-based groups in addition to some Christian groups. Although legislation officially abolished the Reeducation through Labor (RTL) system in December 2013, religious believers have been harassed, arrested, detained in “black jails” without due process and sentenced to long jail terms. There have been credible allegations of torture.

In Burma, the government implemented considerable political and economic reforms, resulting in improved respect for many human rights. However, the government continues to discriminate against members of religious minority groups. Members of some ethnic groups, including those not formally recognized as citizens – such as the Muslim Rohingya in northern Rakhine State – are not protected under anti-discrimination laws. In 2012, intercommunal conflict led to the death of nearly 200 Rohingya and the displacement of 140,000 people. Throughout 2013-2015 isolated incidents of violence against Rohingya individuals continued to take place.

Government authorities, through various policies and practices, subjected Rohingya Muslims to physical abuse, arbitrary arrest and detention, restrictions on religious practice and travel, and discrimination in employment, social services, and access to citizenship. Religious minority populations, including Muslims, Christians, and other religious minorities, experienced arrest and detention, restrictions on religious practice, and various forms of discrimination. At the same

time, the government continued to support interfaith dialogue and provided some members of the international community and international organizations greater access to ethnic minority areas.

Vietnam and the United States signed an agreement on religious freedom in May 2005, under which Vietnam committed to improving the protection of religious freedom in Vietnam. As a result of the progress Vietnam made after signing the agreement, the U.S. Government removed Vietnam from the CPC list in November 2006. While there have been some improvements, Vietnam's religious freedom record has been mixed. Progress has been made with regard to the registration/recognition of religious groups and congregations and many religious groups have experienced expanded freedom of assembly. However, religious organizations must undergo an onerous registration process for almost all normal religious activities. There are also reports of harassment at the local level, including through the use of land laws. Several Protestant congregations in rural areas continue to report harassment, including beatings and forced renunciations.

Nationals of the DPRK, Vietnam, China, Laos, and Burma have access to the USRAP. North Korean refugees also have access to family reunification processing through Priority 3.

Voluntary Repatriation

Although the Burmese government has taken steps to implement democratic and political reforms, ongoing fighting continues in Kachin and northern Shan States, and tensions remain in Rakhine State since the June and October 2012 violence. The new government continues to work towards a national reconciliation and peace process but it is too early to tell. We are hopeful that substantial progress towards this goal will be made in the near future. UNHCR continues with its planning for facilitated returns and continues its discussions with the RTG, Burmese government, NGOs working on the Thailand-Burma border, and the Karen and Karenni refugee communities; however, conditions are not yet conducive for large-scale returns and refugees often cite the lack of infrastructure, land and security issues in southeast Burma. The United States and other donor governments continue to engage regularly with the Thai government concerning the future of the nine refugee camps on the Thai-Burma border.

Local Integration

Due to fears of a "pull factor," countries in the region have traditionally been reluctant to integrate refugees or to grant asylum. Local integration remains a difficult option, due to opposition from host countries, such as Thailand, Bangladesh, Malaysia, and India. UNHCR and the international community

continue to advocate for these governments to make policy changes relating to refugees, and to expand humanitarian protection and assistance space for refugees, asylum seekers, and other persons of concern.

Third-Country Resettlement

The United States continues to lead third country resettlement efforts in the region. Other countries, including Australia, Canada, New Zealand, and the Nordic countries, resettle refugees referred by UNHCR. In FY 2016, the United States processed UNHCR-referred refugee cases in China, the Hong Kong Special Administrative Region, Indonesia, Malaysia, Mongolia and Thailand.

FY 2016 U.S. Admissions

We expect to admit close to 14,000 refugees from East Asia in FY 2016. This will include nearly 4,600 members of Burmese ethnic minorities (mostly Karen, Karenni, and Kachin) living in camps along the Thai-Burma border, over 7,900 Burmese (of various ethnic minorities) in Malaysia, and a smaller number of urban refugees of various nationalities in the region.

FY 2017 U.S. Resettlement Program

We expect to admit up to 12,000 refugees from East Asia in FY 2017. This will include up to 3,500 members of Burmese ethnic minorities (mostly Karen and Karenni) living in camps along the Thai-Burma border, some 5,500 Burmese (of various ethnic minorities) in Malaysia, and a number of urban refugees of various nationalities in the region.

Proposed FY 2017 East Asia program to include arrivals from the following categories:

<i>Priority 1 Individual Referrals</i>	<i>1,800</i>
<i>Priority 2 Groups</i>	<i>10,000</i>
<i>Priority 3 Family Reunification</i>	<i>200</i>
<i>Total Proposed Ceiling</i>	<i>12,000</i>

EUROPE AND CENTRAL ASIA

In 2015, Europe experienced a dramatic increase in asylum seekers. Europe continued to host large refugee populations and other persons affected by conflict, including those who, over the last two decades, have been left in situations of protracted displacement – some in dire conditions. In its 2016-2017 Global Appeal, UNHCR reported that its priorities are to provide emergency assistance to refugee arrivals and mixed movements, safeguard asylum space and provide acceptable reception conditions, build and maintain fair asylum systems throughout Europe, and provide durable solutions to displaced populations in the Balkans, the Caucasus, and in Ukraine.

The large increase in the number of people risking their lives at sea in search of safety in Europe made it the largest mass migration since the Second World War. By the end of 2015, there were over a million arrivals in Italy and Greece. Over 850,000 arrived in Greece alone. The European Union after initially struggling to arrive at a coordinated policy to address the situation has agreed upon a Joint Action Plan with Turkey to reduce these flows. Under the plan, the EU has promised to provide over 6 billion euros to Turkey in humanitarian assistance and development aid to help support programs for refugees in Turkey. The plan also allows for Greece to return to Turkey those ineligible for international protection in Greece. The EU requires that the agreement be implemented in full compliance with international and EU law.

In light of this crisis, the challenge for Europe remains two-fold. Providing humanitarian assistance to migrants and refugees arriving on their shores after undertaking dangerous maritime journeys and integrating the more than one million who arrived last year. UNHCR and IOM published a Regional Refugee and Migrant Response Plan for Europe to provide humanitarian assistance in affected countries including Turkey and Greece. The United States has contributed almost \$44 million to international organizations in humanitarian assistance to provide life sustaining assistance, protection to vulnerable populations and registration assistance to affected countries. The long-term integration challenges are most acute in Germany, Sweden, Austria and Finland, which received the bulk of the asylum seekers last year. We anticipate that many other countries will face challenges (albeit at a smaller scale) as they work to follow through with commitments to relocate individuals from Greece and Italy and/or participate in voluntary resettlement programs.

Despite the fact that a majority of countries in the region are party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, countries' compliance with these instruments remains problematic. UNHCR and

other stakeholders continue to build host country protection capacity and are helping to strengthen asylum systems and protection laws in the region; however, many of these countries have been slow or reluctant to recognize and integrate refugees and other at-risk individuals. The protection provided by some governments in the region to refugees, asylum seekers, and other migrants is limited and public intolerance, including attacks against members of minority populations, is common. There are documented cases of refoulement. UNHCR has been working with many of these governments to establish and/or reform asylum procedures and refugee protection laws.

The 1990's break-up of the Soviet Union created newly independent states with sizeable populations of stateless individuals due to gaps in nationality laws and inconsistent implementation of those laws. Difficulty in establishing citizenship at the time of succession has created subsequent problems for children born to an undocumented parent(s). The problem of statelessness remains in the region, although some states, such as Turkmenistan, have taken steps to register stateless individuals and facilitate their acquisition of nationality.

According to UNHCR, as of April 2016, there were over 360,000 refugees and IDPs in the Balkans, almost all of whom have been displaced for a decade or longer. Over 200,000 persons of this population are displaced from Kosovo, most of whom currently live in Serbia. UNHCR estimates that more than 90,000 individuals in this group are in need of assistance. Since 2000, the overall level of return to Kosovo from Serbia has been low. While there have been over 26,000 voluntary returns of minorities to Kosovo since the conflict ended, housing, documentation issues, a lack of employment opportunity, and occasional violence directed against ethnic Serbs in Kosovo has limited continuing return prospects.

Despite the situation in Kosovo, since 2010, the countries of the region – with the assistance of the international community – made significant progress toward resolving a large part of the refugee situation in the Balkans. A November 2011 ministerial meeting in Belgrade brought together Ministers of Foreign Affairs from Serbia, Croatia, Bosnia and Herzegovina, and Montenegro to sign a Joint Declaration expressing their collective will to resolve the protracted refugee and displacement situation. They committed their countries to a Regional Housing Program (RHP) for refugees and IDPs supported by international donors.

The RHP was designed to create durable solutions for up to 74,000 of the most vulnerable refugees and IDPs in those countries. While principally affecting housing, the RHP has established the Regional Coordination Forum to discuss other pertinent issues such as unpaid pensions, civil documentation, exchange of data and other public information. An international donors' conference in April 2012 succeeded in raising over \$340 million (€260 million) in pledges to support

the RHP over five years. The United States has provided \$20 million between FY12 and FY14, and U.S. involvement is seen as a critical ingredient to the RHP's success. With over a dozen projects approved and several well-underway, we expect FY16 and FY17 to be the years where we see housing solutions to be completed and delivered to a large number of beneficiaries eligible for the RHP.

Although governments have taken important steps to assist individuals displaced by the collapse of the Soviet Union and related conflicts, IDPs and returnees still await housing compensation, restitution, or alternative accommodation provision in the North and South Caucasus. The Caucasus region, comprised of parts of Russia, Georgia, Armenia, and Azerbaijan, still hosts over 1.3 million persons of concern for PRM. The Nagorno-Karabakh War displaced over 800,000 Azerbaijanis in several waves between 1988 and 1994. Today 600,000 IDPs remain, almost 7 percent of Azerbaijan's population. The vast majority live in temporary shelters, administrative buildings, dormitories, and hostels. The government is increasingly providing housing and livelihood support to vulnerable IDPs, but more needs to be done to support integration to aid its displaced population.

Armenia received 350,000 refugees from Azerbaijan, of whom almost 3,000 remain as refugees. A large number emigrated to other countries, and nearly 90,000 were ultimately naturalized in Armenia. Many refugees and former refugees continue to live in unsuitable collective housing or remote villages with insufficient access to government services. A struggling economy and the recent influx of an estimated 17,000 Syrian-Armenians has left the Armenian government few resources to address refugee concerns, and the country remains dependent on international humanitarian and development assistance. Georgia also has been affected by large population movements since the 1990s as consequences of the breakup of the Soviet Union and the occupation of two regions, Abkhazia and South Ossetia. Although an estimated 147,000 people have returned to their homes in the Gali district (in the Abkhazia region), secured a durable housing solution elsewhere in Georgia, or remained in their original places of residence near the South Ossetia region, approximately 265,000 remain displaced from the 1993 and 2008 wars.

Finally, in Ukraine, fighting between government troops and combined Russian-Separatist forces continues despite the signing of ceasefire agreements in September 2014, February 2015, and September 2015. Russia's attempted occupation of Crimea, and the fighting in parts of eastern Ukraine have resulted in over two million people displaced from their homes, including over 1.3 million to neighboring countries. Although most IDPs have settled in regions bordering the conflict zone, they are increasingly settling in more remote areas of the country as

host communities reach absorption capacity. Integration opportunities are limited for displaced individuals as displacement increases, and needs outstrip the response capacity of local governments and community groups.

Religious Freedom

The status of religious freedom varies widely across Europe and Central Asia. Some countries place legal restrictions or prohibitions on the wearing of religious attire in schools, in government employment, or in public, particularly impacting Muslims, Jews, Christians, and Sikhs.

Several countries in the region mandate the registration of religious groups. Registration typically is required to rent or own property, hold religious services, appoint military and prison chaplains, and receive state subsidies. Restitution of religious properties is an issue yet to be fully resolved. Nontraditional religious groups are sometimes labeled as “sects” or “cults” by their home governments and may be subject to harassment and discrimination.

Uzbekistan’s policy is to ban Islamic groups it broadly determines as extremist and to criminalize membership in such groups. In Turkmenistan, there were reports in 2014 of beatings, imprisonment, arbitrary detention, threats of sexual assault, searches, confiscation of religious materials, and verbal abuse against religious minorities, particularly Jehovah’s Witnesses. Under Tajikistan’s law, persons under the age of 18 cannot participate in public religious activities and a ruling by Tajikistan’s highest Islamic religious body ban women from the majority Hanafi Sunni Muslim community from attending public religious services. Uzbekistan and Turkmenistan are designated by the Department of State as CPCs under the International Religious Freedom Act of 1998 for systematic, ongoing, and egregious violations of religious freedom.

There is a disturbing increase in anti-Semitism and anti-Muslim sentiment in a number of countries in the region, manifested as physical assaults and verbal harassment; hate speech over the internet; and vandalism of cemeteries, synagogues, mosques, community centers, and monuments. In January, Amedy Coulibaly killed four Jewish hostages and critically injured four others at a kosher supermarket in Paris. According to media reports citing survivors of the siege, Coulibaly was explicit about wishing to kill Jews. In several countries, openly anti-Semitic, nationalistic political parties have gained seats in parliaments, with government officials and elected members of parliaments at times responsible for anti-Semitic statements and acts. Acts of anti-Semitism persisted among far-right organizations; various groups continued to commemorate World War II fascist leaders. Political parties opposing Muslim immigration drew support.

Bans on Kosher/Halal slaughter exist in several European countries, while there are increasing calls for bans or restrictions on circumcision, particularly in the Nordic countries. Both circumcision and Kosher/Halal slaughter are religious practices for Jews and Muslims, as well as some other religious groups.

The Russian government uses its anti-extremism law to justify raids, arrests, and bans on religious literature of peaceful, “non-traditional” minority religious groups, including readers of Muslim theologian Said Nursi, Jehovah’s Witnesses, Scientologists, Falun Gong practitioners, and some Protestant groups.

Voluntary Repatriation

The international community continues to support efforts to create favorable conditions for the return of ethnic minorities to their homes in the Balkans. In June 2006, Serbian, Kosovo, and UN authorities signed the Protocol on Voluntary and Sustainable Return to Kosovo, which sought to improve the conditions for return by focusing on three elements: ensuring the safety of returnees, returning property to the displaced and rebuilding their houses, and creating an overall environment that sustains returns. There is still much work to be done in ensuring that those hoping to return have the means to do so.

PRM supported the return process through a grant to Danish Refugee Council in FY 2015 and to the International Organization of Migration in FY2016 that promoted sustainable return through income-generation activities including vocational training and the provision of agricultural inputs, as well as community development projects to facilitate inter-ethnic dialogue. International funding continues to facilitate and sustain the return and reintegration of displaced minorities from Kosovo. The Regional Housing program will allow thousands of returns to take place in Serbia, Croatia, Bosnia and Herzegovina, and Montenegro. The program will encourage both voluntary repatriation and local integration as durable solutions.

Local Integration

UNHCR has led efforts to create viable asylum systems and effective legal protections for refugees in the Balkans, the Russian Federation, the South Caucasus and Central Asia. However, ineffective implementation of these laws, combined with the history of national animosities and xenophobia throughout the region, often makes effective local integration difficult for ethnic minority refugees. In Azerbaijan, a majority of refugees lack legal status, despite being recognized by UNHCR and permitted by the government to stay in the country. As such, refugees do not have access to legal employment, making local integration in Azerbaijan extremely difficult. In Russia, difficulties in acquiring

citizenship remain for some former Soviet citizens who resided in Russia before 1992 and are, under Russian law, entitled to Russian citizenship. Members of groups such as Meskhetian Turks have been unable to obtain Russian citizenship and thus remain stateless.

In Russia, UNHCR focuses on quality-assurance measures to strengthen the national asylum system, including access to the asylum system at borders, and measures contributing to the Government's plans to bring its reception infrastructure and processes up to international standards. In Montenegro, the path to citizenship has been particularly slow for those displaced from Kosovo. The Regional Housing Program should provide an easier path to local integration for some of the most vulnerable, including members of Roma populations, among this group. The Government of Serbia is implementing local integration programs for refugees from Bosnia and Herzegovina and Croatia and the displaced persons from Kosovo.

Third-Country Resettlement

The United States continues to accept refugees from the region. The vast majority are members of religious minorities from former Soviet Union countries who are adjudicated under the reduced evidentiary standards of the Lautenberg Amendment. While Jews comprised an average of 85 percent of the applicant pool in the early 1990s, Evangelical Christians now make up over 90 percent of the applicant pool. Around 70 percent of the Lautenberg caseload is from Ukraine. Jewish immigration to Israel from the region continues under the United Israel Appeal Program.

In addition to Lautenberg cases, the United States also accepts small numbers of UNHCR referrals from Russia and Central Asian countries and approximately 500 UNHCR-referred individuals from Malta each year. In an effort to continue processing refugees trapped in DHS-inaccessible countries such as Iran, Eritrea, and Yemen, the United States transfers UNHCR-referred cases of Afghans, Somalis, and a variety of other African nationality refugees to UNHCR Emergency Transit Centers (ETCs) in Timisoara, Romania and Humenne, Slovakia for U.S. resettlement processing. Although limited by the number of bed space available (200 beds in Timisoara and 250 in Humenne), the USRAP makes steady use of the ETCs. (*Note: these refugees are not counted against the Europe and Central Asia ceiling, but against the region that includes the country of origin of each refugee.*)

FY 2016 U.S. Admissions

In FY 2016 the United States plans to admit an estimated 4,000 refugees from Europe and Central Asia, the majority of whom are Lautenberg religious minority cases. Applicants are being processed in Almaty, Baku, Bishkek, Dushanbe, Kyiv, Valletta, Minsk, Tbilisi, Moscow, Timisoara, and Humenne.

FY 2017 U.S. Resettlement Program

The proposed FY 2017 ceiling for refugees from Europe and Central Asia is 4,000 individuals. Priority 2 includes individuals from countries of the former Soviet Union who will be adjudicated under the reduced evidentiary standards of Lautenberg Amendment guidelines. Applications for the Lautenberg program have increased substantially since the outbreak of conflict in Ukraine.

Proposed FY 2017 Europe and Central Asia program to include arrivals from the following categories:

<i>Priority 1 Individual Referrals</i>	<i>90</i>
<i>Priority 2 Groups</i>	<i>3,900</i>
<i>Priority 3 Family Reunification</i>	<i>10</i>
<i>Total Proposed Ceiling</i>	<i>4,000</i>

LATIN AMERICA AND THE CARIBBEAN

In 2015, the number of refugees, asylum seekers, IDPs, and other persons of concern in Latin America and the Caribbean surpassed seven million. The ongoing conflict in Colombia generates the largest numbers of refugees and IDPs in the region, and the second largest world-wide. The Government of Colombia (GOC) reports 6.6 million IDPs as of February 2016. Despite an expanded state presence and improved security in cities and towns throughout Colombia, displacement continues. According to official government statistics, between January 2013 and August 2015, approximately 15,000 people were forcibly displaced per month - about 480,000 people in total. The main causes of displacement were confrontations between the GOC and illegal armed groups, including the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), criminal gangs (BACRIM) and criminal narco-trafficking networks, as well as landmines, extortion, and forced recruitment of children into armed groups.

In surrounding countries, including Ecuador, Venezuela, Costa Rica, and Panama, there are over 400,000 Colombian asylum seekers and refugees and the number continues to rise. Ecuador has the highest number of recognized Colombian refugees and asylum seekers in Latin America. As of December 2015, the Government of Ecuador (GOE) had recognized over 62,000 refugees and UNHCR reports an additional 180,000 persons of concern. The asylum process in Ecuador is slow and difficult to access, while the approval rate is around six percent. The GOE administers the pre-admissibility step in addition to the refugee status determination (RSD) process, which creates additional delays. Asylum seekers pending RSD can wait several years for a decision. UNHCR highlights a challenging protection environment in Ecuador for refugees, citing delays in registration, revocations of refugee status, labor exploitation, xenophobia and discrimination. Other countries in the region, such as Costa Rica, Venezuela, the Dominican Republic, and Panama, also have established asylum procedures, but the registration and determination procedures are often implemented ineffectively. UNHCR is working with these countries, including Ecuador, to improve their asylum processes.

In Panama, most of the 17,000 recognized refugees and over 18,000 persons of concern as of November 2015 were Colombians. After more than a decade of ineffective handling of the temporary humanitarian protection status holders (PTH) situation, Panama's Office for Assistance to Refugees (ONPAR) delivered permanent resident documentation to most PTH holders in March 2014. As of late 2015, in Costa Rica, there are 86,623 recognized refugees and 8,000 of persons of concern to UNHCR. The recognition rate for asylum applications increased from 7.5 percent in 2014 to almost 30 percent in 2015. Decisions in asylum cases in Costa Rica can take up to a year, though asylum seekers have the right to work while they are waiting for a decision. UNHCR reported in December 2015 that there are 5,000 recognized refugees in Venezuela, and UNHCR estimates there are more than 200,000 persons, mostly Colombians, live in a refugee-like situation in the country. As of mid-2014 in Brazil, there were almost 6,000 recognized refugees from 75 countries; the largest numbers are from Colombia and the Democratic Republic of Congo.

Honduras, El Salvador, and Guatemala face extreme violence, including sexual and gender-based violence, severe economic inequality and social exclusion, and widespread corruption and poverty, compelling many people to flee their homes each year. These factors, as well as the desire to reunify with family members residing in the United States and seek economic opportunities in the United States, contributed to an unprecedented number of unaccompanied children and families with young children arriving in the United States in 2014.

Religious Freedom

In Latin America and the Caribbean, religious freedom is widely recognized and supported by government and society, though there are cases of religious intolerance. In some isolated instances, Christian groups, mainly Evangelicals, Protestants, and Mormons have reported impediments or complications to their practice of religion, establishment of religious institutions, and importation of religious materials. In some areas, there is harassment of Muslims, anti-Muslim speech, and marginalization of Afro and indigenous religions. In Cuba, significant government restrictions remain in place.

Although the constitution protects religious freedom, the Government of Cuba continues to monitor aspects of religious life, including interference in church affairs, surveillance of religious institutions, and harassment of outspoken church leaders. The USRAP in Havana offers Cubans who have been persecuted on a number of grounds, including their religious beliefs, the opportunity for permanent resettlement in the United States.

Priests and other religious leaders in some parts of Mexico continued to be targeted and received extortion attempts, death threats, and intimidation, often from organized criminal groups. There are also reports of local leaders pressuring Protestants to convert through force or displacement, arbitrary detention, and destruction of property in some rural and indigenous communities.

Manifestations of anti-Semitism that occurred throughout the hemisphere at times appeared correlated to the unfolding transitions to democracy in other parts of the world. In Venezuela, anti-Semitism is a growing concern, including instances of anti-Semitism in the government-controlled media.

Voluntary Repatriation

Given the threats and violence in Colombia from illegal armed groups (non-state actors) and the lack of state presence to provide full protection in some areas, UNHCR has not been actively promoting repatriation of Colombian refugees.

Local Integration

The Governments of Costa Rica, Ecuador, Panama, and Venezuela have maintained policies that theoretically allow Colombians in need of protection to obtain asylum and integrate locally, although the processes involved are usually slow and cumbersome. The governments' capacity to review applications and confer refugee status remains limited. Even registered refugees with the right to work in these countries struggle to find stable employment or income

opportunities, competing with the large number of poor in host communities. Colombians seeking international protection face high levels of discrimination and xenophobia, and the ability to locally integrate is difficult. Furthermore, refugees do not live in camps, but rather the large majority live in urban areas. Some Colombian persons of concern (including refugees and asylum seekers) in Ecuador, Costa Rica, Panama, and Venezuela continue to experience harassment by persons associated with armed Colombian groups operating in these countries. Security remains a major concern for the Government of Panama, and Panamanians often equate refugees with drug trafficking and crime.

The Department of State is currently supporting UNHCR's efforts to assist the Dominican Republic and other Caribbean countries in developing systems for conducting refugee status determinations for asylum seekers, including Haitians. UNHCR's office in the Dominican Republic and its continued presence in Haiti have contributed greatly to its ability to address the protection needs of refugees, asylum-seekers, and displaced and stateless persons in mixed migration flows throughout the region. Despite Dominican Republic restarting its refugee eligibility committee (CONARE) in 2012, the asylum process remains dysfunctional. We also remain concerned that individuals are at risk of statelessness in the Dominican Republic due to the September 2013 Constitutional Tribunal ruling.

Third Country and In-Country Resettlement

In the past, local integration had been the solution best suited to regional refugee problems in Latin America. In recent years, however, third-country resettlement has become an important alternative for those who face physical risks and have urgent protection needs. Canada, New Zealand, Sweden, Denmark, Norway, and the United States offer resettlement to at-risk Colombian refugees. Currently, the United States accepts referrals from UNHCR and embassies in the region and processes these cases principally in Ecuador, with occasional cases in Costa Rica and other countries throughout the region. Under the "Solidarity Resettlement Program," a component of the Mexico Plan of Action which sought regional solutions to the Colombian refugee issue, countries in the region including Argentina, Brazil, Chile, and Uruguay are working with UNHCR to resettle a modest number of Colombian refugees. The United States also facilitates the resettlement to third countries of persons interdicted by the U.S. Coast Guard in the Caribbean or who enter Guantanamo Naval Station directly and are found by DHS/USCIS to have a well-founded fear of persecution or to be more likely than not to face torture if repatriated to their country of origin. From 1996 to date, approximately 412 such protected persons have been resettled to 20 countries worldwide.

The U.S. government also operates an in-country refugee resettlement program in Cuba. The number of persons seeking refugee resettlement has decreased, and the backlog of cases pending review by the Department of State for access to the USRAP has been eliminated. The decrease in new applications reflects a shrinking pool of qualified applicants. The Refugee Section at the U.S. Embassy has not received any recent information regarding individuals who have been prevented by the Cuban government from traveling through the in-country refugee settlement program.

Cubans eligible to apply for admission to the United States through the in-country program include the following:

1. Former political prisoners;
2. Active members of persecuted religious minorities;
3. Human rights activists, long-standing members;
4. Forced labor conscripts (1965-68); and
5. Persons deprived of their professional credentials or subjected to other disproportionately harsh or discriminatory treatment resulting from their perceived or actual political or religious beliefs.

On December 1, 2014, PRM and DHS/USCIS launched the Central American Minors (CAM) program, an in-country refugee program in El Salvador, Guatemala, and Honduras for unmarried children under 21 of certain lawfully present parents residing in the United States. If the second parent is resident in the country of origin with the child and is married to the parent who is resident in the United States, that parent can also be considered for resettlement, but would have to establish an independent refugee claim. The U.S. government established the program to provide a safe, legal, and orderly alternative to the dangerous journey that some children are currently undertaking to join their parents in the United States. To apply, an eligible parent who is lawfully present in the United States must complete the Affidavit of Relationship (AOR, Form DS-7699) with the assistance of a State Department-funded resettlement agency. Applicants found by DHS/USCIS to be at a risk or harm but not eligible for refugee resettlement are considered on a case-by-case basis for parole. Unlike refugee status, parole is temporary and does not confer any permanent legal immigration status or path to permanent legal immigration status in the United States.

On July 26, 2016 the White House announced the expansion of refugee processing and access to resettlement in the United States for vulnerable individuals from Central America, in partnership with UNHCR. The CAM program will expand to allow additional categories of applicants when these family members accompany a qualified child: sons and daughters of a U.S.-based lawfully

present parent who are 21 years or older and/or married; in-country biological parent of the qualified children; and caregivers of qualified children who are also related to the U.S.-based lawfully present parent.

DHS/USCIS and the State Department also continue to work on expansion of refugee processing in Central America beyond the CAM program. The Government of Costa Rica announced a protection transfer arrangement (PTA) with the UNHCR and IOM. Through UNHCR and IOM, the USG will pre-screen vulnerable Salvadoran, Honduran, and Guatemalan applicants and will transfer applicants most in need of immediate protection to Costa Rica, where they will undergo refugee processing before being interviewed by DHS/USCIS and considered for resettlement to the United States. For cases not requiring immediate transfer to Costa Rica, an in-country referral program will be established to interview certain cases for refugee protection.

FY 2016 U.S. Admissions

We anticipate admitting approximately 1,500 refugees from Latin America and the Caribbean during FY 2016, including Central American minors, Colombians, and Cubans. Historically, most Cuban admissions were former political prisoners and forced labor conscripts. The program was expanded in 1991 to include human rights activists, displaced professionals, and others with claims of persecution, which currently compose the majority of admissions.

FY 2017 U.S. Resettlement Program

The proposed 5,000 ceiling for Latin America and the Caribbean for FY 2017 comprises Cuban refugees eligible for the in-country Priority 2 program; Central American Minors eligible for the in-country Priority 2 program; UNHCR-referred Priority 1 Colombians and Central Americans; as well as a small number of Priority 3 family reunification cases.

Proposed FY 2017 Latin America program to include arrivals from the following categories:

<i>Priority 1 Individual Referrals</i>	<i>950</i>
<i>Priority 2 Groups</i>	<i>4,000</i>
<i>Priority 3 Family Reunification</i>	<i><u>50</u></i>
<i>Total Proposed Ceiling</i>	<i>5,000</i>

NEAR EAST AND SOUTH ASIA

The Near East/South Asia region remains host to more than 12 million refugees, primarily Palestinians, Syrians, Afghans, Iraqis, Somalis, Burmese, Bhutanese, Sri Lankans, and Tibetans. Countries hosting the largest populations of refugees are Turkey, Pakistan, Lebanon, Iran, and Jordan. Few countries in the region are party to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol. Nonetheless, many host governments tolerate the presence of refugees within their borders.

UNHCR, UNRWA, ICRC, IOM, WFP, UNICEF, and other humanitarian organizations work with refugees in the region. Some countries have provided long-term protection and/or asylum, mainly to Tibetans, Bhutanese, Sri Lankans, Palestinians, Afghans, Iraqis, Somalis, Syrians, and a handful of other nationalities. Refugees identified by UNHCR for third-country resettlement include Iraqis in Jordan, Syria, Turkey, Lebanon, Egypt, Yemen, and the Gulf States; Bhutanese in Nepal; Afghans in Pakistan, Iran, Turkey, Syria, and India; and Iranians in Turkey.

As of December 31, 2015, nearly 222,000 Iraqi refugees were registered with UNHCR in the region. IOM reports that more than 3.4 million Iraqis have been displaced since January 2014 by violence in Iraq. As of March 2016, there are nearly 250,000 Syrian refugees in Iraq, as well as approximately 30,000 refugees and asylum seekers of other origins (including Palestinians and Iranian Kurds). The U.S. government is providing humanitarian assistance to internally displaced Iraqis and refugees from Iraq throughout the region through support to international and non-governmental organizations. U.S. funding seeks to ensure conflict-affected Iraqis receive shelter, water, sanitation, health care, protection, and education. Since the start of Fiscal Year 2014, the United States has provided nearly \$915 million in essential humanitarian assistance.

Intense fighting in Syria has caused massive displacement, both internally and to countries in the region. Inside Syria, 13.5 million Syrians require humanitarian assistance, and 6.5 million are internally displaced. Nearly 4.6 million Syrians are living in areas that are besieged or difficult to reach. Some 440,000 people, and perhaps many more, remain vulnerable due to continued combat between and among Syrian regime forces and allies of the Syrian government and various anti-regime armed groups, such as the Islamic State of Iraq and the Levant. Outside of Syria, neighboring countries are hosting 4.8 million refugees. Hospitals are filled to capacity, schools are running double shifts, the availability of water has decreased, and housing rents are rising in communities hosting Syrians. The crisis in Syria and its spillover effects have pushed the number of Lebanese living below the extreme poverty line (\$2.40 per

day) to 404,000. The number of poor Lebanese and refugees in Lebanon has risen by an estimated 110 percent since 2011. Meanwhile, Turkey has spent approximately \$10 billion to support refugees, through construction and services in high-quality camps and other support to non-camp communities. Jordan is also making significant outlays and will require \$8 billion between 2016 and 2018 to meet refugee needs and strengthen Jordanian communities.

The U.S. government is providing humanitarian assistance to internally displaced Syrians and refugees from Syria across the region through support to international organizations, such as UNHCR, UNICEF, UNRWA, UNFPA, IOM, ICRC, and WFP, as well as through non-governmental organizations, which are providing critical assistance in virtually all sectors, including water and sanitation, shelter, education and medical care. The U.S. government, the single largest global donor, had provided nearly \$5.6 billion in critical humanitarian assistance since the start of the Syria crisis.

Despite the voluntary repatriation of over 5.8 million Afghan refugees since 2002, Pakistan and Iran continue to host, respectively, approximately 1.5 million and 950,000 registered Afghans, many of whom have resided in these countries for over three and a half decades. The maintenance of asylum and protection space for those refugees who cannot yet return to Afghanistan while continuing to support voluntary repatriation, is a top priority for the U.S. government and for UNHCR. In addition to Afghan refugees, some 2.5 million Afghans are believed to live and work in Pakistan and Iran as economic migrants without documentation. Over 11,000 Afghan refugees and asylum seekers are also registered with UNHCR in India. Identifying durable solutions remains an important component of UNHCR's strategy in India. Local integration in South Asia remains a difficult option due to opposition from most host countries.

Tens of thousands of ethnic Nepali Bhutanese were forced out of Bhutan in the early 1990s as a result of the Bhutanese government's policy of "one nation and one people" (also referred to as "Bhutanization"). Despite 17 rounds of formal negotiations between Bhutan and Nepal, and pressure from the United States and other governments to resolve the issue and secure the right of return for Bhutanese refugees, particularly humanitarian cases, to date none have been permitted to return. Due to concerted resettlement efforts commenced in late 2007 by the United States and other resettlement countries, over 102,000 Bhutanese refugees have departed after spending two decades in camps in eastern Nepal; of whom more than 86,000 have resettled in the United States. The U.S. government continues to press the Government of Bhutan to help resolve this protracted situation by accepting the return of eligible refugees who wish to voluntarily repatriate. Similarly, the U.S. government encourages the Government of Nepal to

allow the projected 10,000-12,000 refugees who will remain in the camps following the conclusion of third country resettlement to work, gain legal status, and access public education, health care, and other services.

Religious Freedom

Persecution of religious groups is common in many countries in the Near East and South Asia that are countries of origin for refugee populations entering the United States. State and local government responses to violence against members of religious groups, particularly Muslims and Christians, are often inadequate. Although many of these countries do not have Jewish populations, anti-Semitism is prevalent, and often espoused by governments or religious leaders.

In Afghanistan, religious freedom is limited due to constitutional contradictions, legislative ambiguity, and interpretations of Islamic law that punish apostasy and blasphemy.

In Pakistan, the penal code includes blasphemy laws that carry punishments ranging from imprisonment to the death penalty. Frequent abuses of these laws negatively affect religious minorities, both Muslims and non-Muslims. In 2014, 12 new cases were registered under the blasphemy law, and the courts sentenced at least three people to death, six people to life-imprisonment, and three people to two-year jail terms, and acquitted one person for committing blasphemy. The government has yet to carry out a death sentence for blasphemy. Nevertheless, at least 17 people are awaiting execution for blasphemy, and at least 20 others are serving life sentences.

In Sri Lanka, religious tensions continue to be a problem, and Muslim, Hindu, and Buddhist communities often distrust one another. In 2014, under the previous government, local authorities failed to respond effectively to communal violence, including attacks on members of minority religious groups, and perpetrators were not brought to justice. In June 2014 at least three Muslims were killed and scores injured in clashes with hardline Buddhists in Aluthgama and Beruwalla. The incident occurred after the Bodu Bala Sena, a hardline violent ethnic Sinhala Buddhist organization with links to the previous government, held a large rally in the streets of Aluthgama. Non-governmental organizations alleged that senior and local government officials provided assistance to or, at a minimum, tacit support for the actions of societal groups targeting religious minorities.

In Bhutan, Buddhism is the state's "spiritual heritage," although in the southern areas many citizens openly practice Hinduism. There is subtle pressure on non-Buddhists to observe the traditional Buddhist values and some limitations on constructing non-Buddhist places of worship remain. Some societal pressures toward non-Buddhists are reflected in official and unofficial efforts to uphold the "spiritual heritage" (Buddhism) of the country.

In Iran, religious groups, including Sunni Muslims, Baha'is, Sufis, Jews, Zoroastrians, Yaresanis, and Christians, continue to face official discrimination, harassment, and arrest. Members of the Shia community who express religious views different from those of the government are also subject to harassment and intimidation. The government continues convictions and executions of dissidents, political reformists, and peaceful protesters on the charge of moharebeh (enmity against God), anti-Islamic propaganda, and other religion-related charges, which it often links to national security.

In Iraq, the Islamic State of Iraq and the Levant (ISIL) targeted many of its attacks and abuses on the basis of religious and ethnic identity. On March 17, 2016, Secretary Kerry announced that, in his judgment, ISIL is responsible for genocide against groups in areas under its control, including Yazidis, Christians, and Shia Muslims. He also said that ISIL is responsible for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities. Ongoing sectarian tensions and discrimination affect all of Iraq's religious and ethnic communities. As a result, some of these religious communities, along with their ancient languages and customs, are on the verge of disappearing.

In Syria, the Assad regime increased its targeting and surveillance of members of a variety of faith groups it deemed a threat, especially members of the country's Sunni majority. This occurred concurrently with the escalation of violent extremist activity targeted against religious minorities, including Christians, Druze, Alawites, Yazidis, and others as the civil war continues. Large-scale internal and external displacement of all sectors of the population is ongoing.

In Lebanon, the constitution requires the state to respect all religious groups and declares equality of rights and duties for all citizens without discrimination or preference, and stipulates that there be a balance of political power among the major religious groups. Sectarian violence, including attacks by ISIL, al-Nusra, and other extremist groups, increased significantly during 2015, straining relations among the country's 18 officially-recognized religious groups. Despite the rise in violence, political and religious leaders have been vocal in their opposition to violent extremism and in their support of peaceful coexistence across sectarian divides. Religious group identity remains a significant element of social

interaction and cultural expression, and places of worship continue to exist in relative peace and security. Relationships among individual members of different religious groups are generally amicable, with some exceptions.

In Turkey, some religious minority communities, including Alevis, face difficulties owning property, registering places of worship, and gaining exemptions from compulsory Sunni Islamic instruction. Faith-based conscientious objectors in Azerbaijan, Turkey, and Turkmenistan are sometimes arrested and prosecuted for failing to comply with laws mandating military service.

In some countries in the region, most notably Afghanistan, Iran, Saudi Arabia, Pakistan, and Egypt, blasphemy and defamation of religion laws are used to restrict religious liberty, constrain the rights of religious minorities, and limit freedom of expression, and those accused face prison sentences and threats of violence. In most countries in the region, Sharia courts decide personal status cases, which generally forbid conversion by Muslims. Iran and Saudi Arabia are designated by the Department of State as CPCs under the International Religious Freedom Act of 1998 for systematic, ongoing, and egregious violations of religious freedom.

The USRAP provides resettlement access in various ways to refugees who suffer religious persecution. Nationals of any country, including CPCs, may be referred to the USRAP through a Priority 1 referral by UNHCR or a U.S. embassy for reasons of religious persecution. Under the Lautenberg-Specter Amendment, Iranian religious minorities designated as Priority 2 category members are considered under a reduced evidentiary standard for establishing a well-founded fear of persecution.

Voluntary Repatriation

Since 2002, over 5.8 million Afghan refugees have returned to Afghanistan, mostly from Pakistan and Iran. Over 4.7 million have been assisted by UNHCR in the largest repatriation operation in UNHCR's history. Despite a slight increase in 2015 due to pressures placed on refugees in Pakistan, the era of mass returns has largely ended. Returned refugees represent roughly 20 percent of Afghanistan's total population and overwhelm the country's capacity to absorb them.

It is unlikely that all of the remaining 2.5 million registered Afghans in Pakistan and Iran will repatriate in the near future. UNHCR and IOM report the continuing migration of Afghans in both directions across the Afghanistan-Pakistan border is part of a larger process of economic and social migration that has been occurring for centuries. UNHCR is working with the Governments of Afghanistan, Pakistan, and Iran and the international community to develop

policies and programs to sustain voluntary returns. They are also working to better manage the residual Afghan population in Pakistan by working toward longer-term protection and migration solutions. IOM is seeking a greater role in border management and in developing regional mechanisms for economic migration that would bolster protection for Afghans. The Government of Afghanistan is working to increase its capacity in helping returnees fold back into Afghan economic and social structures and at the same time prioritizes continued protection for Afghan citizens still seeking refuge abroad. UNHCR, together with the Governments of Afghanistan, Iran, and Pakistan, continue to work toward implementing UNHCR's *Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries (SSAR)*. The SSAR provides for the orderly, voluntary return of Afghan refugees and emphasizes the need to reintegrate returned refugees into their communities fully.

Stabilizing the displaced Afghan population – e.g., reintegrating returning refugees and IDPs into Afghan society and preserving asylum space for refugees in neighboring countries – is critical to regional stability, as is addressing irregular migration. The Afghan government has also adopted a national IDP policy which seeks to address protection, assistance, and durable solutions for displaced populations within its borders. With assistance from UNHCR and others, the Afghan government began implementing the IDP policy in 2015.

The United States continues to work with other interested governments in urging the Government of Bhutan to allow for the voluntary repatriation of Bhutanese refugees to Bhutan under acceptable terms and conditions. With the end of the conflict in Sri Lanka in 2009, nearly 13,000 refugees have returned with UNHCR assistance. However, the number of Tamils seeking to return from India has decreased. So far in 2016, UNHCR assisted in the voluntary return of 163 Tamil refugees to Sri Lanka.

Local Integration

The SSAR promotes enhancing support for refugee-hosting communities and providing some alternative stay arrangements for refugees in Afghanistan and Iran. While some progress is being made, few countries in the region offer local integration to refugees. In July 2013, the Government of Pakistan endorsed the policies found in the *National Policy on Management and Repatriation of Afghan Refugees beyond 30th June, 2013*. At the same meeting, the Cabinet extended the validity of Afghan Proof of Registration cards and the Tripartite Agreement (among the governments of Afghanistan and Pakistan and UNHCR) until December 31, 2015. As part of the Pakistan implementation of the SSAR and in partnership with the Government of Pakistan and UN agencies, UNHCR launched the Refugee-Affected and Hosting Areas (RAHA) initiative in 2009. This program

is widely regarded as a success in addressing Afghan refugee and Pakistani host community needs by rehabilitating areas that have been adversely affected by the presence of Afghan refugee communities over the past 30 years. The United States will continue to work with UNHCR and the Government of Pakistan to preserve asylum space and promote alternative stay arrangements. However, at present, local integration is not an option for most of the Afghan refugees.

Local integration is currently not an option for Iraqi refugees who settled in the region, though Jordan, Syria, and Lebanon have preserved first asylum and protection space for Iraqi refugees. Syria hosted approximately 22,000 UNHCR-registered Iraqi refugees as of December 31, 2015. Jordan and Lebanon host approximate 53,000 and 17,000 Iraqi refugees respectively. Both countries closely manage their borders, requiring Iraqis to obtain visas before entering, which effectively limits the number of Iraqis able to seek asylum as not all are able to secure visas.

Iraqis in Syria, Lebanon and Jordan are not legally defined as refugees, but rather as guests or, in the case of Jordan, asylum seekers. These governments allow UNHCR to register Iraqis. With help from the international community, the governments of Syria, Lebanon, and Jordan have allowed Iraqi students to enroll in public schools, though they are often required to pay fees, which may be prohibitively expensive for refugees without international assistance, and enrollment numbers are low. Similarly, Iraqi refugees in Syria, Lebanon and Jordan have access to the public health care systems, but are required to pay fees to access services. Refugees in Lebanon and Syria are not legally allowed to work, though many do so in the grey economy. Although Iraqis, like all foreigners in Jordan, can work legally in several labor sectors, few have obtained the necessary work permits because these require possession of residency permits, which the GOJ is not issuing to Iraqis.

With the incredible rise in the number of displaced since January 2014 and the continuing violence throughout Iraq, many Iraqi IDPs will not be able to return to their home communities in the near future. While it is still too soon to seek local integration support, it is important for displaced Iraqis to be able to access services in their areas of displacement.

While Turkey ratified the 1951 UN Refugee Convention and acceded to its 1967 Protocol, the Turkish government acceded to the Protocol with a geographic limitation acknowledging refugees only from Europe. While nearly all asylum seekers are thus not considered refugees under Turkish law, the Turkish government grants temporary refuge and temporary local integration possibilities to refugees recognized by UNHCR usually pending their referral to a potential resettlement country. As of March 2016, there were over 250,000 refugees, as well

as those pre-registered and registered with UNHCR Turkey, the majority from Iraq and Afghanistan. UNHCR-recognized refugees and asylum seekers in Turkey are assigned to one of 64 satellite cities. Provincial governments are responsible for meeting refugees' basic needs, including by providing access to employment, healthcare, and education, although support varies from one location to another. The 2.7 million Syrians that Turkey hosts are not counted under these regulations as they are afforded temporary protection status instead of conditional refugee status.

Turkey's "Foreigners and International Protection Law" regulates the entry, exit, and the stay of migrants in the country, along with the scope of international protection for those who seek asylum in Turkey. The law went into full implementation on April 11, 2014, creating a new entity within the Ministry of Interior, the Directorate General for Migration Management (DGMM). DGMM is responsible for implementing most aspects of the law, including temporary protection registration and exit permit issuance. DGMM continues to build up staff size and capacity, expand its regional scope, and refine roles and responsibilities with other Turkish agencies in emergency response for refugees. In January 2015, DGMM passed a regulation allowing Syrian refugees to work officially. Employers must apply to the Ministry of Labor for work permits and there are restrictions such as refugees must work in the province where they are registered, must have lived in Turkey for more than six months, and company staff cannot be more than 10 percent Syrian. The effect of these restrictions is that very few Syrian refugees are working legally in Turkey.

Despite the increasing number of asylum seekers and refugees, India does not have a clear national policy for the treatment of refugees, and UNHCR has a limited mandate in the country. India permits UNHCR to assist asylum seekers and urban refugees in New Delhi and other cities, primarily Burmese, Afghans, and Somalis. UNHCR-recognized asylum seekers and urban refugees are eligible to apply for long-term visas that, if granted, are renewable for five years, provide work authorization and access to higher education and public services. India recognizes and aids certain groups, including Sri Lankan refugees in the 112 camps in Tamil Nadu and Tibetan refugees in the 39 settlements and other urban areas throughout the country. The Government of India provides support and benefits to registered Tibetan and Sri Lankan refugees. It also grants work authorization and other rights to documented Tibetans. However, Sri Lankan refugees in India do not receive work authorization from the central government but have authorization from the state government to work in the state of Tamil Nadu.

Third-Country Resettlement

The USRAP anticipates the continued large-scale processing of Syrians and Iraqis, and, to a lesser extent, Bhutanese, Afghans and Iranians, during FY 2017.

In the Near East, the United States recognizes that the possibility of third-country resettlement must be available to the most vulnerable Iraqi and Syrian refugees, and has processing facilities in Amman, Baghdad, Beirut, Cairo, Erbil, and Istanbul. The U.S. Embassy in Syria is shuttered and interviews are not currently taking place in Damascus.

In late 2013, UNHCR announced its intention to refer 30,000 Syrian refugees for resettlement in third countries by the end of 2014 and, as noted above, referred nearly 36,000 in 2015. UNHCR is on track to meet its goal of referring up to 100,000 additional Syrian refugees by the end of 2016. The United States is playing a significant role in this effort. The majority of Syrian referrals will be processed in Jordan, Turkey, and Egypt, and to a lesser extent in Lebanon and Erbil, the Kurdistan region of Iraq, and elsewhere. As of late June 2016, UNHCR had referred over 48,000 Syrians for U.S. resettlement consideration. In FY 2015, the United States admitted 1,682 Syrian refugees and aims to admit at least 10,000 in FY 2016. With UNHCR's decision to significantly increase Syrian referrals for resettlement, the United States is ramping up processing operations in Jordan, Turkey, and Egypt in FY 2017.

The United States has been resettling Iraqis in large numbers since 2007. While many Iraqis gain access to the USRAP via a referral from UNHCR, direct access to the USRAP for Iraqis with close U.S. affiliations is also available in a limited number of countries in the region. The Refugee Crisis in Iraq Act, enacted January 28, 2008, created categories of Iraqis who are eligible for direct access (Priority 2) to the USRAP, both inside and outside Iraq. Individuals who meet the following criteria may seek direct access to USRAP in Algeria, Bahrain, Egypt, Iraq, Israel, Jordan, Kuwait, Lebanon, Morocco, Oman, Qatar, Saudi Arabia, and the United Arab Emirates:

1. Iraqis who work/worked on a full-time basis as interpreters/translators for the U.S. Government, MNF-I in Iraq, or U.S. Forces-Iraq;
2. Iraqis who are/were employed by the U.S. Government in Iraq;
3. Iraqis who are/were employees of an organization or entity closely associated with the U.S. mission in Iraq that has received U.S. Government funding through an official and documented contract, award, grant or cooperative agreement;

4. Iraqis who are/were employed in Iraq by a U.S.-based media organization or non-governmental organization; and
5. Spouses, sons, daughters, parents, and siblings of individuals described in the four categories above, or of an individual eligible for a Special Immigrant Visa as a result of his/her employment by or on behalf of the U.S. Government in Iraq, including if the individual is no longer alive, provided that the relationship is verified.

In addition to the above, the Refugee Crisis in Iraq Act provides direct access to the USRAP to Iraqis who have close family members in the United States, which has been defined as beneficiaries of approved I-130 Petition for Alien Relative petitions, as well as to their derivatives.

Refugee processing in Iraq remains a high priority for the United States, as it directly benefits Iraqis associated with U.S. efforts in Iraq. Although security and logistical challenges associated with operating in Iraq limit in-country processing capacity, both the RSC and DHS/USCIS interviews in Baghdad in mid-2015.

In February 2016, direct access (Priority 2) to the USRAP was extended to Syrian beneficiaries of approved I-130 Petition for Alien Relatives and their derivatives. Processing is available in Algeria, Bahrain, Egypt, Iraq, Israel, Jordan, Kuwait, Lebanon, Morocco, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.

Since the United States is unable to conduct refugee resettlement directly from Iran, we partner with the Government of Austria to allow for certain Iranian religious minority applicants (Baha'is, Zoroastrians, Jews, Mandaeans, and Christians) to travel from Iran to Austria for their U.S. resettlement processing. These refugees are considered under a reduced evidentiary standard for establishing a well-founded fear of persecution granted by the Lautenberg-Specter Amendment. The Amendment was reauthorized December, 18 2015, allowing new applications to be filed and adjudicated under the reduced evidentiary guidelines. In Turkey, the United States also processes Iranian religious minorities (primarily Baha'i) through special procedures involving a "fast-track" refugee status determination and referral by UNHCR.

Resettlement processing for Bhutanese refugees in Nepal is continuing smoothly and the United States remains committed to considering for resettlement all Bhutanese refugees who expressed interest to UNHCR by June 30, 2014. As of April 2016, UNHCR had referred over 115,000 Bhutanese refugees for resettlement to eight countries and more than 102,000 of these Bhutanese refugees have been resettled to these countries – over 86,000 resettled in the United States – since late 2007. Processing of Bhutanese refugees who have declared interest in resettlement will conclude within two years.

In India, UNHCR refers some 400 individuals per year, with priority given to those it deems most vulnerable. The majority of referrals are Burmese. UNHCR also refers a very limited number of refugees out of Sri Lanka, mostly Pakistanis. We continue to explore modalities for processing vulnerable Tibetan refugees in the region.

FY 2016 U.S. Admissions

We estimate the admission of approximately 38,000 refugees from the region in FY16. These will include up to 15,000 Iraqis, 13,000 Syrians, 6,000 Bhutanese, 4,000 Iranians, and approximately 500 Afghans, including Afghan refugees in Iran processed through UNHCR Emergency Transit Centers in Slovakia and Romania.

FY 2017 U.S. Resettlement Program

The proposed regional ceiling for refugees from the Near East and South Asia for FY 2017 is 40,000, including vulnerable Syrians, Iraqis, Bhutanese, Iranians, Pakistanis, and Afghans. We expect Priority 1 UNHCR referrals for all of the aforementioned nationalities, including individuals from various and diverse religious and ethnic groups in the region, such as Assyrians, Mandeans, Iranian Kurds, Syrian Kurds, and Ahmadi Muslims. Many Iraqis, Syrians, and Iranians will also access the USRAP through specific Priority 2 programs.

Proposed FY 2017 Near East/ South Asia program to include arrivals from the following categories:

<i>Priority 1 Individual Referrals</i>	<i>19,000</i>
<i>Priority 2 Groups</i>	<i>20,900</i>
<i>Priority 3 Family Reunification</i>	<i>100</i>
<i>Total Proposed Ceiling</i>	<i>40,000</i>

DOMESTIC IMPACT OF REFUGEE ADMISSIONS

In FY 2015, the USRAP admitted 69,933 refugees from 59 countries. More than half were originally from either Burma or Iraq. (See Table III.)

The demographic characteristics of refugee arrivals from the 20 largest source countries (representing close to 100 percent of total arrivals) in FY 2015 illustrate the variation among refugee groups. The median age of all FY 2015 arrivals was 25 years and ranged from 20 years for arrivals from Burundi, Central African Republic, Dem. Republic of Congo, and Somalia to 37 years of age for arrivals from Cuba and Iran. In FY 2015, 47.68 percent of all arriving refugees were female and 52.33 percent of all arriving refugees were male. Males predominated among refugees from Palestine (57.6 percent), Burundi (55.3 percent), and Pakistan (54.1 percent). (See Table IV.)

Of the total arrivals in FY 2015, some 11.3 percent were under the age of five, 28.2 percent were of school age, 61.6 percent were of working age, and 2.7 percent were of retirement age. (See Table V.) Considerable variation among refugee groups can be seen among specific age categories. Refugees under the age of five ranged from a high of 15.5 percent among Burma arrivals to a low of 2.2 percent of those from Iran. The number of school-aged children (from five to 17 years of age) varied from a high of over 47.4 percent of arrivals from Rwanda to a low of 11.7 percent of those from Iran. The number of working-aged refugees (16 to 64 years of age) varied from a high of 78.2 percent of those from Iran to a low of 50.5 percent of individuals from Burundi. Retirement-aged refugees (65 years or older) ranged from a high of 10.5 percent of arrivals from Iran to a low of less than one percent of those from Pakistan.

During FY 2015, 61 percent of all arriving refugees resettled in 12 states. The majority were placed in Texas (10.7 percent), followed by California (8.2 percent), New York (5.8 percent), Arizona (4.5 percent), Michigan (4.3 percent), and Ohio (4.3 percent). The states of Georgia (4.1 percent), Pennsylvania (4 percent), Illinois (3.8 percent), Washington (3.8 percent), Florida (3.5 percent), and North Carolina (3.5 percent) also were in the top twelve states where refugees were resettled. (See Table VI.)

TABLE III
Refugee Arrivals By Country of Origin
Fiscal Year 2015

Country of Origin	Arrival Number	% of Total
Afghanistan	910	1.30%
Angola	5	0.01%
Bangladesh	3	0.00%
Bhutan	5,775	8.26%
Burma	18,386	26.30%
Burundi	1,186	1.70%
Cameroon	8	0.01%
Central African Republic	270	0.39%
Chad	16	0.02%
China	30	0.04%
Colombia	521	0.74%
Congo	52	0.07%
Cuba	1,527	2.18%
Dem. Rep. Congo	7,876	11.26%
Djibouti	2	0.00%
Ecuador	1	0.00%
Egypt	13	0.02%
Equatorial Guinea	2	0.00%
Eritrea	1,596	2.28%
Ethiopia	626	0.90%
Former Soviet Union*	2,362	3.38%
Gambia	3	0.00%
Guinea	3	0.00%
India	1	0.00%
Indonesia	3	0.00%
Iran	3,109	4.45%
Iraq	12,676	18.13%

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Ivory Coast	28	0.04%
Jamaica	1	0.00%
Jordan	2	0.00%
Kenya	3	0.00%
Korea, North	15	0.02%
Kuwait	4	0.01%
Lebanon	3	0.00%
Liberia	12	0.02%
Mali	4	0.01%
Nambia	1	0.00%
Nepal	26	0.04%
Netherlands	1	0.00%
Nigeria	4	0.01%
Pakistan	159	0.23%
Palestine	99	0.14%
Rep. of South Sudan	79	0.11%
Rwanda	173	0.25%
Saudi Arabia	3	0.00%
Senegal	4	0.01%
Sierra Leone	6	0.01%
Somalia	8,858	12.67%
South Africa	2	0.00%
Sri Lanka (Ceylon)	89	0.13%
Sudan	1,578	2.26%
Syria	1,682	2.41%
Togo	1	0.00%
Tunisia	7	0.01%
Turkey	2	0.00%
Uganda	67	0.10%
Vietnam	35	0.05%
Yemen	16	0.02%

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Zimbabwe	7	0.01%
TOTAL	69,933	100.00%

Source: Department of State, Bureau of Population, Refugees, and Migration, Refugee Processing Center

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TABLE IV

Median Age and Gender of Refugee Arrivals, Fiscal Year 2015

Rank (# of Arrivals)	Country of Origin	Refugees Admitted	Median Age	% Females	% Males
1	Burma	18,386	23	44.71%	55.28%
2	Iraq	12,676	26	47.01%	52.99%
3	Somalia	8,858	20	49.36%	50.63%
4	Dem. Rep. Congo	7,876	20	50.47%	49.53%
5	Bhutan	5,775	29	50.35%	49.64%
6	Iran	3,109	37	50.56%	49.43%
7	Former Soviet Union*	2,362	28	50.08%	49.91%
8	Syria	1,682	21	47.44%	52.55%
9	Eritrea	1,596	21	47.99%	52.00%
10	Sudan	1,578	22	47.08%	52.91%
11	Cuba	1,527	37	46.95%	53.04%
12	Burundi	1,486	20	46.45%	53.54%
13	Afghanistan	910	23	48.79%	51.20%
14	Ethiopia	626	23	46.80%	53.19%
15	Colombia	521	24	51.24%	48.75%
16	Central African Republic	270	20	48.14%	51.85%
17	Rwanda	173	22	48.55%	51.44%
18	Pakistan	159	24	45.91%	54.08%
19	Palestine	99	28	42.42%	57.57%
20	Sri Lanka (Ceylon)	89	27	47.19%	52.80%
21	All Other Countries	475	26	42.10%	57.68%
TOTAL		69,933	25	47.68%	52.33%

Source: Department of State, Bureau of Population, Refugees, and Migration, Refugee Processing Center

TABLE V

Select Age Categories of Refugee Arrivals, Fiscal Year 2015

Rank (# of Arrivals)	Country of Origin	Under 5 Yrs	School Age (5-17)	Working Age (16-64)	Retirement Age (=or > 65)
1	Burma	15.55%	23.74%	62.48%	1.24%
2	Iraq	10.83%	25.64%	62.64%	3.62%
3	Somalia	12.57%	35.36%	55.59%	0.96%
4	Dem. Rep. Congo	10.15%	40.50%	53.82%	1.32%
5	Bhutan	7.87%	22.21%	68.65%	5.00%
6	Iran	2.18%	11.70%	78.22%	10.51%
7	Former Soviet Union*	9.44%	26.50%	62.23%	5.08%
8	Syria	14.44%	37.21%	51.42%	1.36%
9	Eritrea	7.83%	36.71%	62.53%	0.43%
10	Sudan	11.21%	35.80%	56.08%	1.07%
11	Cuba	3.99%	18.46%	70.92%	10.15%
12	Burundi	13.65%	39.29%	50.50%	1.51%
13	Afghanistan	3.49%	34.83%	66.37%	1.20%
14	Ethiopia	13.09%	23.00%	66.29%	0.79%
15	Colombia	7.29%	30.13%	66.41%	0.76%
16	Central African Republic	12.22%	38.88%	53.33%	1.11%
17	Rwanda	5.20%	47.39%	58.96%	0.57%
18	Pakistan	8.80%	27.04%	66.03%	0.00%
19	Palestine	4.04%	30.30%	65.65%	4.04%
20	Sri Lanka (Ceylon)	7.86%	23.59%	67.41%	3.37%
21	All Other Countries	6.52%	25.26%	72.63%	0.21%
TOTAL		11.34%	28.25%	61.60%	2.67%

NOTE: Totals may exceed 100 percent due to overlapping age categories.

Source: Department of State, Bureau of Population, Refugees, and Migration, Refugee Processing Center

TABLE VI

Refugee Arrivals By State of Initial Resettlement, Fiscal Year 2015

STATE	Refugee Arrivals	Amerasian Arrivals	Total Arrivals	% of Total Arrivals to U.S.
Alabama	105	0	105	0.15%
Alaska	146	0	146	0.21%
Arizona	3,133	0	3,133	4.48%
Arkansas	13	0	13	0.02%
California	5,718	0	5,718	8.18%
Colorado	1,730	0	1,730	2.47%
Connecticut	519	0	519	0.74%
Delaware	9	0	9	0.01%
District of Columbia	5	0	5	0.01%
Florida	2,478	0	2,480	3.55%
Georgia	2,889	0	2,889	4.13%
Hawaii	7	0	7	0.01%
Idaho	935	0	935	1.34%
Illinois	2,658	0	2,658	3.80%
Indiana	1,793	0	1,793	2.56%
Iowa	783	4	787	1.13%
Kansas	741	0	741	1.06%
Kentucky	1,990	0	1,990	2.85%
Louisiana	135	0	135	0.19%
Maine	425	0	425	0.61%
Maryland	1,508	0	1,508	2.16%
Massachusetts	1,688	0	1,688	2.41%
Michigan	3,012	0	3,012	4.31%
Minnesota	2,288	3	2,291	3.28%
Mississippi	15	0	15	0.02%
Missouri	1,431	0	1,431	2.05%
Nebraska	1,200	0	1,200	1.72%
Nevada	610	0	610	0.87%
New Hampshire	446	0	446	0.64%
New Jersey	314	0	314	0.45%

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STATE	Refugee Arrivals	Amerasian Arrivals	Total Arrivals	% of Total Arrivals to U.S.
New Mexico	207	0	207	0.30%
New York	4,052	0	4,052	5.79%
North Carolina	2,475	0	2,475	3.54%
North Dakota	497	0	497	0.71%
Ohio	2,989	0	2,989	4.27%
Oklahoma	479	0	479	0.68%
Oregon	1,029	0	1,029	1.47%
Pennsylvania	2,764	0	2,764	3.95%
Rhode Island	185	0	185	0.26%
South Carolina	226	0	226	0.32%
South Dakota	484	0	484	0.69%
Tennessee	1,530	0	1,530	2.19%
Texas	7,479	0	7,479	10.69%
Utah	1,109	0	1,109	1.59%
Vermont	312	0	312	0.45%
Virginia	1,312	0	1,312	1.88%
Washington	2,621	4	2,625	3.75%
West Virginia	31	0	31	0.04%
Wisconsin	1,415	0	1,415	2.02%
Total	69,920	13	69,933	100.00%

Note: Arrival figures do not reflect secondary migration.

Source: Department of State, Bureau of Population, Refugees, and Migration, Refugee Processing Center

TABLE VII

**ESTIMATED AVAILABLE FUNDING FOR REFUGEE PROCESSING AND RESETTLEMENT
FY 2016 AND FY 2017 (\$ MILLIONS)**

AGENCY	ESTIMATED FY 2016 AVAILABILITY (BY DEPARTMENT)	ESTIMATED FY 2017 AVAILABILITY(BY DEPARTMENT)
DEPARTMENT OF HOMELAND SECURITY <i>United States Citizenship and Immigration Services</i>		
Refugee Processing ¹	\$50.0	\$67.8
DEPARTMENT OF STATE <i>Bureau of Population, Refugees, and Migration</i>		
Refugee Admissions ^{2, 3}	\$656.6	\$634.5
DEPARTMENT OF HEALTH AND HUMAN SERVICES <i>Administration for Children and Families, Office of Refugee Resettlement</i>		
Refugee Resettlement ⁴	\$720.9	\$841.9
ESTIMATED TOTAL AVAILABILITIES	\$1,427.5	\$1,544.2

¹ FY 2016: Includes cost factors to reflect Headquarters facilities rent related to the refugee resettlement program, projected staffing enhancements, and following-to-join refugee processing, in addition to certain CASS costs.

² FY 2016: Includes FY 2016 Migration and Refugee Assistance (MRA) appropriation of \$462.7 million, \$70 million in Emergency Refugee and Migration Assistance (ERMA) funding, \$44.5 million in PRM carryover from FY 2015, \$64.4 million in projected IOM loan collections/carryover, and an estimate of \$15 million in prior year MRA recoveries. A portion of these funds will be carried forward into FY 2017.

³ FY 2017: Includes FY 2017 MRA budget request of \$567.5 million, \$61 million in projected IOM loan collections/carryover, and an estimate of \$6 million in prior year MRA recoveries. Additional funds carried forward from FY 2016 will be available in FY 2017.

⁴ FY 2016 and FY 2017: HHS's Office of Refugee Resettlement's (ORR) refugee benefits and services are also provided to asylees, Cuban and Haitian entrants, certain Amerasians from Vietnam, victims of a severe form of trafficking who have received certification or eligibility letters from ORR, and certain family members who are accompanying or following to join victims of severe forms of trafficking, and some victims of torture, as well as Iraqi and Afghan Special Immigrants and their spouses and unmarried children under the age of 21. The estimated funding for these groups is included here. However, none of these additional groups is included in the refugee admissions ceiling except Amerasians. This category does not include costs associated with the Unaccompanied Children's Program, Temporary Assistance for Needy Families (TANF), Medicaid, Supplemental Security Income programs, or the Victims of Trafficking. These estimates do not include any prior year carryover funding. The estimated FY 2017 figures above reflect the President's FY 2017 Budget request.

TABLE VIII
UNHCR Resettlement Statistics by Resettlement Country CY 2015 Admissions

RESETTLEMENT COUNTRY	TOTAL	PERCENT OF TOTAL RESETTLED
United States	52,583	64.21%
Canada	10,236	12.50%
Australia	5,211	6.36%
Norway	2,220	2.71%
Germany	2,097	2.56%
Sweden	1,808	2.21%
United Kingdom	1,768	2.16%
Finland	964	1.18%
New Zealand	756	.92%
France	700	.85%
Switzerland	664	.81%
Austria	642	.78%
Denmark	486	.60%
Albania	483	.59%
Netherlands	428	.52%
Belgium	276	.34%
Ireland	178	.22%
Italy	96	.12%
Spain	92	.11%
Luxembourg	49	.06%
Rep. of Korea	42	.05%
Portugal	39	.05%
Japan	19	.02%
Liechtenstein	17	.02%
Belarus	14	.02%

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Iceland	13	.02%
Brazil	6	.01%
Hungary	2	.00%
Romania	2	.00%
Poland	2	.00%
TOTAL	81,893	100.00%

Resettlement country figures (submissions and departures) may not match UNHCR reported figures as resettlement country figures may include submissions received outside of UNHCR auspices. UNHCR figures may also include cases in which UNHCR did not submit but assisted, i.e. obtaining exit permits for humanitarian admissions or family reunion.

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Cumulative Summary of Refugee Admissions

Regions (Based on the Nationality of the Principal Applicant)

Fiscal Year	Africa	Asia	Europe	Former Soviet Union	Kosovo	Latin America Caribbean	Near East South Asia	PSI	Total
1975	0	135,000	1,947	6,211	0	3,000	0	0	146,158
1976	0	15,000	1,756	7,450	0	3,000	0	0	27,206
1977	0	7,000	1,755	8,191	0	3,000	0	0	19,946
1978	0	20,574	2,245	10,688	0	3,000	0	0	36,507
1979	0	76,521	3,393	24,449	0	7,000	0	0	111,363
1980	955	163,799	5,025	28,444	0	6,662	2,231	0	207,116
1981	2,119	131,139	6,704	13,444	0	3,829	0	0	159,252
1982	3,412	73,755	11,109	2,760	0	580	6,480	0	98,096
1983	2,645	39,245	11,867	1,342	0	601	5,428	0	61,218
1984	2,749	51,978	10,096	721	0	150	4,699	0	70,393
1985	1,951	49,962	9,233	623	0	151	5,784	0	67,704
1986	1,322	45,482	8,513	798	0	131	5,909	0	62,146
1987	1,990	40,099	8,396	13,999	0	323	10,021	0	64,528
1988	1,593	35,371	7,515	20,411	0	2,497	8,368	733	76,483
1989	1,902	45,722 *	8,752	39,602	0	2,604	6,938	1,550	107,070
1990	3,453	51,596 *	6,094	50,628	0	2,305	4,979	3,009	122,066
1991	4,420	53,522 *	6,837	39,226	0	2,253	5,342	1,789	113,389
1992	5,470	51,899 *	2,915	61,397	0	3,065	6,903	882	132,531
1993	6,967	49,817 *	2,582	48,773	0	4,071	6,987	251	119,448
1994	5,860	43,564 *	7,707	43,854	0	6,156	5,840	0	112,981
1995	4,827	36,987 *	10,070	35,951	0	7,629	4,510	0	99,974
1996	7,604	19,321 *	12,145	29,816	0	3,550	3,967	0	76,403
1997	6,065	8,594 *	21,401	27,331	0	2,996	4,101	0	70,488
1998	6,887	10,854 *	30,842	23,557	0	1,627	3,313	0	77,080
1999	13,043	10,206 *	24,497	17,410	14,161	2,110	4,098	0	85,525
2000	17,561	4,561 *	22,561	15,103	0	3,232	10,129	0	73,147
2001	19,020	4,163 *	15,794	15,978	0	2,975	11,956	0	69,886
2002	2,551	3,512 *	5,459	9,969	0	1,934	3,706	0	27,131
2003	10,714	1,724 *	2,506	8,744	0	455	4,260	0	28,403
2004	29,104	8,084 *	9,254	0	0	3,577	2,854	0	52,873

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2005	20,745	12,076 *	11,316	0	0	6,699	2,977	0	53,813
2006	18,126	5,659 *	10,456	0	0	3,264	3,718	0	41,223
2007	17,483	15,643 *	4,560	0	0	2,976	7,620	0	48,282
2008	8,935	19,489 *	2,343	0	0	4,277	25,147	0	60,191
2009	9,670	19,850 *	1,997	0	0	4,857	38,280	0	74,654
2010	13,305	17,716 *	1,526	0	0	4,982	35,782	0	73,311
2011	7,685	17,367 *	1,228	0	0	2,976	27,168	0	56,424
2012	10,608	14,366 *	1,129	0	0	2,078	30,057	0	58,238
2013	15,980	16,537 *	580	0	0	4,439	32,390	0	69,926
2014	17,476	14,784 *	959	0	0	4,318	32,450	0	69,987
2015	22,472	18,469 *	2,363	0	0	2,050	24,579	0	69,933
2016	31,624	12,518 *	3,957	0	0	1,340	35,555	0	84,994
2017	17,410	4,508 *	3,963	0	0	1,336	19,186	0	46,403
Total	375,703	1,478,035	325,332	596,571	14,161	18,435	457,541	8,214	3,383,919

* Includes Amerasian Immigrants

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Country of Chargeability	FY Total Admitted to the U.S.	Refugee Admissions by Month											
		OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2017													
Africa													
Burkina Faso (UVolta)	1	0	0	1	0	0	0	0	0	0	0	0	0
Burundi	240	73	70	29	45	3	9	5	6	0	0	0	0
Cameroon	19	3	1	0	1	5	3	5	1	0	0	0	0
Central African Republic	251	44	100	28	44	24	1	0	10	0	0	0	0
Chad	7	0	4	1	1	0	0	1	0	0	0	0	0
Congo	4	1	0	0	1	0	2	0	0	0	0	0	0
Dem. Rep. Congo	8,104	2,081	2,155	943	654	681	184	607	799	0	0	0	0
Djibouti	3	2	0	0	0	1	0	0	0	0	0	0	0
Eritrea	1,436	116	157	204	229	143	110	181	296	0	0	0	0
Ethiopia	653	196	109	113	95	34	89	11	56	0	0	0	0
Gambia	5	1	0	4	1	0	0	0	0	0	0	0	0
Ghana	3	0	0	3	1	1	0	0	0	0	0	0	0
Guinea	3	0	0	0	2	0	0	1	0	0	0	0	0
Ivory Coast	47	6	0	3	7	10	1	11	2	0	0	0	0
Kenya	3	0	0	1	0	1	1	0	0	0	0	0	0
Liberia	8	0	0	3	3	0	1	0	1	0	0	0	0
Mali	6	2	0	0	0	0	0	0	4	0	0	0	0
Nigeria	2	0	0	0	0	1	0	0	1	0	0	0	0
Republic of South Sudan	156	42	19	19	7	12	11	13	33	0	0	0	0
Rwanda	83	19	20	10	20	0	4	3	7	0	0	0	0
Senegal	21	9	0	5	2	1	1	1	2	0	0	0	0
Sierra Leone	5	2	0	0	0	3	0	0	0	0	0	0	0
Somalia	5,461	1,352	1,111	1,025	546	548	335	250	294	0	0	0	0
Sudan	842	175	84	100	95	111	62	85	130	0	0	0	0
Tanzania	1	0	0	0	0	1	0	0	0	0	0	0	0
Uganda	45	15	4	3	2	7	4	7	3	0	0	0	0
Zimbabwe	1	0	0	0	0	0	0	0	1	0	0	0	0
Total Africa	17,410	4,136	3,834	2,492	1,767	1,586	768	1,181	1,646				
East Asia													
Burma	4,419	1,022	487	502	386	595	278	489	660	0	0	0	0
Cambodia	3	0	0	0	0	0	3	0	0	0	0	0	0

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China	23	6	4	3	0	5	1	4	0	0	0	0	0
Indonesia	2	0	0	0	2	0	0	0	0	0	0	0	0
Korea, North	12	3	6	2	1	0	0	0	0	0	0	0	0
Philippines	2	2	0	0	0	0	0	0	0	0	0	0	0
Thailand	1	0	0	1	0	0	0	0	0	0	0	0	0
Tibet	2	0	0	0	0	0	2	0	0	0	0	0	0
Vietnam	44	8	0	4	9	12	7	0	4	0	0	0	0
Total East Asia	4,508	1,041	497	512	398	612	291	493	664				
Europe													
Armenia	29	5	10	11	3	0	0	0	0	0	0	0	0
Azerbaijan	15	8	6	0	0	0	0	1	0	0	0	0	0
Belarus	61	0	17	7	15	1	0	1	20	0	0	0	0
Kazakhstan	22	8	0	5	1	0	0	4	0	0	0	0	0
Kyrgyzstan	19	8	6	0	0	0	0	1	0	0	0	0	0
Latvia	8	5	3	0	0	0	0	0	0	0	0	0	0
Moldova	249	67	33	23	50	10	2	18	46	0	0	0	0
Mongolia	2	0	0	2	0	0	0	0	0	0	0	0	0
Russia	278	74	39	21	62	29	4	25	23	0	0	0	0
Serbia	2	0	2	2	0	0	0	0	0	0	0	0	0
Sweden	1	0	0	0	1	0	0	0	0	0	0	0	0
Ukraine	3,248	513	74	415	415	356	167	269	379	0	0	0	0
Uzbekistan	29	4	2	3	1	0	3	16	0	0	0	0	0
Total Europe	4,963	692	850	497	547	390	176	335	476				
Latin America/Caribbean													
Colombia	161	29	33	15	24	10	0	5	45	0	0	0	0
Cuba	162	43	23	24	22	17	7	5	21	0	0	0	0
El Salvador	885	127	133	144	125	47	71	129	109	0	0	0	0
Guatemala	35	3	6	7	6	0	3	7	3	0	0	0	0
Honduras	93	27	20	9	16	3	8	6	4	0	0	0	0
Total Latin America/Caribbean	1,336	229	215	199	193	77	89	152	182				
Near East/South Asia													
Afghanistan	1,191	229	199	158	246	156	38	65	100	0	0	0	0
Bangladesh	3	0	2	0	0	1	0	0	0	0	0	0	0
Bhutan	2,710	511	444	490	462	167	58	189	389	0	0	0	0
Egypt	9	0	5	1	3	0	0	0	0	0	0	0	0
India	2	1	0	0	0	0	0	1	0	0	0	0	0
Iran	2,261	414	356	291	576	231	101	167	125	0	0	0	0

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Iraq	6,360	1,323	939	1,362	1217	643	192	463	221	0	0	0	0
Jordan	4	0	0	2	1	1	0	0	0	0	0	0	0
Kuwait	5	0	5	0	0	0	0	0	0	0	0	0	0
Libya	3	0	0	3	0	0	0	0	0	0	0	0	0
Morocco	2	0	2	0	0	0	0	0	0	0	0	0	0
Nepal	35	5	0	8	3	1	4	5	9	0	0	0	0
Oman	1	0	0	0	0	0	1	0	0	0	0	0	0
Pakistan	295	60	37	22	36	33	50	39	18	0	0	0	0
Palestine	51	0	6	24	5	9	7	0	0	0	0	0	0
Sri Lanka (Ceylon)	9	7	0	0	2	0	0	0	0	0	0	0	0
Syria	6,221	1,297	962	1,307	1318	673	282	226	156	0	0	0	0
Tunisia	2	0	0	1	0	0	1	0	0	0	0	0	0
Turkey	1	0	0	0	1	0	0	0	0	0	0	0	0
Yemen	21	0	2	2	2	0	12	0	0	0	0	0	0
Total Near East/South Asia	19,186	3,847	2,959	3,671	3,872	1,915	746	1,155	1,021				
Unallocated Reserve Region													
		0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region													
Grand Totals	46,403	9,145	8,355	7,371	6,777	4,580	2,070	3,316	3,989				

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Country of Chargeability	Refugee Admissions Ceiling	FY Total Admitted to the U.S.	Refugee Admissions by Month											
			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2016														
Africa	27,500													
Angola		3	0	0	0	0	0	0	3	0	0	0	0	0
Burundi		694	59	5	25	49	56	68	48	62	85	62	116	59
Cameroon		14	0	0	0	0	0	0	1	2	6	0	2	3
Central African Republic		401	0	14	4	0	0	0	12	4	0	8	206	153
Chad		2	0	0	0	0	0	0	0	1	0	0	0	1
Congo		16	0	0	1	0	1	1	3	0	8	1	0	1
Dem. Rep. Congo		16,370	665	519	536	792	684	844	1036	1274	1168	1665	3,636	3,551
Eritrea		1,949	160	63	192	202	224	189	165	84	47	232	204	193
Ethiopia		1,131	69	70	88	44	52	97	116	89	96	122	106	182
Gabon		2	0	0	0	0	0	0	0	2	0	0	0	0
Guinea		5	0	0	0	0	0	0	0	0	2	0	0	0
Ivory Coast		79	0	0	1	0	1	0	34	20	1	0	1	2
Kenya		8	0	0	0	0	0	0	2	0	0	0	3	0
Liberia		16	0	0	0	2	1	0	5	1	7	0	0	0
Mali		6	0	0	0	0	0	0	0	0	1	0	0	1
Nigeria		0	0	0	0	3	0	0	0	3	1	0	0	0
Republic of South Sudan		189	9	18	21	8	18	19	9	5	5	35	12	30
Rwanda		140	1	10	28	16	10	4	5	2	14	9	14	27
Senegal		16	3	0	0	0	0	0	0	0	6	0	3	4
Sierra Leone		3	0	0	0	0	0	0	3	0	0	0	0	0
Somalia		9,020	595	590	537	461	853	1485	770	489	468	719	935	1,118
Sudan		1,458	118	142	78	22	46	54	108	66	139	154	313	218
Tanzania		1	0	0	0	0	0	0	0	0	0	0	0	1
Togo		19	0	5	0	9	0	0	5	0	0	0	0	0
Uganda		65	1	8	7	13	3	4	6	3	8	1	2	9
Zambia		1	0	0	0	0	0	0	0	0	0	0	1	0
Zimbabwe		11	0	0	0	0	1	0	0	0	0	4	0	6
Total Africa	27,500	31,624	1,704	1,444	1,518	1,621	1,953	2,759	2,331	2,107	2,062	3,012	5,554	5,559
East Asia	14,000													
Burma		12,347	1,269	579	938	965	1023	1215	875	1248	1073	1104	826	1,232
Cambodia		18	0	1	0	0	0	0	0	0	2	5	6	4

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China		57	3	5	6	5	0	3	2	14	6	3	6	4
Indonesia		7	0	6	0	0	0	0	0	0	1	0	0	0
Korea, North		14	0	5	1	1	1	3	0	0	0	0	3	0
Laos		7	0	0	0	7	0	0	0	0	0	0	0	0
Malaysia		4	0	0	1	0	1	2	0	0	0	0	0	0
Thailand		5	1	2	0	0	0	0	0	0	1	0	0	1
Tibet		1	0	0	0	0	0	0	0	0	0	0	1	0
Vietnam		58	10	0	3	0	3	15	1	3	4	5	8	6
Total East Asia	14,000	12,518	1,283	598	949	978	1,028	1,238	878	1,265	1,087	1,117	850	1,247
Europe	4,000													
Armenia		55	9	5	3	4	5	6	2	7	1	0	3	10
Azerbaijan		32	7	0	0	0	2	1	0	3	0	11	0	8
Belarus		185	7	5	10	9	22	13	15	11	31	13	34	15
Belgium		2	0	0	0	2	0	0	0	0	0	0	0	0
Croatia		3	1	0	0	0	2	0	0	0	0	0	0	0
Georgia		16	0	0	5	0	0	0	0	0	0	0	0	0
Kazakhstan		91	3	9	10	14	0	5	5	9	12	11	12	12
Kyrgyzstan		40	0	0	0	0	0	0	0	15	11	0	12	2
Moldova		466	6	13	13	35	13	29	54	31	60	66	47	92
Mongolia		1	0	0	0	0	1	0	0	0	0	0	0	0
Norway		2	0	0	0	1	0	0	0	0	0	0	1	0
Russia		462	24	29	24	36	35	27	25	46	38	53	41	84
Sweden		2	0	0	0	0	0	0	0	2	0	0	0	0
Tajikistan		17	10	5	0	0	0	0	0	0	0	0	2	0
Ukraine		2,543	198	161	204	169	134	200	209	183	228	244	328	285
Uzbekistan		41	0	2	2	3	0	2	3	0	0	9	9	11
Total Europe	4,000	3,957	265	229	277	284	215	278	313	303	378	408	488	519
Latin America/Caribbean	1,500													
Colombia		529	58	23	49	21	6	60	36	59	92	43	37	45
Cuba		354	59	22	12	53	21	50	13	17	29	25	26	27
El Salvador		364	0	6	5	2	12	12	59	17	60	71	85	35
Guatemala		8	0	0	0	0	0	0	2	0	0	0	6	0
Honduras		84	0	0	0	4	3	2	3	21	14	11	16	10
Jamaica		1	0	0	0	0	0	0	0	0	1	0	0	0
Total Latin America/Caribbean	1,500	1,340	117	51	66	80	42	124	113	114	196	150	170	117
Near East/South Asia	38,000													
Afghanistan		2,737	168	93	132	138	220	299	170	175	158	342	213	629

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Bangladesh		1	0	0	0	0	0	0	0	0	1	0	0	0
Bhutan		5,817	481	337	470	178	150	182	483	643	833	575	928	557
Egypt		21	0	0	0	4	4	5	2	0	1	0	0	5
India		4	0	0	0	1	2	0	1	0	0	0	0	0
Iran		3,750	216	209	234	281	219	260	362	268	311	384	537	469
Iraq		9,880	872	464	836	631	673	718	703	483	848	850	1,235	1,567
Jordan		6	1	0	1	0	0	2	0	0	1	1	0	0
Kuwait		2	0	1	0	0	0	0	0	0	0	0	0	1
Libya		1	0	0	0	0	0	0	0	0	1	0	0	0
Nepal		33	3	4	6	0	0	7	3	2	2	1	4	1
Pakistan		545	32	4	24	13	26	27	27	70	68	90	71	93
Palestine		50	6	3	0	0	8	0	0	0	5	14	2	12
Saudi Arabia		2	0	2	0	0	0	0	0	0	0	0	0	0
Sri Lanka (Ceylon)		91	13	1	0	0	4	0	13	9	9	20	7	15
Syria		12,587	187	250	237	167	114	330	451	1,069	2,406	2,340	3,189	1,847
Tunisia		1	0	0	0	0	1	0	0	0	0	0	0	0
United Arab Emirates		1	0	0	0	0	0	0	0	0	0	0	0	1
Yemen		26	0	2	1	0	0	0	7	3	0	4	7	2
Total Near East/South Asia	38,000	35,556	1,979	1,370	1,967	1,413	1,421	1,830	2,222	2,722	4,644	4,621	6,193	5,199
Unallocated Reserve Region	0													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	0													
Grand Totals	85,000	84,994	5,348	3,692	4,751	4,376	4,659	6,229	5,857	6,511	8,367	9,308	13,255	12,641

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			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2015														
Africa	20,400													
Angola		5	0	0	0	4	0	0	0	1	0	0	0	0
Burundi		1,186	46	19	2	13	7	82	39	63	81	151	77	606
Cameroon		8	0	0	0	0	2	0	2	1	0	0	3	0
Central African Republic		270	69	72	39	19	0	1	1	0	0	0	8	61
Chad		16	1	1	8	0	0	0	4	1	0	0	0	1
Congo		52	7	11	13	0	0	2	1	5	10	2	1	0
Dem. Rep. Congo		7,876	625	379	386	241	288	448	554	798	1302	879	824	1,152
Djibouti		2	0	0	0	0	0	0	0	0	0	0	0	0
Equatorial Guinea		2	0	0	0	0	0	2	0	0	0	0	0	0
Eritrea		1,596	90	94	44	266	29	45	39	74	81	123	478	
Ethiopia		626	53	90	28	40	6	34	34	50	29	133	39	71
Gambia		3	0	0	0	0	0	1	1	1	0	0	0	0
Guinea		8	0	1	0	0	0	0	0	0	1	0	0	1
Ivory Coast		28	0	0	0	2	6	1	0	1	0	0	1	10
Kenya		3	1	1	0	0	0	0	1	0	0	0	0	0
Liberia		12	0	1	0	2	0	4	1	0	0	4	0	0
Mali		4	0	0	0	0	0	0	0	2	0	0	1	1
Namibia		1	0	0	0	0	0	0	0	1	0	0	0	0
Nigeria		4	0	0	1	1	0	0	1	0	0	0	0	1
Republic of South Sudan		79	7	0	7	2	0	7	0	2	12	0	18	24
Rwanda		173	9	4	2	5	30	36	41	4	6	18	5	13
Senegal		4	0	0	0	0	0	0	1	2	0	0	0	1
Sierra Leone		6	0	2	2	0	0	2	0	0	0	0	0	0
Somalia		8,858	871	985	945	735	408	481	568	556	677	818	598	1,216
South Africa		2	0	0	0	0	0	0	0	0	1	0	0	1
Sudan		1,578	90	40	98	65	59	78	84	65	89	194	285	431
Togo		1	1	0	0	0	0	0	0	0	0	0	0	0
Uganda		67	1	14	2	3	2	11	3	8	0	7	0	16
Zimbabwe		7	2	0	0	0	1	0	0	2	1	0	0	1
Total Africa	20,400	22,472	1,872	1,721	1,578	1,265	1,094	1,321	1,381	1,602	2,283	2,287	1,983	4,085
East Asia	17,300													

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Burma		18,386	1,240	1,290	1,159	1,432	1,325	1,350	1,244	1,024	1,479	1,078	1,210	4,555
China		30	3	5	3	2	1	3	3	1	1	0	3	5
Indonesia		3	0	0	0	0	0	0	0	0	0	0	0	3
Korea, North		15	0	5	2	1	0	0	0	2	1	4	0	0
Vietnam		35	5	1	3	3	0	4	7	3	4	4	1	0
Total East Asia	17,300	18,469	1,248	1,301	1,167	1,438	1,326	1,357	1,254	1,030	1,485	1,086	1,214	4,563
Europe	2,300													
Armenia		49	14	5	16	0	0	0	5	5	0	0	0	4
Azerbaijan		18	6	0	0	3	4	0	0	2	2	1	0	0
Belarus		98	2	0	16	19	11	7	0	17	10	4	7	5
Georgia		9	2	0	0	0	0	5	2	0	0	0	0	0
Kazakhstan		58	12	2	8	4	11	7	2	0	4	3	0	5
Kyrgyzstan		17	9	0	0	0	0	0	3	0	5	0	0	0
Moldova		333	28	16	68	44	14	17	29	17	38	6	12	14
Netherlands		1	0	0	0	0	0	0	0	0	1	0	0	0
Russia		281	10	30	26	4	25	10	31	43	21	13	25	25
Turkmenistan		5	0	0	0	0	0	0	0	5	0	0	0	0
Ukraine		1,451	102	79	73	10	161	143	143	94	102	116	90	218
Uzbekistan		48	11	0	0	9	3	4	5	4	0	0	0	5
Total Europe	2,300	2,363	196	132	209	231	229	223	220	187	183	143	134	276
Latin America/Caribbean	2,300													
Colombia		527	175	35	8	55	0	46	89	3	25	45	11	29
Cuba		1,527	267	152	141	206	56	150	121	106	136	93	48	51
Ecuador		1	0	0	0	0	0	0	1	0	0	0	0	0
Jamaica		1	0	0	0	1	0	0	0	0	0	0	0	0
Total Latin America/Caribbean	2,300	2,050	442	187	149	262	56	196	211	109	161	138	59	80
Near East/South Asia	27,700													
Afghanistan		910	47	44	44	43	57	119	96	61	69	89	75	166
Bangladesh		3	0	0	0	0	0	0	1	0	0	0	2	0
Bhutan		5,775	370	500	429	342	427	455	326	0	689	749	921	567
Egypt		13	2	0	0	1	0	2	3	0	3	0	1	1
India		1	0	0	0	0	0	0	0	0	0	0	0	1
Iran		3,109	309	148	190	310	58	210	249	213	278	200	337	607
Iraq		12,676	1,790	1,573	1,316	1,585	524	735	706	554	573	706	836	1,778
Jordan		2	0	0	0	0	0	1	0	0	1	0	0	0
Kuwait		4	2	1	0	1	0	0	0	0	0	0	0	0
Lebanon		3	0	3	0	0	0	0	0	0	0	0	0	0

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Nepal		26	0	0	2	3	4	0	4	1	6	0	0	6
Pakistan		159	1	5	8	5	7	9	15	47	19	18	5	20
Palestine		99	10	10	9	17	12	2	18	0	14	1	1	5
Saudi Arabia		3	0	0	0	0	0	0	0	3	0	0	0	0
Sri Lanka (Ceylon)		89	8	1	8	0	10	0	17	1	0	6	1	37
Syria		1,682	51	61	52	85	110	152	140	50	157	184	251	389
Tunisia		7	0	0	0	4	0	2	0	0	0	0	0	1
Turkey		2	0	0	0	2	0	0	0	0	0	0	0	0
Yemen		16	4	7	0	2	0	2	0	0	0	0	0	1
Total Near East/South Asia	27,700	24,579	2,594	2,353	2,058	2,400	1,209	1,689	1,575	930	1,809	1,953	2,430	3,579
Unallocated Reserve Region	0													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	0													
Grand Totals	70,000	69,933	6,352	5,694	5,161	5,596	3,914	4,786	4,641	3,858	5,921	5,607	5,820	12,583

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			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2014														
Africa	17,500													
Burundi		68	0	2	0	1	16	5	0	6	2	22	11	3
Cameroon		5	0	0	0	0	2	0	0	0	1	0	0	2
Central African Republic		25	0	3	2	0	0	0	3	0	0	0	0	17
Chad		21	0	0	0	0	0	0	0	0	0	0	0	21
Congo		30	0	2	1	4	0	0	1	0	2	8	12	0
Dem. Rep. Congo		4,540	40	353	409	213	180	186	178	329	742	944	628	338
Eritrea		1,488	42	115	150	84	243	208	70	62	136	133	117	128
Ethiopia		728	24	135	53	71	50	27	63	26	40	87	79	73
Gabon		1	0	0	0	0	0	0	0	1	0	0	0	0
Gambia		1	0	0	0	0	1	0	0	0	0	0	0	0
Guinea		9	0	0	0	0	0	0	1	0	0	0	0	0
Ivory Coast		42	0	10	0	2	7	6	0	0	13	4	0	0
Kenya		21	0	6	0	4	1	6	0	0	0	3	1	0
Liberia		31	0	0	2	4	0	9	6	0	1	2	5	0
Mali		2	0	0	0	0	0	0	0	0	0	2	0	0
Mauritania		0	0	0	0	0	4	0	0	0	0	0	0	0
Nigeria		4	0	1	3	0	0	0	0	0	0	0	0	0
Republic of South Sudan		57	0	7	7	16	6	3	0	0	7	0	5	6
Rwanda		45	0	12	0	3	2	8	6	0	0	0	0	14
Sierra Leone		6	0	0	0	0	1	2	0	1	2	0	0	0
Somalia		9,000	124	1,070	550	655	627	682	800	507	1065	1246	952	722
Sudan		1,315	91	236	173	156	135	70	52	81	78	96	67	80
Tanzania		1	0	1	0	0	0	0	0	0	0	0	0	0
Togo		26	0	2	0	0	20	0	0	0	4	0	0	0
Uganda		5	0	0	0	0	0	0	0	0	0	0	3	2
Zimbabwe		1	0	0	0	0	1	0	0	0	0	0	0	0
Total Africa	17,500	17,476	321	1,957	1,350	1,213	1,304	1,212	1,180	1,013	2,093	2,547	1,880	1,406
East Asia	14,700													
Burma		14,598	319	901	1,096	1226	1326	1913	1426	1353	1427	1354	825	1,432
Cambodia		44	0	8	4	0	4	11	6	2	9	0	0	0
China		53	2	8	4	1	7	8	0	2	0	10	5	6

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Indonesia		1	0	0	0	0	0	0	0	1	0	0	0	0
Korea, North		8	0	0	0	1	0	2	1	0	0	4	0	0
Philippines		1	0	1	0	0	0	0	0	0	0	0	0	0
Vietnam		79	0	5	3	2	6	14	0	10	6	29	1	3
Total East Asia	14,700	14,784	321	923	1,107	1,230	1,343	1,948	1,433	1,368	1,442	1,397	831	1,441
Europe	1,000													
Armenia		10	0	0	0	0	4	0	0	0	2	4	0	0
Azerbaijan		15	0	0	0	0	0	0	0	0	0	5	6	4
Belarus		46	0	0	4	2	6	2	8	7	13	0	0	4
Georgia		13	0	0	0	0	0	0	13	0	0	0	0	0
Kazakhstan		24	0	0	0	1	0	4	2	0	11	6	0	0
Kyrgyzstan		8	0	0	0	0	2	0	0	6	0	0	0	0
Moldova		142	0	11	2	13	14	16	24	22	10	13	6	11
Russia		139	0	2	5	11	15	9	5	12	16	19	26	19
Turkmenistan		2	0	0	0	0	1	0	0	0	0	0	1	0
Ukraine		490	8	55	14	4	14	12	23	29	106	118	63	32
United Kingdom		1	0	0	0	0	0	0	0	0	0	0	0	1
Uzbekistan		69	7	4	6	3	15	0	6	7	16	5	0	0
Total Europe	1,000	959	15	72	16	46	71	43	81	83	174	170	102	71
Latin America/Caribbean	4,300													
Colombia		262	0	0	9	60	36	99	0	4	14	25	0	5
Cuba		4,062	136	386	397	449	477	309	293	269	400	443	257	246
Haiti		4	0	0	0	0	0	0	0	0	0	4	0	0
Total Latin America/Caribbean	4,300	4,318	136	386	406	509	513	408	293	273	414	472	257	251
Near East/South Asia	32,500													
Afghanistan		753	30	123	39	78	75	37	38	37	94	88	45	69
Algeria		2	0	0	2	0	0	0	0	0	0	0	0	0
Bangladesh		2	0	0	0	0	2	0	0	0	0	0	0	0
Bhutan		8,434	269	983	1,005	712	758	697	709	872	796	593	613	427
Egypt		21	4	2	0	0	0	0	4	2	2	0	6	1
India		7	0	3	0	0	0	0	3	0	0	0	0	1
Iran		2,846	130	390	143	356	334	117	112	209	534	177	238	106
Iraq		19,769	564	1,676	1,871	1,820	2,085	1,378	905	1,361	2,147	2,351	1,613	1,998
Jordan		7	4	0	0	0	0	0	0	0	1	0	0	2
Kuwait		12	0	0	0	0	0	0	3	5	0	0	0	4
Lebanon		1	0	0	0	0	0	0	0	1	0	0	0	0
Nepal		47	0	16	1	1	2	3	6	3	4	3	5	3

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Pakistan		240	4	13	8	14	40	17	14	24	18	31	8	49
Palestine		141	0	22	21	13	10	24	0	4	28	0	14	5
Saudi Arabia		1	0	0	0	0	0	0	0	0	1	0	0	0
Sri Lanka (Ceylon)		57	0	6	0	11	5	0	5	0	9	8	7	6
Syria		105	12	8	0	2	3	1	0	16	4	17	15	27
Tunisia		2	0	0	0	1	0	0	0	0	0	0	1	0
Yemen		3	0	0	0	0	0	0	0	0	1	2	0	0
Total Near East/South Asia	32,500	32,450	1,017	3,242	3,090	3,008	3,314	2,274	1,799	2,534	3,639	3,270	2,565	2,698
Unallocated Reserve Region	0													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	0													
Grand Totals	70,000	69,987	1,810	6,580	5,984	6,006	6,545	5,885	4,786	5,271	7,762	7,856	5,635	5,867

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Country of Chargeability	Refugee Admissions Ceiling	FY Total Admitted to the U.S.	Refugee Admissions by Month											
			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2013														
Africa	15,950													
Angola		6	0	0	0	0	6	0	0	0	0	0	0	0
Burundi		193	0	27	6	2	25	35	22	9	32	25	0	10
Central African Republic		318	7	0	0	0	0	9	77	42	39	34	43	67
Chad		32	1	0	3	0	1	16	7	0	0	0	4	0
Congo		161	12	8	27	4	21	40	0	5	12	0	9	23
Dem. Rep. Congo		2,563	137	433	203	91	303	243	165	236	262	172	53	265
Eritrea		1,824	243	199	271	104	165	157	135	132	83	101	88	146
Ethiopia		765	36	139	130	64	38	70	36	64	33	53	41	61
Gambia		11	2	0	0	0	4	0	0	0	0	5	0	0
Guinea		9	1	0	0	0	0	0	0	4	3	0	0	0
Ivory Coast		20	0	0	1	1	1	0	2	8	0	0	0	6
Kenya		5	1	0	0	1	0	1	0	0	0	0	0	0
Liberia		94	2	2	0	0	4	9	1	10	12	28	11	2
Mali		2	0	0	0	0	1	0	0	0	0	0	0	0
Nigeria		2	0	0	0	0	0	0	2	0	0	0	0	0
Republic of South Sudan		17	0	1	0	1	0	0	0	6	0	1	8	0
Rwanda		139	7	8	11	5	11	33	4	10	10	7	12	21
Senegal		2	0	0	0	0	1	0	1	0	0	0	0	0
Sierra Leone		4	0	1	0	0	1	0	0	0	1	1	0	0
Somalia		7,608	479	692	731	358	554	860	713	534	534	730	494	929
Sudan		2,160	170	309	137	88	212	68	174	111	81	208	190	412
Togo		18	5	0	0	0	0	0	0	13	0	0	0	0
Uganda		15	0	6	0	0	0	1	0	0	3	0	0	5
Zimbabwe		12	0	0	0	0	2	1	0	0	2	0	0	7
Total Africa	15,950	15,980	1,104	1,827	1,533	719	1,351	1,543	1,338	1,178	1,115	1,365	953	1,954
East Asia	16,600													
Burma		16,299	1,347	1,449	1,239	1525	1451	1250	1075	1423	1310	1485	1,217	1,528
Cambodia		30	0	0	0	0	0	0	4	13	6	5	0	2
China		86	2	5	2	3	3	4	3	21	27	7	0	9
Korea, North		17	0	0	3	0	4	4	1	0	1	3	0	1
Thailand		4	0	0	0	0	0	0	0	1	1	1	0	1

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Tibet		15	0	0	9	0	0	0	0	0	4	2	0	0
Vietnam		86	17	13	1	11	4	10	5	6	4	8	2	5
Total East Asia	16,600	16,537	1,366	1,467	1,254	1,539	1,462	1,268	1,088	1,464	1,353	1,511	1,219	1,546
Europe	650													
Armenia		3	0	0	0	0	0	1	0	0	0	0	2	0
Azerbaijan		3	0	0	3	0	0	0	0	0	0	0	0	0
Belarus		10	2	2	0	2	2	1	0	0	1	0	0	0
Bulgaria		1	0	0	0	0	1	0	0	0	0	0	0	0
Georgia		1	0	0	0	0	0	0	0	0	0	0	1	0
Kazakhstan		11	1	5	0	0	0	0	5	0	0	0	0	0
Kyrgyzstan		19	9	3	0	0	4	0	0	0	3	0	0	0
Moldova		119	26	12	19	7	20	10	10	7	0	0	7	1
Russia		125	7	25	7	9	10	30	11	0	12	6	5	3
Tajikistan		2	0	0	0	0	2	0	0	0	0	0	0	0
Turkmenistan		8	0	0	0	0	8	0	0	0	0	0	0	0
Ukraine		227	39	31	25	2	26	19	5	11	7	16	19	
Uzbekistan		51	22	2	1	1	6	6	4	1	0	0	0	0
Total Europe	650	580	149	80	59	31	77	65	51	16	28	13	31	23
Latin America/Caribbean	4,400													
Canada		1	0	0	0	0	0	0	0	0	0	0	0	0
Colombia		290	33	29	6	0	2	1	21	55	0	13	28	57
Cuba		4,205	316	380	327	216	290	334	336	407	375	436	384	404
Venezuela		3	0	3	0	0	0	0	0	0	0	0	0	0
Total Latin America/Caribbean	4,400	4,439	334	413	333	216	292	335	357	462	375	449	412	461
Near East/South Asia	32,400													
Afghanistan		661	48	46	81	24	29	25	71	56	97	34	34	116
Bangladesh		1	0	0	0	1	0	0	0	0	0	0	0	0
Bhutan		9,134	713	893	734	452	666	807	802	884	916	640	714	913
Egypt		3	1	0	0	0	0	0	0	0	0	0	2	0
India		3	0	0	1	0	1	0	0	0	0	0	0	1
Iran		2,578	187	308	211	226	203	87	192	144	319	162	233	306
Iraq		19,488	1,826	1,873	1,333	998	1476	2000	1560	1330	1626	1578	1,888	2,000
Jordan		13	0	1	0	0	1	1	4	2	0	0	1	3
Kuwait		12	0	1	0	0	0	0	0	10	1	0	0	0
Libya		1	0	0	0	0	1	0	0	0	0	0	0	0
Nepal		34	4	0	0	0	1	5	3	4	6	2	6	3
Pakistan		158	11	2	11	4	16	10	32	28	12	11	19	2

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Palestine		164	11	17	17	1	22	17	16	12	19	1	20	11
Sri Lanka (Ceylon)		92	4	6	0	6	23	0	20	11	3	4	9	6
Syria		36	0	6	5	1	1	1	1	9	0	1	8	3
Yemen		12	7	0	0	0	4	0	0	1	0	0	0	0
Total Near East/South Asia	32,400	32,390	2,812	3,153	2,393	1,713	2,444	2,953	2,701	2,491	2,999	2,433	2,934	3,364
Unallocated Reserve Region	0													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	0													
Grand Totals	70,000	69,926	5,722	6,940	5,572	4,218	5,626	6,164	5,535	5,611	5,870	5,771	5,549	7,348

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			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2012														
Africa	12,000													
Burundi		186	18	17	1	12	5	7	37	29	12	7	23	18
Cameroon		7	0	0	0	0	0	0	1	0	0	0	1	5
Central African Republic		136	24	10	2	8	0	1	38	52	0	1	0	0
Chad		12	0	0	0	0	3	6	0	3	0	0	0	0
Congo		102	7	0	1	1	0	14	28	42	5	0	4	0
Dem. Rep. Congo		1,863	104	209	191	73	113	93	168	359	133	34	112	274
Eritrea		1,346	73	80	87	62	174	59	105	126	103	142	126	209
Ethiopia		620	9	60	36	62	86	37	31	58	80	65	35	61
Gabon		1	0	0	1	0	0	0	0	0	0	0	0	0
Gambia		2	0	0	0	2	0	0	0	0	0	0	0	0
Ivory Coast		33	0	0	2	0	24	1	0	0	0	5	0	0
Kenya		23	0	0	0	0	9	0	0	4	0	0	0	10
Liberia		69	11	2	2	2	3	0	8	9	4	3	7	3
Niger		4	0	0	0	0	0	0	0	0	4	0	0	0
Nigeria		2	0	0	0	2	0	0	0	0	0	0	0	0
Republic of South Sudan			0	0	0	0	0	0	0	0	0	0	0	1
Rwanda		157	0	9	9	18	46	6	27	17	12	1	0	12
Senegal		5	0	0	0	0	0	0	2	0	3	0	0	0
Sierra Leone		1	1	0	0	0	0	0	0	0	0	0	0	0
Somalia		4,911	257	385	278	347	441	380	415	499	519	297	366	727
South Africa		1	0	0	0	1	0	0	0	0	0	0	0	0
Sudan		1,077	88	46	30	91	75	52	101	92	101	191	100	110
Tanzania		2	0	2	0	0	0	0	0	0	0	0	0	0
Togo		26	0	8	0	0	0	0	9	5	4	0	0	0
Uganda		18	4	0	0	2	0	8	0	0	4	0	0	0
Zimbabwe		3	0	0	1	0	0	0	0	0	0	0	0	2
Total Africa	12,000	10,608	596	828	655	683	957	687	971	1,295	984	746	774	1,432
East Asia	18,000													
Burma		14,160	1,191	706	1,186	1067	1347	703	741	1074	806	1488	1,675	2,176
Cambodia		6	5	0	0	0	0	0	1	0	0	0	0	0
China		45	2	4	3	2	7	4	2	0	2	2	8	9

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Korea, North		22	2	0	0	2	0	0	0	2	5	6	4	1
Laos		21	3	0	0	0	3	3	0	0	10	2	0	0
Thailand		3	0	0	0	0	0	0	0	0	0	0	0	3
Tibet		9	0	0	0	0	0	4	0	0	0	0	0	5
Vietnam		100	8	15	21	8	1	8	0	9	9	0	4	17
Total East Asia	18,000	14,366	1,211	725	1,210	1,079	1,358	722	744	1,085	832	1,498	1,691	2,211
Europe	2,000													
Armenia		8	0	0	0	0	8	0	0	0	0	0	0	0
Azerbaijan		10	1	0	0	3	0	6	0	0	0	0	0	0
Belarus		83	5	11	5	7	8	6	2	6	10	0	6	17
Estonia		1	0	0	0	0	0	0	0	0	0	0	0	1
Georgia		7	0	0	3	4	0	0	0	0	0	0	0	0
Kazakhstan		7	2	0	0	0	0	0	5	0	0	0	0	0
Kyrgyzstan		49	0	6	0	0	0	0	0	0	15	6	9	13
Moldova		255	8	10	0	52	57	57	0	11	5	0	28	27
Russia		197	9	22	7	4	27	9	5	8	14	29	30	29
Ukraine		372	52	39	30	50	8	29	33	26	22	22	25	31
Uzbekistan		140	2	9	19	2	0	0	0	0	5	12	28	63
Total Europe	2,000	1,129	79	97	64	126	113	107	45	51	71	69	126	181
Latin America/Caribbean	5,500													
Colombia		125	0	6	0	4	11	10	15	12	0	32	32	4
Cuba		1,940	90	79	95	176	175	165	153	152	193	178	204	288
Venezuela		4	0	0	0	0	0	2	0	0	0	0	2	0
Total Latin America/Caribbean	5,500	2,078	90	85	95	180	186	177	168	164	193	210	238	292
Near East/South Asia	35,500													
Afghanistan		481	25	33	20	58	18	16	28	39	59	31	31	123
Bhutan		15,070	925	1,046	980	980	1215	792	1280	1471	1384	1532	1,958	1,507
Egypt		13	4	0	0	0	0	0	0	0	0	5	0	4
Gaza Strip		7	0	0	0	7	0	0	0	0	0	0	0	0
India		2	1	1	0	0	0	0	0	0	0	0	0	0
Iran		1,758	179	198	114	202	99	88	111	49	56	189	209	264
Iraq		12,163	419	254	153	541	494	640	954	1149	1600	1880	1,891	2,188
Jordan		3	0	0	1	0	1	1	0	0	0	0	0	0
Kuwait		3	0	0	0	0	0	0	0	0	0	3	0	0
Libya		5	0	0	0	0	0	0	0	0	5	0	0	0
Morocco		2	0	0	0	0	0	0	0	0	0	1	1	0
Nepal		47	3	0	1	7	15	5	1	0	9	0	5	1

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Pakistan		274	9	19	29	19	33	17	27	24	19	42	15	21
Palestine		141	3	13	0	14	6	3	4	6	22	15	35	20
Saudi Arabia		1	0	1	0	0	0	0	0	0	0	0	0	0
Sri Lanka (Ceylon)		55	7	4	2	0	4	0	9	4	7	3	7	8
Syria		31	1	0	0	1	5	0	3	1	2	5	8	5
Tunisia		1	0	0	0	0	0	0	0	1	0	0	0	0
Total Near East/South Asia	35,500	30,057	1,576	1,569	1,300	1,829	1,890	1,562	2,417	2,744	3,163	3,706	4,160	4,141
Unallocated Reserve Region	3,000													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	3,000													
Grand Totals	76,000	58,238	3,552	3,304	3,324	3,897	4,504	3,255	4,345	5,339	5,243	6,229	6,989	8,257

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			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2011														
Africa	15,000													
Angola		2	0	0	0	1	0	0	0	0	1	0	0	0
Burundi		110	7	6	4	16	15	4	9	23	16	4	1	5
Central African Republic		182	13	22	0	15	0	0	0	9	4	37	78	4
Chad		25	2	21	0	0	0	0	2	0	0	0	0	0
Congo		27	3	0	0	2	3	1	1	2	10	2	3	0
Dem. Rep. Congo		977	77	87	111	112	109	34	40	20	25	93	64	205
Eritrea		2,032	98	120	237	250	182	35	98	79	73	179	257	424
Ethiopia		560	22	27	22	46	55	18	21	87	55	79	94	40
Gabon		3	0	0	0	0	0	0	0	2	0	0	0	1
Gambia		7	0	0	0	0	0	0	0	0	0	0	1	0
Ghana		1	0	0	0	0	0	0	0	0	0	1	0	0
Guinea		1	0	0	0	0	1	0	0	0	0	0	0	0
Guinea - Bissau		1	0	0	0	0	0	0	0	0	0	0	0	0
Ivory Coast		7	1	0	0	0	0	0	0	0	0	5	1	0
Kenya		12	0	0	0	0	0	0	0	1	0	0	0	0
Liberia		12	8	6	5	3	10	11	4	16	8	2	26	22
Mauritania		3	0	0	0	0	0	0	3	0	0	0	0	0
Nigeria		1	0	0	0	1	0	0	0	0	0	0	0	0
Rwanda		74	5	1	0	26	14	0	3	0	2	1	9	13
Senegal		1	0	0	0	0	0	0	0	0	0	0	1	0
Sierra Leone		28	5	0	4	6	6	3	2	1	0	1	0	0
Somalia		3,161	164	171	293	191	205	51	232	329	169	241	319	796
Sudan		334	26	9	21	51	5	10	18	9	12	73	62	38
Togo		5	1	1	0	0	0	2	0	0	0	0	1	0
Uganda		10	2	0	0	0	1	0	7	0	0	0	0	0
Zimbabwe		8	0	4	0	2	0	2	0	0	0	0	0	0
Total Africa	15,000	7,685	434	475	701	728	606	165	440	578	375	718	917	1,548
East Asia	19,000													
Burma		16,972	1,311	1,742	1,289	1345	1534	873	861	1221	1704	2209	1,728	1,155
Cambodia		5	0	0	0	0	0	0	0	0	0	5	0	0
China		28	1	1	1	0	1	8	0	0	8	6	0	2

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Indonesia		1	0	0	0	0	0	0	0	0	0	0	0	1
Korea, North		23	2	4	3	6	2	2	0	0	2	0	1	1
Laos		211	6	55	38	29	59	3	11	7	0	0	3	0
Malaysia		4	0	0	0	0	0	0	3	0	1	0	0	0
Thailand		4	0	0	2	0	0	0	0	0	0	1	1	0
Vietnam		119	17	19	7	18	16	15	9	5	0	13	0	0
Total East Asia	19,000	17,367	1,337	1,821	1,340	1,398	1,612	901	884	1,233	1,715	2,234	1,733	1,159
Europe	2,000													
Armenia		15	3	0	0	0	0	0	0	2	0	0	10	0
Azerbaijan		16	0	8	3	3	0	0	0	0	2	0	0	0
Belarus		66	0	8	4	7	2	6	10	0	6	0	10	13
Georgia		20	0	0	6	2	0	0	0	0	0	0	12	0
Kazakhstan		53	0	0	0	11	11	4	17	5	3	2	0	0
Kyrgyzstan		30	0	21	0	4	4	0	0	0	0	0	0	1
Latvia		4	0	0	0	2	0	2	0	0	0	0	0	0
Moldova		331	0	9	37	51	26	20	16	40	0	53	62	
Netherlands		1	0	0	0	0	0	0	0	0	0	0	1	0
Russia		165	9	20	14	3	14	14	12	6	7	14	28	15
Sweden		2	0	0	0	0	0	0	0	0	0	1	0	0
Turkmenistan		2	0	0	0	0	0	0	0	0	2	0	0	0
Ukraine		428	30	38	23	30	19	34	45	27	13	28	46	95
Uzbekistan		90	3	26	14	7	17	2	2	6	11	6	0	2
Total Europe	2,000	1,228	44	130	101	96	118	88	106	62	84	51	160	188
Latin America/Caribbean	5,500													
Colombia		46	0	0	3	0	4	1	0	16	1	0	0	21
Cuba		2,920	342	347	344	405	319	2	80	120	328	181	297	155
Guatemala		5	0	0	0	0	5	0	0	0	0	0	0	0
Honduras		5	0	0	0	3	2	0	0	0	0	0	0	0
Total Latin America/Caribbean	5,500	2,976	342	347	347	408	330	3	80	136	329	181	297	176
Near East/South Asia	35,500													
Afghanistan		428	21	51	42	22	9	21	7	44	24	63	44	80
Bhutan		14,999	972	1,033	1,210	1243	1524	690	415	542	1479	1708	2,035	2,148
Egypt		6	0	0	3	0	0	0	0	0	0	1	2	0
India		5	0	0	1	0	0	0	0	2	1	1	0	0
Iran		2,032	172	94	157	253	162	20	61	223	350	199	169	172
Iraq		9,388	1,405	1,589	881	1214	779	111	184	418	298	665	1,020	824
Jordan		3	0	0	0	0	0	1	0	0	0	0	1	1

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Office of Admissions - Refugee Processing Center
Summary of Refugee Admissions
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Kuwait		5	0	0	0	5	0	0	0	0	0	0	0	0
Lebanon		2	0	1	0	0	0	1	0	0	0	0	0	0
Libya		1	0	0	0	0	0	0	0	0	0	1	0	0
Nepal		10	0	0	0	4	0	0	0	0	0	0	0	6
Pakistan		54	0	0	0	0	0	0	0	4	9	14	14	13
Palestine		136	24	28	14	3	8	20	12	5	5	4	10	3
Sri Lanka (Ceylon)		69	13	0	9	9	0	9	0	0	4	10	4	11
Syria		29	0	2	5	2	1	4	0	7	1	5	2	0
Tunisia		1	0	0	0	0	0	0	1	0	0	0	0	0
Total Near East/South Asia	35,500	27,168	2,607	2,798	2,322	2,755	2,483	877	680	1,245	2,171	2,671	3,301	3,258
Unallocated Reserve Region	3,000													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	3,000													
Grand Totals	80,000	56,424	4,764	5,571	4,811	5,385	5,149	2,034	2,190	3,254	4,674	5,855	6,408	6,329

cited in State of Hawaii v. Trump
 No. 17-15589, archived on June 14, 2017

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Country of Chargeability	Refugee Admissions Ceiling	FY Total Admitted to the U.S.	Refugee Admissions by Month											
			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2010														
Africa	15,500													
Benin		1	0	0	0	0	0	0	0	0	0	0	1	0
Burkina Faso (U Volta)		1	0	0	0	0	0	0	0	0	0	0	0	1
Burundi		530	45	8	59	32	22	35	19	40	95	77	45	53
Cameroon		6	0	0	1	1	3	1	0	0	0	0	0	0
Central African Republic		45	0	9	0	0	2	0	0	7	0	1	0	26
Chad		28	0	8	0	0	1	0	8	3	0	0	0	8
Congo		154	32	42	11	13	19	5	8	24	0	0	0	0
Dem. Rep. Congo		3,174	101	67	121	389	556	91	259	326	292	356	138	471
Equatorial Guinea		9	0	9	0	0	0	0	0	0	0	0	0	0
Eritrea		2,570	229	103	176	16	95	32	173	110	255	356	331	462
Ethiopia		668	17	18	41	6	0	32	24	34	35	85	106	200
Gabon		2	0	0	0	0	1	0	0	0	0	0	0	1
Gambia		1	0	1	0	0	0	3	1	0	0	2	0	3
Guinea		9	0	0	0	2	1	0	0	0	0	0	0	6
Ivory Coast		3	0	0	0	0	0	0	1	0	3	0	0	0
Liberia		244	52	23	7	7	22	48	21	21	14	11	4	14
Mauritania		74	0	8	0	23	0	1	0	0	3	22	0	17
Nigeria		2	0	0	0	0	0	0	0	0	1	0	0	1
Rwanda		230	10	0	24	17	24	3	13	25	20	39	6	49
Senegal		2	0	0	0	0	0	0	2	0	0	0	0	0
Sierra Leone		54	11	4	0	8	1	5	2	0	1	3	5	14
Somalia		4,884	400	270	441	192	376	291	171	516	344	506	591	786
Sudan		558	51	27	31	41	45	34	51	28	30	35	39	146
Togo		9	0	1	0	0	0	0	0	1	0	0	0	7
Uganda		30	3	0	8	0	4	0	0	5	1	1	3	5
Zimbabwe		7	0	0	5	0	1	1	0	0	0	0	0	0
Total Africa	15,500	13,305	951	598	925	779	1,243	789	753	1,140	1,094	1,494	1,269	2,270
East Asia	18,000													
Burma		16,693	1,421	1,283	1,155	1216	1294	1362	1366	1416	1916	1667	1,234	1,363
Cambodia		9	1	0	1	0	7	0	0	0	0	0	0	0
China		72	14	1	11	4	10	16	6	3	0	4	2	1

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Korea, North		8	0	0	0	0	0	1	5	0	0	0	0	2
Laos		36	0	0	0	5	0	0	0	0	8	11	0	12
Malaysia		2	0	0	0	0	0	2	0	0	0	0	0	0
Thailand		5	0	0	0	1	1	0	3	0	0	0	0	0
Vietnam		891	97	165	202	107	74	67	28	78	14	21	14	24
Total East Asia	18,000	17,716	1,533	1,449	1,369	1,333	1,386	1,448	1,408	1,497	1,938	1,703	1,250	1,402
Europe	2,500													
Armenia		1	0	0	0	0	0	0	0	0	0	0	0	1
Azerbaijan		18	0	4	4	0	1	5	3	0	1	0	0	0
Belarus		103	2	6	25	0	6	3	10	16	5	21	7	2
Georgia		4	0	0	0	0	0	3	0	1	0	0	0	0
Kazakhstan		46	0	19	0	5	14	5	0	0	3	0	0	0
Kyrgyzstan		27	12	0	2	5	0	0	0	0	0	0	8	0
Lithuania		4	0	0	1	0	0	0	0	0	0	0	0	3
Moldova		356	32	33	80	54	26	17	18	26	30	0	27	13
Russia		326	25	54	24	18	21	28	17	18	34	25	32	20
Tajikistan		3	0	0	0	0	0	0	0	0	0	3	0	0
Turkmenistan		4	0	0	0	0	1	0	3	0	0	0	0	0
Ukraine		449	26	40	6	41	43	41	31	45	39	25	40	32
Uzbekistan		85	0	19	21	13	17	22	27	9	5	8	8	42
Total Europe	2,500	1,526	97	169	203	146	129	124	109	115	117	82	122	113
Latin America/Caribbean	5,500													
Colombia		123	4	22	4	0	8	1	7	20	12	0	6	39
Cuba		4,818	275	360	351	434	497	511	457	466	483	325	348	311
Haiti		18	0	0	0	0	0	5	4	0	0	0	0	9
Honduras		20	0	0	0	0	0	0	0	0	0	0	0	20
Venezuela		3	0	3	0	0	0	0	0	0	0	0	0	0
Total Latin America/Caribbean	5,500	4,982	279	385	355	434	505	517	468	486	495	325	354	379
Near East/South Asia	38,000													
Afghanistan		515	29	32	41	86	86	64	48	66	29	0	9	25
Algeria		2	0	0	0	0	0	0	0	0	0	0	0	2
Bangladesh		2	0	0	0	0	0	0	2	0	0	0	0	0
Bhutan		12,363	1,223	1,378	1,248	670	854	1259	1042	1001	1064	860	630	1,134
Egypt		15	5	4	3	0	0	0	1	0	0	0	2	0
Iran		3,543	231	344	412	301	331	382	437	307	259	96	284	159
Iraq		18,016	803	1,299	1,538	1506	1813	1774	1468	1688	1768	1179	1,507	1,673
Jordan		7	0	0	3	0	0	2	0	0	0	0	0	2

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Kuwait		40	0	1	0	0	0	30	9	0	0	0	0	0
Lebanon		2	2	0	0	0	0	0	0	0	0	0	0	0
Libya		1	1	0	0	0	0	0	0	0	0	0	0	0
Morocco		1	0	0	1	0	0	0	0	0	0	0	0	0
Pakistan		59	9	0	7	0	7	10	3	15	0	0	5	3
Palestine		1,053	27	54	45	139	373	175	12	42	0	62	56	68
Sri Lanka (Ceylon)		118	11	4	8	8	13	10	2	20	17	1	19	5
Syria		25	0	0	8	5	0	2	4	1	1	0	0	4
Tunisia		1	0	0	0	0	0	1	0	0	0	0	0	0
Turkey		3	0	0	0	0	0	0	0	0	0	3	0	0
United Arab Emirates		1	0	0	0	0	0	0	1	0	0	0	0	0
Yemen		15	11	0	0	0	0	1	2	0	1	0	0	0
Total Near East/South Asia	38,000	35,782	2,352	3,116	3,314	2,715	3,477	3,710	3,031	3,140	3,139	2,201	2,512	3,075
Unallocated Reserve Region	500													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	500													
Grand Totals	80,000	73,311	5,212	6,117	6,166	5,407	6,740	6,588	5,769	6,378	6,783	5,805	5,507	7,239

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Country of Chargeability	Refugee Admissions Ceiling	FY Total Admitted to the U.S.	Refugee Admissions by Month											
			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2009														
Africa	12,000													
Angola		8	0	0	1	0	0	0	0	3	0	0	0	4
Burundi		762	34	90	115	67	42	69	4	18	4	41	95	183
Cameroon		4	2	0	0	0	0	0	0	2	0	0	0	0
Central African Republic		59	0	0	0	0	0	6	0	0	1	19	9	24
Chad		6	0	0	0	0	0	0	0	0	0	0	0	6
Congo		293	8	6	18	0	7	9	2	18	2	0	3	220
Dem. Rep. Congo		1,135	48	101	141	11	18	117	15	35	81	169	142	257
Djibouti		3	0	0	0	0	0	3	0	0	0	0	0	0
Equatorial Guinea		9	0	0	0	0	0	0	0	0	0	0	0	9
Eritrea		1,571	24	19	119	8	74	10	26	12	88	261	227	593
Ethiopia		321	16	22	14	36	6	24	33	18	32	39	30	41
Gabon		1	0	0	0	0	0	0	0	1	0	0	0	0
Gambia		10	0	8	1	0	0	0	0	0	1	0	0	0
Ghana		1	0	0	0	0	0	0	0	1	0	0	0	0
Guinea		3	0	0	3	0	0	0	0	0	0	0	0	0
Ivory Coast		9	0	0	0	0	0	0	2	5	1	0	0	1
Kenya		1	0	0	0	0	0	1	0	0	0	0	0	0
Liberia		385	4	13	3	32	26	14	20	37	23	11	18	184
Madagascar (Malagasy Republic)		3	0	0	0	0	0	0	0	0	0	0	3	0
Mauritania		16	0	11	0	0	0	0	5	0	0	0	0	0
Nigeria		3	0	2	0	0	0	0	0	0	1	0	0	0
Rwanda		111	13	8	13	5	10	9	1	13	2	8	1	28
Sierra Leone		51	0	5	1	9	3	8	4	6	2	4	2	7
Somalia		4,189	119	224	337	459	244	557	292	357	345	375	394	486
Sudan		683	38	11	38	19	38	110	74	79	98	50	55	73
Togo		14	0	10	0	0	0	0	0	0	0	0	4	0
Uganda		8	1	0	0	0	0	6	0	0	1	0	0	0
Zambia		1	0	0	0	0	0	1	0	0	0	0	0	0
Zimbabwe		10	0	4	0	0	0	0	0	6	0	0	0	0
Total Africa	12,000	9,670	307	534	800	720	481	981	478	611	682	977	983	2,116
East Asia	20,500													

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Burma		18,202	675	1,091	375	1,149	1537	1647	1675	2001	3026	1556	1,268	2,202
Cambodia		15	0	5	0	6	0	0	0	4	0	0	0	0
China		54	0	3	0	4	7	5	3	13	6	3	0	10
Korea, North		25	2	5	0	0	1	1	4	1	9	0	1	1
Laos		14	6	2	0	1	0	0	5	0	0	0	0	0
Thailand		2	0	0	0	0	0	0	1	0	0	0	0	1
Vietnam		1,538	44	100	104	96	106	141	102	112	105	145	154	329
Total East Asia	20,500	19,850	727	1,206	479	1,256	1,651	1,794	1,790	2,131	3,146	1,704	1,423	2,543
Europe	2,500													
Albania		2	1	0	0	0	0	0	0	0	0	0	0	1
Armenia		4	0	0	0	0	0	2	1	1	0	0	0	0
Azerbaijan		38	7	0	5	7	0	3	2	3	4	0	0	7
Belarus		146	3	20	8	27	13	16	7	0	14	19	8	11
Estonia		2	0	0	0	0	0	0	0	0	2	0	0	0
Georgia		4	0	0	2	2	0	0	0	0	0	0	0	0
Kazakhstan		52	0	17	0	0	0	0	4	7	0	7	4	0
Kyrgyzstan		46	0	0	0	0	0	15	6	5	4	10	0	6
Latvia		2	0	1	0	0	0	1	0	0	0	0	0	0
Moldova		446	35	26	34	42	35	46	49	34	14	37	52	43
Russia		495	27	50	68	39	24	57	40	44	52	18	52	24
Turkmenistan		8	0	0	0	0	1	0	0	0	0	0	0	7
Ukraine		607	48	59	54	27	68	31	43	52	46	64	68	41
Uzbekistan		152	13	2	1	0	11	20	51	17	8	13	12	4
Total Europe	2,500	1,997	132	175	172	157	152	191	203	163	144	168	196	144
Latin America/Caribbean	5,500													
Colombia		57	1	1	0	19	11	0	0	0	0	10	12	3
Cuba		4,800	386	319	291	417	405	423	431	413	446	497	489	283
Total Latin America/Caribbean	5,500	4,857	387	320	291	436	416	423	431	413	446	507	501	286
Near East/South Asia	39,500													
Afghanistan		349	33	34	46	21	28	36	30	24	11	30	7	49
Bhutan		13,452	602	854	768	845	960	1067	1555	1260	1369	1121	1,591	1,460
Egypt		7	0	0	0	3	0	2	0	0	0	0	2	0
Iran		5,381	401	256	274	551	426	498	687	583	455	310	468	472
Iraq		18,838	705	738	1,558	1405	1471	1888	1816	2056	1900	1661	1,773	1,867
Kuwait		7	0	3	0	0	0	0	0	0	0	0	0	4
Lebanon		1	0	0	0	0	1	0	0	0	0	0	0	0
Morocco		1	0	0	0	0	0	1	0	0	0	0	0	0

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Nepal		7	0	0	0	0	0	1	3	2	0	1	0	0
Pakistan		67	0	0	0	1	5	4	0	0	1	12	14	30
Palestine		65	0	3	0	0	6	0	1	4	1	0	10	40
Sri Lanka (Ceylon)		33	0	0	0	3	1	5	6	2	8	1	0	7
Syria		25	0	0	1	7	0	0	1	6	0	0	5	5
Yemen		47	0	0	0	0	0	1	0	0	0	7	12	27
Total Near East/South Asia	39,500	38,280	1,741	1,888	2,647	2,836	2,898	3,503	4,099	3,937	3,745	3,143	3,882	3,961
Unallocated Reserve Region	0													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	0													
Grand Totals	80,000	74,654	3,294	4,123	4,389	5,405	5,598	6,892	7,001	7,255	8,163	6,499	6,985	9,050

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			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2008														
Africa	16,000													
Burundi		2,889	95	69	397	652	568	237	67	13	254	162	149	226
Cameroon		2	0	2	0	0	0	0	0	0	0	0	0	0
Central African Republic		56	0	0	0	0	0	0	0	0	0	0	0	56
Chad		23	0	0	0	0	0	0	0	0	2	0	0	21
Congo		197	4	13	2	4	2	11	0	5	3	0	65	88
Dem. Rep. Congo		727	10	37	7	13	40	57	16	65	116	38	87	241
Eritrea		251	0	5	32	0	15	7	39	26	18	42	35	32
Ethiopia		299	2	32	57	24	7	1	18	9	7	8	19	58
Gambia		6	0	1	0	0	1	0	0	4	0	0	0	0
Guinea		3	0	0	0	0	2	0	0	0	0	0	1	0
Guinea - Bissau		2	0	0	0	0	0	0	0	0	0	0	2	0
Ivory Coast		30	0	0	0	0	12	9	0	8	0	1	0	0
Liberia		999	14	154	0	163	191	57	19	31	12	50	29	30
Mauritania		26	0	0	0	0	9	10	0	0	0	0	0	6
Nigeria		108	0	0	5	0	1	0	12	12	16	10	7	13
Rwanda		1	0	8	0	1	6	4	1	12	23	0	20	33
Senegal		1	0	0	0	0	0	0	0	0	0	0	1	0
Sierra Leone		99	3	14	7	2	3	9	6	6	1	26	7	15
Somalia		2,523	70	180	255	124	58	217	242	231	190	65	129	762
Sudan		375	67	23	26	58	34	13	10	42	28	23	22	29
Tanzania		1	0	0	0	0	0	0	0	0	1	0	0	0
Togo		204	0	0	0	19	5	0	38	44	17	20	8	53
Uganda		42	14	1	0	0	0	0	0	2	0	0	0	25
Zimbabwe		3	0	0	0	0	0	0	0	0	0	2	0	1
Total Africa	16,000	8,935	380	539	930	1,060	954	689	468	510	688	447	581	1,689
East Asia	20,000													
Burma		18,139	196	516	568	680	935	1902	1658	2165	2579	2504	2,282	2,154
Cambodia		8	0	8	0	0	0	0	0	0	0	0	0	0
China		43	7	8	2	5	7	1	3	1	0	6	3	0
Korea, North		37	2	2	2	0	0	6	5	5	8	6	1	0
Laos		59	9	17	0	7	3	7	0	0	10	6	0	0

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Tibet		7	0	7	0	0	0	0	0	0	0	0	0	0
Vietnam		1,196	80	55	75	95	34	152	35	177	117	90	63	223
Total East Asia	20,000	19,489	294	613	647	787	979	2,068	1,701	2,348	2,714	2,612	2,349	2,377
Europe	3,000													
Armenia		9	8	1	0	0	0	0	0	0	0	0	0	0
Azerbaijan		30	0	0	0	0	13	0	1	7	3	1	3	2
Belarus		111	0	10	11	10	2	21	3	4	24	7	7	12
Estonia		6	0	0	0	2	0	0	0	0	0	4	0	0
Georgia		20	0	0	0	0	0	0	0	13	1	5	0	1
Kazakhstan		62	0	0	0	0	6	12	0	23	0	13	0	5
Kyrgyzstan		25	7	2	0	0	0	0	0	2	5	6	3	0
Latvia		6	0	0	0	0	0	1	0	1	0	0	0	4
Moldova		487	27	46	65	25	7	14	16	38	57	63	66	63
Russia		426	25	40	46	22	27	44	28	23	37	45	41	48
Serbia		1	0	1	0	0	0	0	0	0	0	0	0	0
Tajikistan		2	0	1	0	0	0	0	0	1	0	0	0	0
Turkmenistan		2	0	0	0	0	0	2	0	0	0	0	0	0
Ukraine		1,022	94	40	123	100	88	87	71	47	52	96	83	41
Uzbekistan		134	5	21	7	15	0	0	0	5	16	22	43	43
Total Europe	3,000	2,443	166	262	245	172	164	169	142	136	197	243	230	217
Latin America/Caribbean	5,000													
Colombia		94	0	40	0	0	3	0	13	5	0	0	2	31
Cuba		4,177	205	350	278	276	350	280	426	352	414	408	410	428
Ecuador		3	3	0	0	0	0	0	0	0	0	0	0	0
Venezuela		3	0	0	0	0	0	0	3	0	0	0	0	0
Total Latin America/Caribbean	5,000	4,277	208	390	278	276	353	280	442	357	414	408	412	459
Near East/South Asia	28,000													
Afghanistan		576	33	14	31	28	82	45	74	51	13	107	60	38
Bhutan		5,320	0	0	0	0	4	107	123	441	778	1277	922	1,668
Egypt		5	0	1	0	1	0	0	0	0	0	1	0	2
Iran		5,270	375	505	254	609	654	489	295	344	286	379	414	666
Iraq		13,822	450	362	245	375	444	751	974	1141	1721	2352	2,184	2,823
Kuwait		1	0	0	0	0	0	0	0	0	0	0	0	1
Lebanon		2	1	0	0	0	0	0	1	0	0	0	0	0
Morocco		3	0	0	0	0	0	0	3	0	0	0	0	0
Nepal		4	1	1	0	1	0	0	0	0	1	0	0	0
Pakistan		104	1	9	9	12	1	24	1	7	24	12	0	4

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Palestine		9	9	0	0	0	0	0	0	0	0	0	0	0
Sri Lanka (Ceylon)		1	1	0	0	0	0	0	0	0	0	0	0	0
Syria		24	0	8	1	0	5	0	2	0	0	6	0	2
Turkey		6	0	0	0	0	0	0	0	0	0	0	0	6
Total Near East/South Asia	28,000	25,147	871	900	540	1,026	1,190	1,416	1,473	1,984	2,823	4,134	3,580	5,210
Unallocated Reserve Region	8,000													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	8,000													
Grand Totals	80,000	60,191	1,919	2,704	2,640	3,321	3,640	4,622	4,226	5,335	6,836	7,844	7,152	9,952

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			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2007														
Africa	22,000													
Angola		4	0	4	0	0	0	0	0	0	0	0	0	0
Benin		1	0	0	0	0	0	0	0	0	0	0	0	1
Burkina Faso (U Volta)		6	0	0	0	0	0	0	0	0	0	0	0	6
Burundi		4,545	26	8	14	2	7	72	0	479	985	1217	270	1,465
Cameroon		5	0	0	0	1	0	0	3	0	0	0	0	1
Central African Republic		15	2	0	0	0	1	3	0	5	0	0	4	0
Chad		10	0	0	1	0	0	0	0	4	3	0	2	0
Congo		206	0	29	0	0	14	0	0	8	67	0	5	83
Dem. Rep. Congo		848	11	32	38	19	7	244	31	98	23	16	39	80
Equatorial Guinea		14	0	13	0	0	0	0	0	0	1	0	0	0
Eritrea		963	74	53	37	26	0	20	7	19	8	155	381	183
Ethiopia		1,028	14	77	82	17	109	148	114	107	105	79	60	116
Gambia		18	0	0	3	0	0	0	0	1	0	7	2	0
Ghana		4	0	0	1	0	0	0	0	1	0	0	0	2
Guinea		1	0	0	0	0	0	0	0	0	0	0	0	0
Ivory Coast		17	0	0	4	1	0	1	0	0	0	2	0	3
Liberia		1,606	21	68	105	210	192	227	165	153	74	70	44	277
Mauritania		62	0	31	0	0	0	6	0	0	0	0	14	11
Nigeria		20	0	0	0	8	3	0	1	1	0	6	1	0
Rwanda		202	0	12	8	39	0	34	10	37	9	18	15	20
Sierra Leone		166	7	13	0	20	13	29	7	3	5	16	7	46
Somalia		6,969	416	507	843	332	349	630	557	322	290	452	929	1,342
Sudan		705	82	131	143	112	17	35	37	17	16	16	30	69
Togo		40	0	12	4	1	7	0	5	1	0	1	0	9
Uganda		38	0	0	7	3	0	6	4	5	3	0	4	6
Zimbabwe		1	0	0	0	0	0	0	0	1	0	0	0	0
Total Africa	22,000	17,483	653	991	1,277	794	729	1,455	1,151	1,262	1,589	2,055	1,807	3,720
East Asia	16,000													
Burma		13,896	205	539	207	134	165	268	146	597	1559	2619	2,553	4,904
Cambodia		15	4	7	0	3	0	0	0	0	1	0	0	0
China		27	0	3	7	0	2	0	1	3	9	0	0	2

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Korea, North		22	0	0	0	1	20	0	0	0	0	0	0	1
Laos		117	0	17	25	14	17	12	7	0	7	11	0	7
Thailand		2	0	0	0	0	0	0	0	0	0	2	0	0
Vietnam		1,564	23	71	146	144	136	170	97	138	63	95	122	359
Total East Asia	16,000	15,643	232	637	385	296	340	450	251	738	1,639	2,727	2,675	5,273
Europe	6,500													
Armenia		29	1	1	4	6	9	3	0	0	0	0	0	5
Azerbaijan		78	19	11	12	2	0	7	7	7	5	1	7	0
Belarus		219	4	32	8	33	22	33	13	9	19	6	12	28
Bosnia and Herzegovina		2	0	0	0	0	0	0	0	1	0	0	0	1
Estonia		6	0	0	0	0	0	0	0	4	0	0	0	2
France		1	0	0	0	0	1	0	0	0	0	0	0	0
Georgia		7	0	3	0	0	0	0	0	3	1	0	0	0
Kazakhstan		45	0	18	0	11	0	0	0	0	4	0	0	1
Kyrgyzstan		17	6	0	2	0	0	0	0	0	0	2	0	7
Latvia		17	0	0	0	0	0	0	0	0	0	7	4	0
Lithuania		4	0	0	0	0	0	3	1	0	0	0	0	0
Moldova		565	32	51	27	39	59	72	64	46	27	48	31	48
Russia		1,778	71	250	267	237	113	132	122	145	98	61	100	93
Turkmenistan		2	0	0	2	0	0	0	0	0	0	0	0	0
Ukraine		1,605	0	230	179	171	91	117	116	124	73	133	116	154
Uzbekistan		190	6	34	14	0	48	23	25	4	0	0	4	32
Total Europe	6,500	4,560	341	630	499	525	343	398	350	344	227	258	274	371
Latin America/Caribbean	5,000													
Colombia		54	0	6	3	0	28	5	0	4	8	0	0	0
Cuba		2,922	139	241	126	342	240	251	183	273	265	247	338	277
Total Latin America/Caribbean	5,000	2,976	139	247	129	342	268	256	183	277	273	247	338	277
Near East/South Asia	9,000													
Afghanistan		441	34	55	17	20	22	7	7	57	7	75	22	118
Egypt		3	3	0	0	0	0	0	0	0	0	0	0	0
Iran		5,482	264	765	447	389	350	254	117	182	711	773	600	630
Iraq		1,608	8	9	17	15	11	8	1	1	63	57	529	889
Israel		1	0	0	0	0	1	0	0	0	0	0	0	0
Jordan		3	3	0	0	0	0	0	0	0	0	0	0	0
Kuwait		24	0	0	0	0	0	8	0	0	10	6	0	0
Nepal		3	0	0	0	1	1	0	0	0	0	1	0	0
Pakistan		30	0	4	6	0	0	2	0	0	0	2	0	16

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Sri Lanka (Ceylon)		2	0	0	0	0	0	0	0	2	0	0	0	0
Syria		17	0	0	0	0	0	8	0	4	0	0	5	0
Yemen		6	0	0	0	5	0	0	0	0	0	0	1	0
Total Near East/South Asia	9,000	7,620	312	833	487	430	385	287	125	246	791	914	1,157	1,653
Unallocated Reserve Region	11,500													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	11,500													
Grand Totals	70,000	48,282	1,677	3,338	2,777	2,387	2,065	2,846	2,060	2,867	4,519	6,201	6,251	11,294

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			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2006														
Africa	20,000													
Angola		13	0	0	0	0	4	3	0	0	3	3	0	0
Burundi		466	0	0	0	0	10	8	0	3	7	17	185	236
Cameroon		29	0	0	0	9	14	3	2	1	0	0	0	0
Central African Republic		23	0	17	0	5	0	0	0	0	1	0	0	0
Chad		4	0	0	0	0	0	0	0	0	0	0	4	0
Congo		66	0	3	5	0	1	3	0	0	3	1	0	50
Dem. Rep. Congo		405	0	4	4	6	27	66	14	32	16	80	48	108
Equatorial Guinea		11	0	0	0	0	3	0	0	0	1	0	0	7
Eritrea		538	0	153	107	12	15	14	7	7	65	102	43	13
Ethiopia		1,271	20	34	82	161	86	65	55	98	182	97	357	
Gambia		6	0	0	0	0	0	0	0	0	0	0	0	6
Ghana		7	0	0	1	0	0	0	0	0	0	4	2	0
Ivory Coast		23	0	0	0	1	0	7	5	2	4	1	1	2
Kenya		5	0	0	0	0	0	0	0	0	0	0	0	5
Liberia		2,346	0	321	196	250	300	303	77	148	237	227	185	74
Mauritania		89	0	0	0	0	0	7	2	8	4	0	58	9
Niger		1	0	0	0	0	0	0	0	0	1	0	0	0
Nigeria		15	0	1	3	0	0	0	5	0	0	1	0	5
Rwanda		112	1	10	12	7	1	13	1	11	24	9	1	22
Senegal		2	0	0	0	0	0	0	0	0	0	0	2	0
Sierra Leone		439	1	17	40	43	35	54	5	34	54	35	72	49
Somalia		10,357	324	538	739	751	702	1344	739	933	914	879	898	1,596
Sudan		1,848	33	154	134	288	216	219	68	181	185	131	104	135
Togo		18	0	0	1	5	7	1	0	1	0	3	0	0
Uganda		20	0	0	6	6	0	0	0	0	0	0	6	2
Zimbabwe		13	0	0	0	0	3	0	0	0	1	0	0	9
Total Africa	20,000	18,126	407	1,252	1,330	1,417	1,499	2,131	990	1,416	1,618	1,675	1,706	2,685
East Asia	15,000													
Burma		1,612	18	145	106	5	86	7	30	11	17	56	293	838
Cambodia		9	0	0	0	0	0	1	0	0	0	0	0	8
China		21	1	0	1	4	2	2	4	0	3	2	2	0

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Indonesia		10	0	0	0	0	6	0	0	4	0	0	0	0
Korea, North		9	0	0	0	0	0	0	0	6	0	3	0	0
Laos		830	96	154	59	93	96	139	47	28	38	30	24	26
Vietnam		3,168	70	555	808	167	413	287	95	132	90	98	117	336
Total East Asia	15,000	5,659	185	854	974	269	603	436	176	181	148	189	436	1,208
Europe	15,000													
Albania		1	0	0	0	1	0	0	0	0	0	0	0	0
Armenia		87	0	22	0	24	15	2	0	0	9	15	0	0
Azerbaijan		77	7	7	9	11	0	6	1	4	2	9	13	8
Belarus		350	31	29	24	31	1	21	35	12	25	46	46	49
Bosnia and Herzegovina		16	0	10	1	1	0	3	0	1	0	0	0	0
Croatia		1	0	1	0	0	0	0	0	0	0	0	0	0
Estonia		7	0	2	2	0	0	0	0	0	0	2	1	0
Georgia		4	4	0	0	0	0	0	0	0	0	0	0	0
Kazakhstan		124	5	14	13	7	0	0	0	8	1	18	25	33
Kyrgyzstan		15	0	0	0	0	0	0	0	4	1	9	1	0
Latvia		21	12	0	0	0	0	0	0	1	8	0	0	0
Macedonia		1	0	0	0	0	0	0	0	1	0	0	0	0
Moldova		721	35	145	12	11	12	46	63	68	78	40	113	68
Russia		5,003	172	812	781	679	615	631	568	344	300	359	385	337
Serbia		11	5	0	2	2	0	0	0	2	0	0	0	0
Tajikistan		0	4	0	0	0	0	0	0	0	0	0	0	0
Turkmenistan		3	0	0	0	0	0	0	0	0	0	1	0	2
Ukraine		2,483	123	312	282	280	221	207	133	163	138	134	218	272
Uzbekistan		527	22	48	31	57	82	0	80	68	37	32	16	54
Total Europe	15,000	10,456	411	1,431	1,185	1,104	948	916	880	674	601	665	818	823
Latin America/Caribbean	5,000													
Colombia		115	0	2	0	0	6	9	0	24	12	15	0	47
Costa Rica		2	0	0	2	0	0	0	0	0	0	0	0	0
Cuba		3,143	4	749	322	410	174	223	165	174	232	182	160	348
Venezuela		4	0	0	0	0	4	0	0	0	0	0	0	0
Total Latin America/Caribbean	5,000	3,264	4	751	324	410	184	232	165	198	244	197	160	395
Near East/South Asia	5,000													
Afghanistan		651	2	89	33	56	21	23	84	58	58	56	103	68
Algeria		1	0	0	0	0	0	0	0	0	1	0	0	0
Bangladesh		2	0	0	0	0	0	0	0	0	0	0	1	1
Bhutan		3	0	0	0	0	0	0	0	0	0	0	0	3

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Egypt		2	0	1	1	0	0	0	0	0	0	0	0	0
Iran		2,792	0	140	63	148	140	21	19	301	791	268	526	375
Iraq		202	0	10	8	5	17	21	9	7	102	1	18	4
Nepal		1	0	0	1	0	0	0	0	0	0	0	0	0
Pakistan		20	0	0	0	0	3	0	2	0	10	1	4	0
Sri Lanka (Ceylon)		6	0	0	0	0	0	0	0	0	0	0	2	4
Syria		27	0	0	0	0	0	0	0	0	0	0	27	0
Yemen		11	0	0	7	0	0	0	0	0	4	0	0	0
Total Near East/South Asia	5,000	3,718	2	240	113	209	181	65	114	366	966	326	681	455
Unallocated Reserve Region	10,000													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	10,000													
Grand Totals	70,000	41,223	1,009	4,528	3,926	3,409	3,415	3,789	2,325	2,835	3,577	3,052	3,801	5,566

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			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2005														
Africa	20,000													
Angola		21	1	4	0	0	0	6	0	4	0	0	2	4
Burundi		214	3	25	33	41	0	0	19	1	14	0	2	76
Cameroon		6	0	0	0	0	0	0	0	0	0	4	1	1
Congo		43	1	0	0	1	2	3	0	0	0	1	30	5
Dem. Rep. Congo		424	5	61	35	5	26	26	40	31	13	12	4	166
Equatorial Guinea		25	0	0	0	0	0	0	0	0	0	0	18	7
Eritrea		327	1	1	70	8	68	69	31	16	8	4	9	42
Ethiopia		1,663	44	109	19	76	206	105	83	100	99	77	47	698
Ghana		1	0	0	0	0	0	1	0	0	0	0	0	0
Ivory Coast		5	0	2	0	0	0	0	0	1	0	0	1	1
Kenya		1	0	1	0	0	0	0	0	0	0	0	0	0
Liberia		4,289	261	52	352	139	240	177	53	317	443	364	547	1,244
Madagascar (Malagasy Republic)		3	0	0	0	0	0	0	1	0	0	0	0	0
Mauritania		1	0	0	0	0	0	0	3	0	0	0	0	0
Namibia		1	0	0	0	0	0	0	0	4	0	0	0	0
Nigeria		1	4	0	0	0	0	3	0	0	0	0	1	3
Rwanda		183	8	15	5	6	13	3	10	20	8	9	11	75
Senegal		1	0	0	1	0	0	0	0	0	0	0	0	0
Sierra Leone		829	89	129	101	50	40	61	12	21	26	10	69	221
Somalia		10,405	952	1,021	699	539	646	646	379	515	688	1050	988	2,282
Sudan		2,205	188	187	53	110	138	247	142	125	163	239	232	381
Togo		72	4	33	0	9	4	1	0	0	0	0	10	11
Uganda		10	0	0	0	0	1	2	0	1	5	0	0	1
Zimbabwe		2	0	0	0	0	0	2	0	0	0	0	0	0
Total Africa	20,000	20,745	1,561	1,740	1,368	984	1,384	1,352	773	1,156	1,467	1,770	1,972	5,218
East Asia	13,000													
Burma		1,447	52	69	125	48	92	215	35	32	67	161	211	340
Cambodia		9	4	0	0	4	0	1	0	0	0	0	0	0
China		13	0	0	2	3	0	1	1	0	4	1	0	1
Indonesia		6	0	0	0	0	0	0	0	0	1	2	0	3
Laos		8,517	600	1,811	785	260	50	287	266	522	1359	1237	397	943

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Vietnam		2,084	13	43	45	55	50	76	52	115	100	171	215	1,149
Total East Asia	13,000	12,076	669	1,923	957	370	192	580	354	669	1,531	1,572	823	2,436
Europe	15,500													
Armenia		86	0	0	4	15	3	6	4	9	12	5	9	19
Azerbaijan		299	33	24	40	49	21	53	11	25	20	7	5	11
Belarus		445	43	45	31	21	31	29	51	52	40	39	22	41
Bosnia and Herzegovina		61	25	0	18	1	2	1	5	0	2	0	0	7
Croatia		39	1	0	21	0	0	0	0	0	0	0	0	17
Estonia		17	10	0	3	0	0	4	0	0	0	0	0	0
Georgia		11	0	5	0	0	0	0	0	0	0	4	2	0
Germany		1	0	0	0	0	0	0	0	0	0	1	0	0
Kazakhstan		80	6	9	0	0	0	0	0	23	0	15	12	15
Kyrgyzstan		38	1	5	0	0	4	0	0	8	10	0	10	0
Latvia		25	3	0	6	0	4	0	4	4	2	0	2	0
Lithuania		9	0	2	0	0	0	0	0	0	7	0	0	0
Moldova		1,016	69	137	101	67	101	96	60	75	69	99	73	
Montenegro		2	0	0	0	0	0	0	0	0	1	0	0	1
Russia		5,982	64	65	160	241	171	343	476	552	704	1099	621	1,506
Serbia		38	0	0	0	0	0	1	0	1	3	0	1	13
Tajikistan		6	0	0	0	0	0	0	0	0	0	0	0	0
Turkmenistan			0	1	0	0	0	0	0	0	0	0	0	0
Ukraine		2,889	123	242	250	268	289	229	222	200	234	239	255	338
Uzbekistan		271	28	20	12	32	25	25	5	17	6	39	9	53
Total Europe	15,500	11,316	420	554	658	677	617	791	874	951	1,116	1,517	1,047	2,094
Latin America/Caribbean	7,000													
Colombia		323	40	26	0	90	14	44	3	41	3	1	0	61
Cuba		6,360	149	494	352	407	554	681	589	474	669	543	696	752
Ecuador		8	0	0	0	0	0	0	0	0	0	0	0	8
Haiti		8	0	0	2	0	6	0	0	0	0	0	0	0
Total Latin America/Caribbean	7,000	6,699	189	520	354	497	574	725	592	515	672	544	696	821
Near East/South Asia	3,500													
Afghanistan		902	28	60	62	55	114	27	166	54	72	58	84	122
Algeria		1	0	0	0	0	0	0	0	1	0	0	0	0
India		1	1	0	0	0	0	0	0	0	0	0	0	0
Iran		1,856	124	37	135	116	243	143	158	101	82	230	175	312
Iraq		198	8	1	3	0	0	3	0	47	57	30	2	47
Israel		2	0	0	0	1	0	0	1	0	0	0	0	0

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Pakistan		9	0	0	0	1	0	0	0	0	0	7	0	1
Syria		7	0	0	0	0	0	0	0	0	0	2	0	5
Yemen (Sanaa)		1	0	0	0	0	0	0	1	0	0	0	0	0
Total Near East/South Asia	3,500	2,977	161	98	200	173	357	173	326	203	211	327	261	487
Unallocated Reserve Region	11,000													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	11,000													
Grand Totals	70,000	53,813	3,000	4,835	3,537	2,701	3,124	3,621	2,919	3,494	4,997	5,730	4,799	11,056

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			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2004														
Africa	30,000													
Angola		20	0	0	0	1	3	0	9	0	1	5	1	0
Burundi		276	0	2	0	0	10	1	14	208	2	2	9	28
Cameroon		1	0	0	0	0	0	0	0	0	0	0	1	0
Central African Republic		24	0	0	0	0	10	5	5	0	1	0	3	0
Chad		4	0	3	1	0	0	0	0	0	0	0	0	0
Congo		73	0	4	1	0	34	11	2	1	6	4	0	10
Dem. Rep. Congo		569	1	22	21	9	92	43	42	201	28	9	78	23
Djibouti		6	0	0	1	0	0	0	0	4	0	1	0	0
Eritrea		128	0	0	19	4	5	5	11	22	7	3	17	35
Ethiopia		2,689	72	268	228	16	190	330	243	163	163	463	184	269
Gambia		3	0	0	0	0	0	0	0	1	0	0	2	0
Ghana		1	0	0	0	1	0	0	0	0	0	0	0	0
Liberia		2,140	3	335	18	644	636	512	818	1090	361	313	475	1,082
Nigeria		34	0	3	3	15	3	1	0	3	0	0	1	1
Rwanda		115	0	5	10	13	26	5	30	19	8	12	15	33
Sierra Leone		1,084	0	168	56	80	36	18	48	16	18	35	165	444
Somalia		13,331	150	357	366	533	810	1211	1376	1005	1760	1869	1,632	2,262
Sudan		3,500	92	273	304	278	227	270	252	263	308	287	400	546
Togo		35	0	8	6	2	1	0	4	3	4	4	0	3
Uganda		8	0	0	0	0	0	0	0	0	0	0	0	8
Zimbabwe		2	0	0	0	2	0	0	0	0	0	0	0	0
Total Africa	30,000	29,104	318	1,452	1,887	1,698	2,083	2,412	2,854	2,999	2,667	3,007	2,983	4,744
East Asia	8,500													
Burma		1,056	4	10	11	11	3	9	6	192	217	155	239	199
Cambodia		3	0	0	0	0	0	0	0	0	0	0	3	0
China		3	0	0	0	0	2	0	0	1	0	0	0	0
Indonesia		5	3	0	0	0	2	0	0	0	0	0	0	0
Laos		6,005	0	0	0	0	0	0	0	0	141	663	950	4,251
Vietnam		1,012	53	121	134	74	70	69	112	35	84	93	128	39
Total East Asia	8,500	8,084	60	131	145	85	77	78	118	228	442	911	1,320	4,489
Europe	13,000													

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Albania		2	0	0	2	0	0	0	0	0	0	0	0	0
Armenia		88	9	14	0	13	4	13	7	15	13	0	0	0
Azerbaijan		407	10	59	31	41	2	45	42	28	48	39	29	33
Belarus		659	25	93	58	36	38	56	53	43	60	42	61	94
Bosnia and Herzegovina		244	0	15	6	28	29	20	58	13	37	2	27	9
Croatia		92	0	9	4	27	18	3	9	16	4	0	1	1
Estonia		27	6	9	8	1	2	0	0	0	0	0	0	1
Georgia		33	0	8	1	2	5	4	4	0	3	4	0	2
Kazakhstan		312	42	24	14	42	15	15	62	19	32	26	0	21
Kyrgyzstan		100	0	3	10	10	0	23	10	27	2	15	0	0
Latvia		52	0	4	4	1	0	1	0	2	24	5	11	0
Lithuania		13	0	0	0	3	0	10	0	0	0	0	0	0
Moldova		1,711	52	284	160	200	173	138	137	175	138	70	98	86
Russia		1,446	112	234	202	142	162	11	52	34	85	79	75	151
Serbia		143	0	35	28	18	3	7	4	41	0	0	0	5
Tajikistan		2	0	0	0	0	0	0	0	0	2	0	0	0
Turkmenistan		7	0	0	0	0	0	4	0	0	0	3	0	0
Ukraine		3,482	243	466	605	336	206	160	286	189	194	197	241	348
Uzbekistan		426	1	16	11	81	37	6	12	45	5	88	34	51
Yugoslavia		8	0	6	2	1	5	0	0	0	0	0	0	0
Total Europe	13,000	9,254	461	1,273	1,185	1,027	700	618	743	610	688	570	577	802
Latin America/Caribbean	3,500													
Colombia		577	45	44	65	1	68	51	4	75	0	135	25	64
Costa Rica		1	0	0	0	0	0	0	0	1	0	0	0	0
Cuba		2,980	31	62	70	135	151	97	223	207	313	321	564	806
Ecuador		2	0	0	0	0	2	0	0	0	0	0	0	0
Haiti		17	0	0	0	0	0	1	0	0	0	0	8	8
Total Latin America/Caribbean	3,500	3,577	76	106	135	136	221	149	227	283	313	456	597	878
Near East/South Asia	3,000													
Afghanistan		959	73	132	68	40	31	111	101	102	91	64	102	44
Algeria		1	0	0	0	0	1	0	0	0	0	0	0	0
Egypt		3	0	0	0	0	3	0	0	0	0	0	0	0
India		1	0	0	0	0	0	0	1	0	0	0	0	0
Iran		1,786	66	157	113	208	228	94	75	96	179	145	99	326
Iraq		66	0	4	1	3	8	3	0	21	14	0	7	5
Israel		1	0	0	0	0	0	0	0	0	0	0	0	1
Kuwait		14	0	0	0	0	12	0	1	0	0	0	0	1

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Lebanon		2	0	1	1	0	0	0	0	0	0	0	0	0
Nepal		1	0	0	0	0	0	0	0	0	1	0	0	0
Pakistan		11	0	3	0	0	0	0	0	0	5	2	0	1
Sri Lanka (Ceylon)		1	0	0	0	0	1	0	0	0	0	0	0	0
Yemen		8	0	0	0	0	0	0	0	5	3	0	0	0
Total Near East/South Asia	3,000	2,854	139	297	183	251	284	208	178	230	289	209	208	378
Unallocated Reserve Region	12,000													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	12,000													
Grand Totals	70,000	52,873	1,054	3,259	3,535	3,197	3,365	3,465	4,120	4,350	4,399	5,153	5,685	11,291

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Fiscal Year 2003														
Africa	20,000													
Angola		21	0	0	0	0	2	0	4	8	0	6	0	1
Benin		2	0	0	0	0	0	0	0	0	2	0	0	0
Burundi		16	0	0	0	0	3	0	1	0	1	8	0	3
Cameroon		6	0	2	0	0	0	0	0	1	0	2	1	0
Central African Republic		1	0	0	0	0	0	0	0	0	0	0	1	0
Chad		1	0	0	0	0	0	0	0	1	0	0	0	0
Congo		41	0	7	0	0	16	0	0	1	0	2	1	14
Dem. Rep. Congo		251	1	5	3	1	12	10	13	63	8	28	105	
Djibouti		1	0	0	0	0	0	0	0	1	0	0	0	0
Equatorial Guinea		3	0	0	0	0	0	0	0	0	0	0	3	0
Eritrea		23	0	1	0	0	0	0	2	0	10	8	0	2
Ethiopia		1,702	14	14	43	6	18	156	162	263	310	208	62	436
Gambia		8	0	0	0	0	0	0	0	1	0	0	3	5
Ghana		8	0	0	1	1	0	0	0	2	0	3	1	0
Guinea		2	0	0	0	0	0	0	0	1	0	1	0	0
Ivory Coast		4	0	0	0	0	0	0	0	1	2	1	0	0
Kenya		3	0	0	0	0	0	0	0	1	2	0	0	0
Liberia		2,956	0	112	63	49	38	110	43	308	396	328	244	1,265
Nigeria		57	0	0	5	7	9	5	8	3	3	1	9	7
Rwanda		47	6	2	0	2	0	5	6	0	5	3	9	9
Sierra Leone		1,378	0	9	3	5	37	21	77	255	192	255	267	257
Somalia		1,994	4	21	60	33	34	73	125	242	305	282	308	507
Sudan		2,139	24	100	31	13	63	177	428	255	156	221	314	357
Togo		47	0	0	2	0	0	1	0	5	11	10	10	8
Uganda		1	0	0	0	0	0	0	0	0	1	0	0	0
Zambia		1	0	1	0	0	0	0	0	0	0	0	0	0
Total Africa	20,000	10,714	49	274	211	127	232	550	866	1,362	1,459	1,347	1,261	2,976
East Asia	4,000													
Burma		203	0	6	2	0	12	44	30	18	24	25	28	14
Cambodia		7	0	7	0	0	0	0	0	0	0	0	0	0
China		9	1	0	0	0	0	0	0	0	3	0	3	2

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Indonesia		17	0	0	3	0	0	0	0	1	0	1	1	11
Laos		13	0	0	0	0	0	13	0	0	0	0	0	0
Philippines		1	0	0	1	0	0	0	0	0	0	0	0	0
Thailand		2	0	0	0	0	0	0	0	0	2	0	0	0
Vietnam		1,472	27	177	203	172	156	200	136	38	42	60	131	130
Total East Asia	4,000	1,724	28	190	209	172	168	257	166	57	71	86	163	157
Europe	2,500													
Albania		2	0	0	0	0	0	0	0	0	0	0	0	2
Bosnia and Herzegovina		506	0	236	74	73	19	7	11	24	11	13	6	32
Croatia		144	0	16	1	0	4	21	9	14	4	0	19	56
France		1	0	0	0	0	0	1	0	0	0	0	0	0
Macedonia		13	0	2	0	0	10	0	0	0	0	1	0	0
Serbia		1,801	32	298	109	138	151	179	278	352	158	0	54	52
Slovakia		1	0	0	0	0	0	0	0	0	1	0	0	0
Yugoslavia		38	0	0	5	15	0	0	1	8	0	5	4	0
Total Europe	2,500	2,506	32	552	189	184	408	299	398	174	19	83	142	
Former Soviet Union	14,000													
Armenia		63	0	8	8	0	4	5	9	4	4	6	4	1
Azerbaijan		406	7	7	7	10	57	15	65	43	63	51	24	51
Belarus		702	25	25	52	45	50	64	50	53	66	76	88	108
Estonia		23	0	2	0	0	5	4	0	0	0	10	5	0
Georgia		53	1	9	1	14	13	9	0	0	0	1	0	5
Kazakhstan		118	0	2	0	3	2	34	5	0	4	17	0	51
Kyrgyzstan		46	0	0	0	5	4	0	0	0	10	3	0	24
Latvia		49	0	0	10	0	0	4	3	1	6	1	0	24
Lithuania		21	0	0	5	0	0	1	0	0	4	5	2	4
Moldova		616	13	41	71	29	33	33	62	49	73	38	27	147
Russia		1,394	86	59	85	105	121	86	44	146	112	179	195	176
Tajikistan		13	1	0	0	0	0	0	11	0	0	0	0	1
Turkmenistan		4	0	0	0	0	0	0	0	0	1	0	3	0
Ukraine		5,065	144	335	432	311	359	471	424	383	425	629	539	613
Uzbekistan		166	0	13	12	8	0	16	2	18	13	29	13	42
Total Former Soviet Union	14,000	8,744	279	499	691	540	643	743	679	697	781	1,045	900	1,247
Latin America/Caribbean	2,500													
Colombia		149	0	7	0	6	12	12	12	26	13	16	24	21
Cuba		306	0	0	0	0	0	0	50	49	18	27	50	112
Total Latin America/Caribbean	2,500	455		7		6	12	12	62	75	31	43	74	133

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Near East/South Asia	7,000													
Afghanistan		1,453	0	184	172	15	221	89	170	153	150	137	82	80
Algeria		4	0	0	0	0	0	0	0	0	3	0	1	0
Bangladesh		1	0	0	0	0	0	0	0	0	0	1	0	0
Iran		2,471	33	170	123	93	75	187	199	249	362	400	190	390
Iraq		298	0	40	54	8	17	16	25	70	15	26	0	27
Israel		2	0	1	0	1	0	0	0	0	0	0	0	0
Lebanon		2	0	0	0	0	0	0	0	1	0	1	0	0
Pakistan		18	0	0	1	0	3	0	0	1	2	6	5	0
Sri Lanka (Ceylon)		7	0	5	0	1	0	0	1	0	0	0	0	0
Syria		3	0	1	1	0	0	1	0	0	0	0	0	0
Yemen (Sanaa)		1	0	0	0	0	0	0	0	0	0	0	0	1
Total Near East/South Asia	7,000	4,260	33	401	351	118	316	293	395	474	532	571	278	498
Unallocated Reserve Region	20,000													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	20,000													
Grand Totals	70,000	28,403	421	623	1,651	1,189	1,355	2,063	2,467	3,063	3,048	3,111	2,759	5,153

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			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2002														
Africa	22,000													
Angola		16	0	0	1	0	7	7	0	0	0	0	0	1
Benin		1	0	0	0	1	0	0	0	0	0	0	0	0
Burundi		62	0	0	0	30	2	17	0	3	0	6	4	0
Cameroon		6	0	0	0	0	1	5	0	0	0	0	0	0
Chad		1	0	0	0	1	0	0	0	0	0	0	0	0
Congo		5	0	0	0	0	0	0	0	1	0	0	2	2
Dem. Rep. Congo		107	0	2	20	11	0	20	10	15	6	0	18	5
Djibouti		1	0	0	0	0	0	0	0	0	0	0	0	1
Eritrea		13	0	0	0	1	0	0	4	3	3	0	2	
Ethiopia		330	0	0	0	78	11	65	42	19	12	30	58	
Ghana		4	0	0	0	0	0	0	0	0	0	0	2	
Guinea		5	0	0	0	0	5	0	0	0	0	0	0	
Ivory Coast		8	0	0	1	1	0	0	0	0	0	1	0	
Kenya		24	0	0	24	0	0	0	0	0	0	0	0	
Liberia		500	0	0	6	10	18	22	40	46	90	67	134	127
Mauritania		0	0	0	0	0	1	0	0	0	5	0	0	0
Nigeria		28	0	0	2	9	3	0	0	1	2	1	0	10
Rwanda		47	0	0	0	6	7	12	0	4	5	1	11	1
Senegal		3	0	0	0	0	0	0	0	0	2	0	0	1
Sierra Leone		176	0	0	0	2	26	7	7	2	4	67	13	48
Somalia		237	0	0	5	5	9	7	30	8	44	35	41	53
Sudan		897	0	0	11	5	21	27	12	114	197	144	157	209
Tanzania		1	0	0	0	0	0	0	0	0	0	0	1	0
Togo		16	0	0	0	0	2	9	0	0	0	3	0	2
Uganda		2	0	0	0	0	0	2	0	0	0	0	0	0
Total Africa	22,000	2,551		2	69	87	178	161	164	240	377	339	412	522
East Asia	4,000													
Burma		128	0	0	23	48	42	6	3	2	0	3	1	0
Cambodia		4	0	0	0	0	0	0	0	0	4	0	0	0
China		9	0	2	2	0	1	0	0	0	3	0	0	1
Indonesia		18	0	0	0	0	0	0	0	3	15	0	0	0

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Laos		18	0	0	0	0	0	0	0	18	0	0	0	0
Thailand		4	0	0	0	2	0	0	0	0	0	0	2	0
Vietnam		3,331	0	0	153	189	241	294	72	71	677	438	537	659
Total East Asia	4,000	3,512		2	178	239	284	300	75	94	699	441	540	660
Europe	9,000													
Albania		5	0	0	0	0	0	0	0	5	0	0	0	0
Bosnia and Herzegovina		3,481	0	0	227	287	362	246	350	495	710	123	81	600
Croatia		109	0	0	9	0	7	0	4	16	0	7	53	13
Macedonia		4	0	0	0	0	0	0	2	1	1	0	0	0
Serbia		1,859	0	0	56	1	117	0	96	195	231	254	749	160
Yugoslavia		1	0	0	0	0	0	0	0	0	0	0	1	0
Total Europe	9,000	5,459			292	288	486	246	452	712	942	384	884	773
Former Soviet Union	17,000													
Armenia		30	0	0	11	0	4	0	0	0	0	0	0	0
Azerbaijan		114	0	0	0	22	9	10	43	24	0	18	5	3
Belarus		680	0	0	12	0	96	14	60	84	66	55	35	43
Estonia		38	0	0	0	0	5	8	8	10	0	2	5	0
Georgia		14	0	0	0	0	6	0	8	0	0	0	0	0
Kazakhstan		228	0	0	19	4	12	46	32	37	28	20	24	
Kyrgyzstan		69	0	0	2	7	5	13	13	11	3	15	0	0
Latvia		7	0	0	1	0	8	11	2	9	2	22	1	1
Lithuania		0	0	0	0	0	0	0	0	0	0	0	1	0
Moldova		1,022	0	0	0	106	136	133	117	95	170	150	57	58
Russia		2,105	3	0	36	308	274	371	248	215	185	249	124	92
Tajikistan		4	0	0	1	0	1	2	0	0	0	0	0	0
Turkmenistan		1	0	0	0	0	1	0	0	0	0	0	0	0
Ukraine		5,217	0	0	24	359	633	786	898	646	532	668	410	261
Uzbekistan		394	0	0	0	29	47	43	48	66	125	4	16	16
Total Former Soviet Union	17,000	9,969	4		87	955	1,229	1,528	1,471	1,192	1,120	1,211	674	498
Latin America/Caribbean	3,000													
Colombia		8	0	0	0	2	0	0	0	0	0	1	0	5
Cuba		1,919	0	0	90	282	264	240	225	192	212	129	0	285
Haiti		7	0	0	4	0	0	0	0	0	0	0	0	3
Total Latin America/Caribbean	3,000	1,934			94	284	264	240	225	192	212	130		293
Near East/South Asia	15,000													
Afghanistan		1,683	0	0	13	59	119	115	405	247	178	100	120	327
Iran		1,535	0	0	71	110	38	42	52	70	62	182	435	473

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Iraq		466	0	0	7	9	2	25	13	79	85	161	43	42
Kuwait		6	0	0	0	0	0	6	0	0	0	0	0	0
Lebanon		7	0	0	0	0	0	0	1	2	0	3	0	1
Sri Lanka (Ceylon)		5	0	0	0	0	0	0	4	0	0	0	1	0
Syria		4	0	0	0	1	1	0	1	0	0	1	0	0
Total Near East/South Asia	15,000	3,706			91	179	160	188	476	398	325	447	599	843
Unallocated Reserve Region	0													
			0	0	0	0	0	0	0	0	0	0	0	0
Total Unallocated Reserve Region	0													
Grand Totals	70,000	27,131	4	4	811	2,032	2,601	2,663	2,863	2,828	3,675	2,952	3,109	3,589

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Country of Chargeability	Refugee Admissions Ceiling	FY Total Admitted to the U.S.	Refugee Admissions by Month											
			OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Fiscal Year 2001														
Africa	20,000													
Angola		34	0	0	0	7	0	16	0	0	1	0	1	9
Burundi		109	0	1	2	1	5	11	0	5	5	55	0	24
Cameroon		5	0	0	0	0	0	0	0	4	0	0	0	1
Central African Republic		1	0	0	0	1	0	0	0	0	0	0	0	0
Chad		7	0	0	0	0	5	0	0	1	1	0	0	0
Congo		10	0	0	0	0	0	1	0	0	1	4	0	4
Dem. Rep. Congo		264	0	2	35	26	0	7	55	33	33	21	7	45
Djibouti		12	0	0	0	0	0	0	0	3	0	0	0	9
Eritrea		114	0	2	1	16	12	18	3	2	6	22	22	10
Ethiopia		1,457	24	78	80	228	168	136	104	81	118	66	142	
Gambia		5	0	0	0	0	0	0	1	0	0	0	0	0
Ghana		4	0	0	0	2	0	0	0	0	0	1	1	0
Ivory Coast		0	0	0	0	0	0	1	0	0	0	0	0	0
Kenya		6	0	0	0	3	0	0	0	2	1	0	0	0
Liberia		3,412	34	356	98	12	743	401	96	143	277	325	243	434
Mauritania		202	0	6	188	0	8	0	0	0	0	0	0	0
Namibia		1	0	0	0	0	0	0	0	0	0	1	0	0
Nigeria		85	0	0	2	1	7	1	1	1	54	2	15	1
Reunion		1	0	0	0	0	0	0	0	1	0	0	0	0
Rwanda		84	0	5	2	4	0	10	10	15	18	7	3	10
Senegal		4	0	0	0	0	0	0	4	0	0	0	0	0
Sierra Leone		1,984	685	60	144	21	76	124	28	207	7	37	116	479
Somalia		4,946	127	473	398	506	582	504	288	356	204	608	397	503
Sudan		5,944	89	291	717	392	432	436	559	567	684	351	671	755
Tanzania		1	0	0	0	0	0	0	1	0	0	0	0	0
Togo		279	6	1	9	0	39	84	11	15	58	16	24	16
Uganda		12	0	0	0	3	5	0	0	0	1	3	0	0
Zimbabwe		6	0	0	0	0	0	0	0	0	0	0	6	0
Total Africa	20,000	19,020	1,245	1,275	1,690	1,227	2,142	1,772	1,193	1,459	1,432	1,571	1,572	2,442
East Asia	6,000													
Burma		544	25	56	53	54	86	68	54	40	37	12	33	26
Cambodia		23	0	0	0	0	0	0	0	14	0	0	0	9

Data extracted from the Worldwide Refugee Admissions Processing System (WRAPS).

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China		15	0	0	3	0	0	0	3	2	3	0	4	0
Indonesia		4	0	0	0	0	0	0	0	4	0	0	0	0
Laos		23	7	0	0	0	16	0	0	0	0	0	0	0
Malaysia		5	0	0	0	0	0	0	0	0	0	0	5	0
Thailand		3	3	0	0	0	0	0	0	0	0	0	0	0
Vietnam		3,546	121	184	261	228	309	388	248	274	207	240	342	744
Total East Asia	6,000	4,163	156	240	317	282	411	456	305	334	247	252	384	779
Europe	20,000													
Albania		3	0	0	0	0	0	0	0	0	0	3	0	0
Bosnia and Herzegovina		13,827	822	902	679	839	976	917	1075	1402	1610	1945	1,398	1,262
Croatia		104	2	1	21	0	12	4	2	0	0	5	24	33
Greece		2	0	0	0	0	0	0	0	0	2	0	0	0
Macedonia		2	0	0	0	1	0	0	1	0	0	0	0	0
Montenegro		1	1	0	0	0	0	0	0	0	0	0	0	0
Poland		4	0	0	0	0	0	0	0	0	0	0	3	0
Serbia		1,795	12	8	384	4	211	12	2	14	102	109	492	345
Slovenia		2	1	0	0	0	0	1	0	0	0	0	0	0
Yugoslavia		54	5	8	0	2	8	1	7	2	0	1	5	5
Total Europe	20,000	15,794	843	919	1,062	867	1,207	1,025	1,087	1,418	1,714	2,063	1,922	1,645
Former Soviet Union	17,000													
Armenia		26	3	0	3	0	0	10	0	0	0	5	5	0
Azerbaijan		450	50	82	11	39	53	64	18	9	25	20	45	34
Belarus		984	112	114	97	106	120	105	16	62	36	86	64	66
Estonia		58	4	18	0	0	7	0	7	2	1	7	3	9
Georgia		51	8	4	4	6	8	4	3	0	3	4	4	3
Kazakhstan		290	10	37	27	20	31	19	43	20	9	44	12	18
Kyrgyzstan		116	7	16	19	10	15	9	6	9	5	2	14	4
Latvia		133	23	10	12	5	13	9	5	30	0	13	5	8
Lithuania		44	10	5	5	2	2	0	0	4	4	2	10	0
Moldova		1,199	127	133	73	49	115	111	72	105	54	37	83	240
Russia		4,596	466	571	284	394	527	488	230	279	306	343	360	348
Tajikistan		8	0	0	2	0	0	1	0	0	0	5	0	0
Turkmenistan		7	0	5	0	0	0	0	0	0	2	0	0	0
Ukraine		7,313	649	973	438	556	714	839	512	481	540	473	550	588
Union of Soviet Socialist Republics		10	0	0	0	0	0	0	2	8	0	0	0	0
Uzbekistan		693	103	90	52	41	67	83	19	22	44	67	68	37
Total Former Soviet Union	17,000	15,978	1,572	2,058	1,027	1,228	1,672	1,742	933	1,031	1,029	1,108	1,223	1,355
Latin America/Caribbean	3,000													

Data extracted from the Worldwide Refugee Admissions Processing System (WRAPS).

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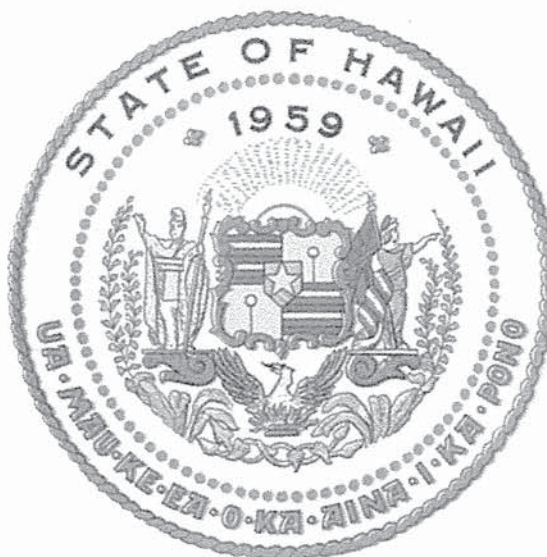
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Argentina		5	0	0	0	0	0	0	0	0	0	5	0	0
Cuba		2,946	101	250	152	148	243	239	262	439	352	372	214	174
Haiti		24	1	0	10	3	0	4	1	1	0	0	3	1
Total Latin America/Caribbean	3,000	2,975	102	250	162	151	243	243	263	440	352	377	217	175
Near East/South Asia	10,000													
Afghanistan		2,930	76	46	114	195	350	171	28	53	191	205	778	723
Algeria		31	0	17	0	0	0	0	0	3	0	3	6	2
Bahrain		3	0	0	0	0	3	0	0	0	0	0	0	0
Egypt		24	0	0	0	0	9	1	0	5	1	1	0	7
Iran		6,461	295	530	407	421	607	480	460	868	651	560	578	604
Iraq		2,465	63	245	63	96	370	227	100	241	212	201	133	514
Lebanon		5	4	0	0	0	0	0	0	0	0	1	0	0
Libya		5	0	0	5	0	0	0	0	0	0	0	0	0
Morocco		2	0	0	0	0	0	0	0	0	0	0	0	2
Pakistan		3	0	0	0	0	0	0	0	3	0	0	0	0
Sri Lanka (Ceylon)		2	2	0	0	0	0	0	0	0	0	0	0	0
Syria		8	0	1	0	0	0	0	0	1	0	0	0	6
Tunisia		10	0	0	0	0	4	0	0	0	0	0	0	6
Yemen		7	0	0	0	7	0	0	0	0	0	0	0	0
Total Near East/South Asia	10,000	11,956	440	839	589	712	1,350	879	588	1,174	1,055	971	1,495	1,864
Grand Totals	80,000	69,836	4,369	5,581	4,869	4,467	7,025	6,117	4,369	5,856	5,829	6,342	6,813	8,260

No. 17-15589, cited in State of Hawaii v. Trump, archived on June 14, 2017



2017 HAWAII STATE PLAN

FOR

REFUGEE ASSISTANCE AND SERVICES

*cited in State of Hawaii v. Trump
No. 17-15589, archived on June 14, 2017*

Prepared by

Department of Labor and Industrial Relations

Office of Community Services

for

United States Department of Health and Human Services

The Office of Refugee Resettlement (ORR)

Administration for Children and Families

August 2016

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Appendix A. Governor's Designation Letter

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Appendix D. DHS Language Access Plan

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1 INTRODUCTION

1.1 Purpose and Limits

This Hawaii State Refugee Assistance Plan (Plan) is submitted to the Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement (ORR) as a prerequisite for the State to receive Refugee Assistance funds under Section 414 of the Immigration and Nationality Act (INA). Provisions of services included in this Plan will be within the limits of federal funds that are made available to the State of Hawaii.

1.2 Legislative Authority

This Plan has been developed in accordance with Title IV of the INA, as amended by the Refugee Act of 1980, Public Law 96-212, and its regulations, 45 Code of Federal Regulations (CFR) Part 400. This Plan describes the Refugee Resettlement Program (RRP) administration and services made available to eligible refugees as well as all assurances that ORR requires from the State.

1.3 Program Goals

The State of Hawaii fully supports the ORR goals to promote economic self-sufficiency within the shortest practicable time after a refugee's entrance into the State. The State's RRP offers planned and coordinated support services including cash and medical assistance, as transitional aid toward self-sufficiency. The RRP's most significant goal is to help low-income refugees and their families obtain and maintain gainful employment and attain a level of economic self-sufficiency that meets their basic needs.

2 ADMINISTRATION

2.1 Designation of Authority

Pursuant to Hawaii Revised Statutes, Chapter 371K, which establishes the Hawaii State Office of Community Services (OCS), and a letter of designation from the Governor confirming this authority (see Appendix A), OCS is the designated State agency responsible for the development of this Plan and for the administration of the RRP in accordance with 45 CFR Section 400.5.

The OCS Executive Director, as designated by the Governor, holds the title of Hawaii State Refugee Coordinator (HSRC) and has the authority and responsibility to ensure coordination of all private and public resources for refugee resettlement in the State of Hawaii.

The daily operation of the RRP is managed by a Program Specialist within OCS. This person is delegated the responsibility to develop and implement this Plan and to oversee the coordination efforts of agencies that cooperate in the resettlement of refugees.

2.2 Organization

OCS is administratively attached to the State of Hawaii Department of Labor and Industrial Relations, pursuant to Hawaii Revised Statutes §371K-2(a). As is noted above, OCS is designated by statute HRS §371K-2(a)(3) and by the Governor of Hawaii as the State agency responsible for administration of this Plan.

OCS administers the RRP within the pertinent Federal guidelines and funding constraints and the Plan. OCS is committed to providing leadership in the efficient administration of the RRP. Its goal is to provide State-level leadership and coordination of refugee programs and services to achieve successful refugee resettlement and self-sufficiency.

State agencies that work with OCS to implement the Plan are:

- Department of Health (DOH),
- Department of Human Services (DHS), and
- private non-profit agencies and community based organizations.

2.2.1 Office of Community Services (OCS)

OCS is responsible for the following:

- Developing and maintaining the State Plan as required by Federal law;
- Developing and maintaining resource materials and data on the Refugee Program;
- Preparing and submitting the trimester reports of program accomplishments required by ORR;

- Providing technical assistance to counties, refugee community-based organization (CBOs) and the public on program policy issues and Federal guidelines;
- Preparing and submitting quarterly fiscal reports required by ORR;
- Attending quarterly meeting with agencies providing refugee services and;
- Responding to all requests from governmental agencies, legislature, media and public for refugee data.

2.2.2 Department of Health (DOH)

DOH provides the following services through its Public Health Clinics:

- Assisting with initial medical, tuberculosis (TB), Human Immunodeficiency Virus (HIV), Hansen's Disease (HD), dental, and other screening services for refugee arrivals; and
- Referring refugees in need of treatment to appropriate treatment providers.

2.2.3 Department of Human Services (DHS)

DHS is responsible for the following under a Memorandum of Agreement (MOA) with OCS:

- Determining initial and on-going eligibility of each applicant for Refugee Cash Assistance (RCA), in compliance with 45 CFR §400.66(a)(1);
- Determining cash assistance payment levels based on size of the assistance unit and income disregards, in compliance with 45 CFR §400.66(a)(2);
- Disbursing Refugee Cash Assistance (RCA) consistent with the provisions of Hawaii's Temporary Assistance for Needy Families (TANF) guidelines, in compliance with 45 CFR §400.67(a);
- Determining the eligibility of each applicant for Refugee Medical Assistance (RMA) under the Medicaid program, in compliance with 45 CFR §400.94(a);
- Providing medical assistance under the Medicaid program, in compliance with 45 CFR §400.94(c); and
- Providing quarterly reports to OCS on the number of refugees receiving Cash and Medical Assistance (CMA).

2.2.4 Private, Non-Profit Agencies

OCS contracts for refugee social services through competitively procured agreements with a private non-profit agency. For FY 2016 and FY 2017, the State has awarded the refugee social services contract to Child and Family Services (CFS), a non-profit agency in Hawaii.

The agency's functions are to:

- Provide employability services and English language training, pursuant to 45 CFR §400.154; and
- Provide other services as described in OCS contract and 45 CFR §400.155 & 156.

The private Volunteer Agency (VOLAG) is Pacific Gateway Center (PGC) of the United States Committee for Refugees and Immigrants (USCRI). PGC is responsible for providing core resettlement and coordinate health care services to newly arrived refugees as specified in the cooperative agreements with the US Department of State. Susannah Wesley Community Center also provides services to refugees and immigrants under USCRI contract.

A number of philanthropic, community based organizations also play an active role in refugee resettlement. These agencies provide services for refugees that cannot be funded with public resources. OCS coordinates its activities with these organizations.

2.3 Assurances

OCS assures that it will:

1. Comply with the provisions of Title IV of the Immigration and Nationality Act and official issuances of the Director of the Office of Refugee Resettlement, in compliance with 45 CFR (§400.5(i)(1));
2. Meet the requirements of 45 CFR Part 400, as required by 45 CFR (§400.5(i)(2));
3. Comply with all other applicable federal statutes and regulations in effect during the time that OCS is receiving grant funding (§400.5(i)(3)); and,
4. Amend the plan as needed to comply with standards, goals, and priorities established by the Director of the Office of Refugee Resettlement (§400.5 (i)(4)).

OCS assures that assistance and services funded under the plan will be provided to refugees without regard to race, religion, nationality, sex, or political opinion, in compliance with 45 CFR (§400.5(g)); OCS meets quarterly with PGC and other community stakeholders in discussing resources available for the refugee population in Hawaii. In addition, consultation with local affiliates of voluntary agency, local community service agencies, and other agencies that serve refugees, and state and local governments to plan and coordinate the appropriate placement of refugees in advance of their arrival occurs during the planning and coordination for refugee and human trafficking services that takes place at the bimonthly Interagency Council on Immigrants and Refugees. (45 CFR §400.5(h));

OCS will use the same mediation and conciliation procedures as those for Temporary Assistance for Needy Families (TANF) in a publicly-administered RCA program, in compliance with 45 CFR §400.83(a)(2);

OCS will use the hearings standards and procedures as set forth in 45 CFR § 400.83(b); and

OCS will assure that refugee programs and populations are included in the State pandemic influenza emergency plan and other emergency operational plans (State Letter # 09-30 and # 06-10).

cited in State of Hawaii v. Trump
No. 17-15589, archived on June 14, 2017

3 ASSISTANCE AND SERVICES

Fundamental to the achievement of the program goals is the effective coordination of Cash and Medical Assistance (CMA) programs and Refugee Social Services.

3.1 Cash and Medical Assistance (CMA) Programs

OCS coordinates Cash and Medical Assistance (CMA) with support services to promote employment and encourage refugee economic self-sufficiency, in compliance with 45 CFR §400.5(b).

DHS implements the CMA program under a cooperative MOA with OCS. The requirements for provision of services are stipulated in the MOA. Receipt of these services shall be based on the individual's determination as a refugee or other eligible status (as provided in 45 CFR §400.43 and 45 CFR 401) and upon the applicant meeting specified program eligibility criteria. DHS refers refugees to Child and Family Services, a Hawaii private nonprofit agency, for Employment and Support Services for Refugees (ESS-R) Program. Child and Family Services provides case management, employment training, language training and other services needed in order for the refugee to achieve self-sufficiency.

Refugees are eligible for Refugee Cash Assistance (RCA) for up to eight (8) months from the date of arrival in the U.S., date of final grant of asylum for asylees, or date of certification for trafficking victims.

DHS does not provide Medical Assistance under the CMA Program. It provides medical assistance to eligible refugee applicants through MedQuest and the Children's Health Insurance Program (CHIP), in accordance with 45 CFR §400.94(a).

3.1.1 Refugee Cash Assistance

3.1.1.1 Federal Requirement

Cash assistance is provided to eligible refugees, during the first eight months of residency in the United States. Eligible refugees may also receive Supplemental Nutrition Assistance Program (SNAP) program benefits. Eligibility is determined for refugees according to the same tests and standards as those that apply to non-refugees.

In administering the RCA program, DHS operates the RCA consistent with the provisions of its TANF program in regard to:

- The determination of initial and on-going eligibility treatment of income and resources, budgeting methods, and need standards, in compliance with 45 CFR §400.66(a)(1);
- The determination of benefit amounts is based on the size of the refugee family unit that is being assisted, and certain income is disregarded, in compliance with 45 CFR § 400.66(a)(2);

- The TANF program provides for block grant payments to refugees that are intended to cover basic needs such as shelter, utilities, and similar needs. Therefore, a “separate proration” is not calculated (45 CFR §400.66(a)(3));
- Any other State TANF rules relating to financial eligibility and payments, in compliance with 45 CFR § 400.66(a)(4);

The State does NOT consider the following:

- Any resources remaining in the applicant's country of origin in determining income eligibility, in compliance with 45 CFR §400.66(b);
- A sponsor's income or resources to be accessible to a refugee solely because the person is serving as a sponsor, in compliance with 45 CFR §400.66(c);
- Any cash grant received by the applicant under the Department of State or Department of Justice Reception and Placement programs, in compliance with 45 CFR § 400.66(d);
- The State will use the refugee's date of application as the date that refugee cash assistance begins in order to provide payments quickly to newly arrived refugees, in compliance with 45 CFR §400.66(e);
- The State will promptly notify the local resettlement agency that provided for the initial resettlement of a refugee, whenever the refugee applies for refugee cash assistance under a publicly-administered RCA program, in compliance with 45 CFR §400.68(a);
- DHS will contact the resettlement agencies concerning the refugee's RCA applications for assistance and inquire whether the applicant has voluntarily quit employment or has refused to accept an offer of employment within 30 consecutive days immediately prior to the date of application, as required by 45 CFR §400.68(b);
- Pursuant to 45 CFR § 400.76, refugee is exempt from ORR requirements for registration for employment services, participation in employability service programs, and acceptance of appropriate offers of employment if that refugee meets the exemption criteria codified in HAR 17-661-18;
- The State meets the requirements regarding Limited English Proficient (LEP) Guidance and Language Materials. Translation of written policies, notices, and determinations in refugee status will be provided to recipients, as required by 45 CFR §400.55. (see Appendix D)

3.1.1.2 RCA Program Administration

- RCA eligibility and benefits distribution is done by TANF office staff at DHS, in compliance with (SL # 12-13, SL # 13-03)
- All the Eligibility Workers' (EW) administrative costs are allocated base on the result of an approved Hawaii Random Moment Study (HIRMS). The survey responses are used to

allocate and fund the EW positions. The survey asks what the EW is doing and whether the task is program related. A task is considered program related if the worker is processing a certain program case, working with a client, or attending a training that is program related. All program related tasks are then allocated based on what program they were working on at the time of the survey. Thus, DHS does not have administrative costs charges even though it has cash assistance benefits/payment to RCA.

- State does not charge CMA an indirect cost rate since administration cost is based on actual time spent on the program.
- See Table below for TANF and RCA payment standards for case sizes 1-5.

FINANCIAL ASSISTANCE PROGRAM - MONTHLY ASSISTANCE ALLOWANCE (Effective April 01, 2014)													
HH SIZE	SON	TANF/ GA Ref	TANF -20%	GA	ABD	HH SIZE	SON	TANF	TANF -20%	HH SIZE	SON	TANF	TANF -20%
1	939	450	360	348	348	6	2568	1232	986	11	4197	2014	1611
2	1265	607	485	469	469	7	2894	1389	1111	12	4523	2171	1736
3	1590	763	610			8	3220	1545	1236	13	4849	2327	1862
4	1916	919	735			9	3545	1701	1361	14	5175	2484	1987
5	2242	1076	860			10	3871	1858	1486	15	5500	2640	2112
										15+	+326		

3.1.2 Refugee Medical Assistance

DHS provides medical assistance to eligible refugee applicants through MedQuest and the Children's Health Insurance Program (CHIP), in accordance with 45 CFR §400.94(a). In accordance with HAR 17-1723.2-10, ineligibility for Medicaid and CHIP is determined before eligibility for RMA. RMA eligibility standards are in accordance with 45 CFR 400.101(a)(2) and 400.101(b)(2), including using 200 percent of poverty option.

The regulations of DHS for medical screening and services to refugees are codified as Hawaii Administrative Rules §§17-1723.2 (see Appendix C).

Whether a refugee has been denied or terminated from RCA is not used as criterion for determining if an applicant is ineligible for RMA (§400.100(c)).

Refugee applicants, after a designated period of time, are considered non-refugees for CMA purposes, but such time-expired refugees have access to programs as non-refugee residents of the State.

Pursuant to 45 CFR §400.51(b), refugee applicants and recipients of CMA who are 65 years of age or older or who have been or will be disabled or blind for at least 12 months may be referred to the Social Security Administration to apply for Social Security Income (SSI) benefits. Those who receive SSI benefits and services are not eligible for refugee benefits and services.

Any funds that the refugee is receiving pursuant to Reception and Placement (R&P), Match Grants (MG) or RCA assistance are not counted as income or assets on the date of the refugee's application for CMA (45 CFR §400.102(c)).

In the CMA program, the Benefit, Employment and Support Services Division (BESSD) of DHS monitors the service as it deems necessary as part of its designated quality control responsibility.

3.1.3 Refugee Medical Screening Program

The State does not receive reimbursements for the screening under RMA.

However, once the State made aware by resettlement agencies or other sources of the presence of a person who may be eligible for refugee services, the State ascertains whether the person is an eligible refugee by examining the person's I-94, I-151, or I-155 documentation and making such additional inquiries as may be appropriate. DHS conducts this identification and qualification process pursuant to regulations codified as Hawaii Administrative Rules §§17-661-6 through-20 (see Appendix B).

The State then provides initial medical screening (including vision and dental screening) to newly arrived eligible refugees through the existing system of public health clinics and the State's Department of Health (DOH) programs. The screening and services are equivalent to those available to the eligible general public. The United States Public Health Service (PHS) or DHS may determine that eligible recipients may need additional services leading to one or more of the following:

- Public Health Nursing and/or Bilingual Health Services for general orientation to community health services;
- Disease Investigation if active communicable disease history is indicated;
- Observation, prevention measures, and/or treatment for Tuberculosis (TB), Sexually Transmitted Diseases (STDs)/Human immunodeficiency virus (HIV), and Hansen's Disease (HD), if screening and/or services indicate such a need;
- Other DOH program referral will be given as appropriate.

Once the screenings are completed, medical services that require specific treatments will be followed up with the appropriate state or community agency. Other treatment may be sought through MedQuest, the State's Medicaid program, and/or any local public health clinic or health care provider in the community.

While the medical screening currently provided to refugees by DOH is adequate, it has not been formally approved by the Director of ORR pursuant to 45 CFR §400.107.

3.2 Refugee Social Services

OCS provides social services to refugees. OCS procures Employment and Support Services for

Refugees (ESS-R) through a competitive process and enters into a contract with the selected provider, a Hawaii private nonprofit agency.

The contract between the State and the selected provider ensures that the social services provided to the refugee population is in compliance with 45 CFR §400.154 and §400.155.

3.2.1 Refugee Employment and Support Services Program

OCS procures Employment and Support Services for Refugees (ESS-R) through a competitive process and enters into a contract with the selected provider. Presently, the contract for ESS-R is with Child and Family Services (CFS), a Hawaii private nonprofit agency. This contract has been in effect since October 1, 2015 and expires on September 30, 2016. If funds are made available to Hawaii in the future, proposals will be solicited and a new contract awarded.

Eligibility for ESS-R is limited to refugees who have been in the United States 60 months or less (45 CFR §400.154). In compliance with 45 CFR §400.147, priority for participation in ESS services is as follows:

- 1) all newly arriving refugees during their first year in the United States who apply for services;
- 2) refugees receiving cash assistance;
- 3) unemployed refugees who are not receiving cash assistance; and
- 4) employed refugees in need of services to retain employment or attain economic independence.

Refugees are eligible for employment and support services for up to five (5) years.

Other eligible populations to receive services are persons who have been granted asylum, Cuban and Haitian entrants, certain Amerasians from Vietnam who are admitted to the United States as immigrants, and victims of severe forms of human trafficking who have received certification, eligibility or interim assistance letters from the ORR, and Iraqi and Afghan Special Immigrants (45 CFR §400.43).

Services provided to refugees include:

- Client Intake Services;
- Support Services;
- Employment Services;
- English as a Second Language Training;

- Coordination of On-the-Job Training;
- Coordination of Vocational Training; and
- Other Employment-related Services (child care, counseling referrals, transportation, etc.).

The selected nonprofit agency endeavors to ensure that refugees receive the maximum benefit and maximum results from services provided during the time-limited service eligibility period. In accordance with 45 CFS § 400.156, the services are provided:

- In a manner that is linguistically and culturally compatible to all refugees,
- Include the use of bilingual women on service agency staffs to ensure adequate access to services by refugee women; and
- Include English language instruction provided in a concurrent, rather than sequential, time period with employment-related services.

ESS-R's Job Development and Placement services include the following activities:

- Developing job opportunities based on the skill and language capabilities of the refugees and the labor market demands;
- Placement of refugees in appropriate job openings; and
- Assisting refugees in job search and in maintaining employment.

Employability services are not available to refugees who have been in the United States for more than 60 months, however these refugees are eligible for citizenship and naturalization preparation services and referral and interpreter services, in accordance with 45 CFR (§400.154). RSS funds will not be used to cover the citizenship and naturalization application fees.

The Hawaii State Refugee Coordinator (HSRC) is responsible for developing the Contract with the selected nonprofit agency. The HSRC monitors the contractual agreements according to ORR regulations. The program monitoring includes review of the general performance of the service provider and the services provided to the individual refugees, including review of their employability plans, family self-sufficiency plans, and other parts of their case records. The annual monitoring includes project site visits. OCS provides technical assistance to advise the selected nonprofit agency and other partnership agencies regarding federal regulations as needed.

3.3 Cuban/Haitian Entrant Program

According to Hawaii DHS's Hawaii Administrative Rule (HAR) 17-1723.2-10(2)D, Cuban or Haitian Entrants are eligible to receive, with proper documents from USCIS, medical assistance from the RMA program. However, HAR 17-661-8 excludes Cuban or Haitian Entrants from the eligible recipients of Refugee Resettlement Program.

OCS is currently working with DHS to resolve this discrepancy in the HAR regarding eligibility. Despite of this discrepancy, Cuba/Haitian Entrants are still being served in the same manner as are all other refugees in the State.

3.4 Unaccompanied Refugee Children

OCS does not operate an Unaccompanied Refugee Minor Program.

3.5 HUMAN TRAFFICKING ELIGIBILITY AND SERVICES

3.5.1 Certifications and Eligibility Letters

Pursuant to the Trafficking Victims Protection Act 2000, adult victims of severe forms of trafficking who have been certified by HHS are eligible for benefits to the same extent as refugees. When preparing a certification, OCS reviews whether the individual has been subjected to a severe form of trafficking and whether she or he meets the two certification requirements, which are listed below. In the Act, the term "severe forms of trafficking in persons" means (§103(8)):

- sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

The U.S. Department of Health and Human Services (HHS), after consultation with the Attorney General, may certify a victim of a severe form of trafficking who (§107(b)(1)(E)):

- is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; and
- has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act that has not been denied; or
- is a person whose continued presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers in persons.

Certification grants adult foreign victims of human trafficking access to federal benefits and services to the same extent as refugees. Children under 18 years of age who have been subjected to a severe form of trafficking do not need to be certified in order to receive benefits. For the purposes of benefits eligibility, the Act defines a minor victim of a severe form of trafficking as a person who has been subjected to a severe form of trafficking (see the definition above from the Act §103(8)) and who has not attained 18 years of age. ORR will issue letters, which will be similar to the adult certification letters, stating that a child is a victim of a severe form of trafficking (section 3.5.3). Benefit-granting agencies will not need to evaluate whether a child has been subjected to a severe form of trafficking.

Trafficking victims who are U.S. citizens or Lawful Permanent Residents (LPR) do not need Certification or Letters of Eligibility to be eligible for similar benefits and services.

3.5.2 Services for Human Trafficking Victims

Services for certified human trafficking victims are provided through the ESS funded by the ORR.

Services for pre-certified human trafficking victims are provided through the Comprehensive Services for Human Trafficking Victims Program (CSHTV), funded by the Department of Justice (DOJ), Office of Victims of Crime (OVC).

OCS partners with local non-profit agencies to provide direct services through CSHTV:

- Susannah Wesley Community Center for service coordination, case management and mental health services;
- Legal Aid Society of Hawaii for legal services as well as training and outreach;
- Pacific Survivor Center for medical and dental services, and training for medical professionals.

3.5.3 Certification Process

The following outlines the processes and eligibilities for pre- and certified human trafficking victims. Persons who are pre-certified as potentially being classified as human trafficking victims will be eligible for emergency and other services indicated below. Certified victims have documented trafficking status and are eligible for refugee services.

3.5.3.1 Seeking Certification

Once a human trafficking victim is identified, he or she will seek certification through either Continued Presence (CP) or a T-visa.

Continued Presence (CP). According to the U.S. Department of Homeland Security, CP is a temporary immigration status provided to individuals identified by law enforcement as victims of

human trafficking. This status allows victims of human trafficking to remain in the United States temporarily during the ongoing investigation into the human trafficking-related crimes committed against them. Federal law enforcement officials, primarily from Immigration and Customs Enforcement (ICE) and the FBI as well as federal prosecutors from U.S. Attorney's Offices within the DOJ, are authorized to submit CP applications. An application for CP should be initiated immediately upon identification of a victim of human trafficking. All CP applications are submitted to the ICE Law Enforcement Parole Branch (LEPB).

CP is granted for one (1) year and may be renewed in one (1) year increments.

T-Visa. Under the Trafficking Victims Protection Act of 2000, the T-visa was established to allow victims of severe forms of trafficking to become temporary residents of the U.S. The Act recognizes that returning victims to their country of origin is often not in the best interests of victims, and that victims may need the opportunity to rebuild their lives without facing the threat of deportation. A recipient of a T-visa, after three years, may be eligible for permanent residence status if he/she meets the certain conditions set by the U.S. Department of Homeland Security.

3.5.3.2 Pre-Certification Services

Services are available through OCS to trafficking victims even before certification by HHS. Persons who will potentially become certified as trafficking victims are eligible for emergency services during the certification period. In this period, a person who may become certified as a trafficking victim will be provided public benefits and services subject to availability of resources at the discretion of the resettlement agency.

3.5.3.3 Post-Certification Period

Individuals to whom the U.S. Department of Human and Health Services has issued a Certification Letter are eligible for the same services as refugees. Employment and support services are provided for the purpose of human trafficking victims achieving self-sufficiency.



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 19, 2015

Mr. Bob Carey, Director
Office of Refugee Resettlement
Administration for Children and Families
U.S. Department of Health and Human Services
370 L'Enfant Promenade S.W.
Washington, D.C. 20447-0001

SUBJECT: Designation of State of Hawaii's Lead Agency and Personal Responsible for
Coordinating Public and Private Services for Refugee Resettlement

Dear Mr. Carey:

This letter is to confirm that, as Governor of the State of Hawaii, I have designated the Office of Community Services of the State of Hawaii as the lead State agency for the administration for refugee resettlement and other immigrant services. I intend for this designation to continue until such time as it may be modified or withdrawn in writing by me or a successor governor.

The federal statutory authorization for programs for domestic resettlement of and assistance to refugees, 8 USC §1522, requires "the designation of an individual, employed by the State, who will be responsible for insuring coordination of public and private resources in refugee resettlement." As such, Ms. Rona M. Suzuki, Executive Director of the Office of Community Services, will serve as the State lead. Her contact information is provided below:

Ms. Rona M. Suzuki, Executive Director
Office of Community Services
Department of Labor and Industrial Relations
State of Hawaii
830 Punchbowl Street, Room 420
Honolulu, Hawaii 96813
Telephone: 808-586-8675
Email: rona.m.suzuki@hawaii.gov

Thank you very much for your attention to and assistance with this matter.

With warmest regards,

A handwritten signature in black ink, appearing to read "David Y. Ige".

DAVID Y. IGE
Governor, State of Hawai'i

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 6 FAMILY AND ADULT SERVICES DIVISION

CHAPTER 661

REFUGEE RESETTLEMENT, REPATRIATE, AND STATE
LEGALIZATION IMPACT ASSISTANCE GRANT (SLIAG) PROGRAMS

Subchapter 1 General Provisions

- §17-661-1 Purpose
- §17-661-2 Definitions
- §17-661-3 Administrative hearings
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Subchapter 2 Refugee Resettlement Program

- §17-661-6 Purpose
- §17-661-7 Definitions
- §17-661-8 Exclusions from the definition of refugee
- §17-661-9 Identification of a refugee
- §17-661-10 Sponsor contact
- §17-661-11 Eligibility for RCA
- §17-661-12 Eligibility for RMA
- §17-661-13 Relationship to supplemental security income
- §17-661-14 Records
- §17-661-15 Redetermination of eligibility
- §17-661-16 Employment requirements for RCA
- §17-661-17 Training requirements for RCA
- §17-661-18 Appropriate employment and training criteria for RCA
- §17-661-19 RCA Employment and training exemptions
- §17-661-20 RCA Employment and training sanctions
- §17-661-21 Four months extended medical assistance
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Subchapter 3 Repatriate Program

- §17-661-26 Purpose

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 §17-661-28 Conditions of eligibility
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 §17-661-30 Financial assistance
 §17-661-31 Termination of payment
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Subchapter 4 SLIAG Program

§17-661-36 Purpose
 §17-661-37 Eligible individuals
 §17-661-38 Program requirements

Historical Note: This chapter is based substantially upon §17-619-5 [Eff 7/19/82; am 5/23/83; am 4/20/85; am 1/28/88; am 12/16/88; am 12/27/90; R 3/19/93] chapter 17-639 [Eff 7/19/82; am 10/20/82; am 5/23/83; am 11/12/83; am 5/10/84; am 8/12/85; am 12/1/85; am 5/5/86; R 3/19/93] chapter 17-644 [Eff 4/20/85; am 10/23/87; R 3/19/93] §§17-752-1, 17-752-2, 17-752-3, 17-752-4, 17-752-5, 17-752-6, 17-752-7, 17-752-8, 17-752-9 [Eff 7/19/82; am 12/17/82; am 8/20/83; am 3/30/84; am 5/5/86; R 3/19/93]

cited in *State of Hawaii v. Trump*
 No. 17-15589, archived on June 14, 2017

SUBCHAPTER 1

GENERAL PROVISIONS

§17-661-1 Purpose. The purpose of this chapter is to establish the financial assistance requirements for eligibility and participation in the refugee resettlement, repatriate, and state legalization impact assistance grant (SLIAG) programs. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-53)

§17-661-2 Definitions. As used in this chapter:
 "Administrative hearing" means an administrative proceeding which affords an aggrieved person an opportunity to present an appeal before the department's hearing officer.

"Assistance unit" means persons whose needs, income, and assets are considered in determining

eligibility for financial assistance and the amount of financial assistance.

"Caretaker relative" means a relative who provides care and supervision to children.

"Categorical relatedness" means requirements which an individual shall meet in order to be eligible for assistance for a specific program. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-661-3 Administrative hearings. (a) The procedures for administrative hearings specified in chapter 17-602.1 shall apply.

(b) Recipients of assistance under the repatriate program are not eligible to receive aid pending a hearing decision. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: HRS §346-14; 45 C.F.R. §§211.6, 211.7, 212.4, 400.23)

§17-661-4 to 17-661-5 (Reserved)

SUBCHAPTER 2

REFUGEE RESETTLEMENT PROGRAM

§17-661-6 Purpose. The purpose of this subchapter is to establish the financial assistance requirements for eligibility and participation in the refugee resettlement program. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §§346-14, 346-56)

§17-661-7 Definitions. As used in this subchapter:

"Full-time training" means that the refugee is enrolled in at least thirty hours of training in a program as part of an employability plan approved by the service agency which has been approved by the department.

"Refugee" means a person who is outside of the country of the person's nationality or last place of habitual residence, is unable or unwilling to use the protection of that country because of persecution or a

well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, has been admitted into the United States by the Immigration and Naturalization Service (INS) as a refugee and, if a dependent of a repatriated United States citizen, has been in the United States for more than ninety days.

"Refugee cash assistance (RCA)" means cash assistance provided to refugees who are ineligible for AFDC or SSI and who have resided in the United States for less than a specified period of time from their initial entry into the country. Effective October 1, 1991, the specified period of time shall be eight months and may be increased or decreased, subject to the availability of federal funds, by the Office of Refugee Resettlement.

"Refugee resettlement program" means the federally funded program, established by section 412(a)(9), Immigration and Nationality Act (8 U.S.C. §1522(a)(9)), for the resettlement of refugees in the United States.

"Repatriated United States citizen" means an individual who has reestablished residence in the United States.

"Service agency" means an agency providing employment services funded under the refugee resettlement program.

"Sponsor" means any person or agency who has assumed the responsibility for assisting a refugee resettle into a community.

"State employment service" means the employment service of the state department of labor and industrial relations.

"Voluntary resettlement agency" means a private, nonprofit organization contracted by the federal government to provide initial resettlement services to refugees. [Eff 3/19/93; am 8/1/94] (Auth: HRS §§346-14, 346-56) (Imp: HRS §346-56; 45 C.F.R. §400.2)

§17-661-8 Exclusions from the definition of refugee. Excluded from the status of a refugee shall be:

- (1) Dependents of repatriated United States citizens who:

- (A) Have been in the United States for ninety days or less; and
- (B) Have one of the following specified relationships to the repatriated citizens:
 - (i) Spouse;
 - (ii) Parents;
 - (iii) Grandparents;
 - (iv) Unmarried minor child, including an adopted child or stepchild;
 - (v) Unmarried adult child, including an adopted child or stepchild, who is dependent because of a handicap;
 - (vi) Spouse's parents;
 - (vii) Spouse's grandparents; or
 - (viii) Minor siblings of the repatriated citizen or the citizen's spouse;
- (2) Individuals from Cuba who:
 - (A) Entered the United States before October 1, 1978, and are registered with the United States Cuban refugee center in Miami, Florida; or
 - (B) Have been admitted into the United States with the INS status of "applicant for asylum" or "Cuban entrant";
- (3) Individuals from Haiti who are admitted into the United States with the INS status of "Haitian entrant"; or
- (4) Any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. [Eff 3/19/93] (Auth: HRS §§346-14, 346-56) (Imp: HRS §346-56; 8 U.S.C. §1101(a)(42))

§17-661-9 Identification of a refugee. Refugees shall possess an INS form I-94 or INS form I-151 or I-551.

- (1) The individual who began receiving financial assistance under the refugee resettlement program prior to October 15, 1980, shall possess:

- (A) INS form I-94 with the status of "conditional entrant", "paroled", or "voluntary departure"; or
 - (B) INS form I-151 or I-551, admitted to the United States with permanent resident status on or after April 8, 1975, or has attained permanent resident as a result of an adjustment of status under Pub. L. No. 95-145.
- (2) The individual who is an applicant or recipient of refugee resettlement assistance on or after October 15, 1980, and possesses:
- (A) INS form I-94 indicating that the individual has been admitted or paroled as a refugee or asylee if the form was issued:
 - (i) To a person from Cambodia, Laos, or Vietnam on or after June 1, 1980;
 - (ii) To a person from Cuba on or after October 1, 1978; or
 - (iii) To a person from any other country at any time;
 - (B) INS form I-94 indicating that the individual has been admitted as a conditional entrant. The "conditional entrant" status shall not be related to the "entrant" status granted Cubans and Haitians, who are not eligible under the refugee resettlement program; or
 - (C) INS form I-151 or I-551, identifying the individual as a resident alien. In addition, the person shall also have sufficient documentation to substantiate that one of the statuses indicated in subparagraphs (A) or (B) was held prior to adjustment of the person's status to that of resident alien. [Eff 3/19/93] (Auth: HRS §§346-14, 346-56) (Imp: HRS §346-56)

§17-661-10 Sponsor contact. (a) The department shall notify the voluntary resettlement agency or local

affiliate which provided for the initial resettlement of the refugee when a refugee applies for assistance.

(b) The department shall contact the refugee's sponsor or resettlement agency to determine what assistance is being provided the refugee and whether the refugee requesting financial assistance has refused an offer of employment or has voluntarily quit a job without good cause.

(1) A telephone contact with the sponsor or resettlement agency shall be acceptable when a personal contact is not possible; and

(2) Information obtained shall be recorded in the case record.

(c) The income and resources of sponsors shall not be considered in determining the refugee's eligibility.

(d) In order to meet an emergency need, the requirement for verification with the sponsor or resettlement agency shall be temporarily waived when it is not possible to reach the sponsor or resettlement agency.

(1) The procedures for emergency processing of financial assistance shall apply; and

(2) For financial assistance, the necessary verification shall be obtained before any subsequent payment is made. [Eff 3/19/93; am 8/1/94] (Auth: HRS §§346-14, 346-56) (Imp: HRS §346-56; 45 C.F.R. §§400.55, 400.93)

§17-661-11 Eligibility for RCA. (a) Refugee families who qualify for AFDC shall be categorized as state funded AFDC (AFDC-S):

(1) The eligibility requirements and conditions of the AFDC program shall apply;

(2) Income and assets remaining in the refugee's country of origin shall not be considered available; and

(3) These families shall be considered eligible for RCA.

(b) Refugee applicants and recipients who do not qualify for AFDC shall be processed for RCA without regard to categorical relatedness;

- (1) The refugee shall be classified under the general assistance (GA) or state aged, blind, or disabled (AABD) program, as appropriate;
- (2) The budgeting of income and assets shall be in accordance with the state's AFDC need standard; and
- (3) Income and assets remaining in the refugee's country of origin shall not be considered available.

(c) Effective March 1, 1986, a refugee who meets the eligibility criteria of the refugee resettlement program shall be eligible for RCA. The amount and duration of assistance shall not exceed the maximum amount which the State is permitted to claim as reimbursement from the Office of Refugee Resettlement.

(d) Children born in the United States of refugee parents are eligible for RCA from the date of the most recently arrived parent or the date of the child's birth, whichever occurs first.

(e) Refugees who are full-time students in institutions of higher education shall not be eligible for RCA, except where enrollment is approved as part of an employability plan. [Eff 3/19/93, am 7/16/99]
 (Auth: HRS §§346-14, 346-56; (Imp: HRS §346-56; 8 U.S.C. §1522(e); 45 C.F.R. §400.60)

§17-661-12 Repealed. [R 8/1/94]

§17-661-13 Relationship to supplemental security income. (a) All refugee recipients under the refugee resettlement program who are sixty-five years of age or older, or who are blind or disabled shall be referred to the Social Security Administration to apply for Supplemental Security Income (SSI) benefits.

(b) State supplemental assistance to refugee SSI recipients shall be provided according to state standards. [Eff 3/19/93] (Auth: HRS §§346-14, 346-56) (Imp: HRS §346-56)

§17-661-14 Records. The following information shall be entered in the case record of each refugee:

- (1) The name and address of the sponsor;

- (2) The name of the national voluntary resettlement agency which resettled the refugee. If a refugee was not resettled by a voluntary resettlement agency, this information shall be recorded in the case file; and
- (3) The passport or alien registration number on the form I-94. [Eff 3/19/93] (Auth: HRS §§346-14, 346-56) (Imp: HRS §346-56)

§17-661-15 Redetermination of eligibility. (a) The provisions of Chapter 17-648 relating to redetermination of eligibility shall apply.

(b) Eligibility for RCA shall be redetermined not less frequently than every twelve months.

(c) The department shall contact the refugee's sponsor or resettlement agency to determine what assistance the sponsor or resettlement agency is providing and whether the refugee receiving RCA has refused an offer of employment or has voluntarily quit a job without good cause. [Eff 3/19/93; am 8/1/94] (Auth: HRS §§346-14, 346-56) (Imp: HRS §346-56; 45 C.F.R. §400.64)

§17-661-16 Employment requirements for RCA. (a) As a condition for receipt of RCA under the refugee resettlement program, a refugee shall register with an appropriate service agency approved by the state, unless exempt under section 17-661-19. If there is no service agency approved by the state, the refugee shall register with the state employment service.

- (b) The employable refugee shall not, during thirty consecutive calendar days immediately prior to the application for assistance have voluntarily quit employment or have refused to apply for or accept an appropriate offer of employment.
- (c) The dependents of an ineligible applicant may apply for and receive RCA if the dependents otherwise meet eligibility requirements.
- (d) While receiving RCA, the employable refugee shall be disqualified when:
- (1) The refugee voluntarily quit employment for the purpose of receiving assistance; or

- (2) The refugee refused to apply for or complete the application or appraisal process with the state employment service or service agency approved by the state; or
- (3) The state employment service or service agency approved by the state determines that the employable refugee has refused to apply for or accept an appropriate offer of employment, or refused to participate in employment related training. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: HRS §346-56; 8 U.S.C. §1522; 45 C.F.R. §§400.75, 400.76, 400.77)

§17-661-17 Training requirements for RCA. (a) As a condition for continued receipt of RCA, the refugee who is unemployed or employed less than one hundred hours per month, shall be required to participate in training such as English language or skill training, if available, and if determined appropriate by the service agency approved by the state.

(b) The refugee who is employed one hundred or more hours per month shall be encouraged to participate in part-time English language or skill training. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: HRS §346-56; 45 C.F.R. §400.75)

§17-661-18 Appropriate employment and training criteria for RCA. (a) The determination of appropriate work or training for the RCA refugee shall be made by the state employment service or the service agency approved by the state.

(b) The work or training site to which the individual is assigned shall not be in violation of applicable federal, state, and county health and safety standards.

(c) Assignments shall not be made which are discriminatory in terms of age, sex, race, creed, color, or national origin.

(d) The total commuting time to and from a work or training site to which the individual is assigned shall not normally exceed two hours, not including the

transporting of a child to and from a child care facility. A longer commuting distance and time may generally be accepted in the community, in which case the round-trip commuting time shall not exceed the generally accepted community standards.

(e) Full-time attendance in a college program for a person aged eighteen or over shall be considered appropriate training for an individual provided:

- (1) The individual is a professional in need of professional refresher training and other recertification services to qualify to practice his or her profession in the United States: and
- (2) The training:
 - (A) Is approved as part of the individual's employability plan by the state agency;
 - (B) Does not exceed the specified time period to receive RCA benefits;
 - (C) Is specifically intended to assist the professional in becoming relicensed in his or her profession; and
 - (D) If completed, can realistically be expected to result in such relicensing.

(f) A refugee of any age who is otherwise eligible shall not be denied RCA while enrolled and participating in a full-time training program which has a definite short-term, less than one year employment objective, which is part of an employability plan approved by the service agency approved by the department.

(g) When child care is required during the hours the individual is in training, or is in English language instruction, or when child care is required for additional commuting time, a referral for assistance shall be made by the eligibility worker to the department's social service section.

(h) The individual's claim of adverse effect of a job or training assignment on the individual's physical or mental health shall be based upon medical verification from a physician or certified psychologist that participation would impair the individual's physical or mental health. [Eff 3/19/93] (Auth: HRS §346-14) (Imp: 45 C.F.R. §400.81)

§17-661-19 RCA employment and training exemptions. (a) A refugee shall be considered employable unless one of the following exemptions applies:

- (1) The individual is under age sixteen, or under age eighteen and is a full-time student as specified in chapter 17-656;
- (2) The individual is age eighteen and is:
 - (A) A full-time student in a secondary school or in the equivalent level of vocational or technical training, as specified in chapter 17-656, and is reasonably expected to complete the program before reaching age nineteen; or
 - (B) Enrolled full-time in training as part of an employability plan approved by the service agency approved by the department;
- (3) A person is ill, incapacitated, or over age sixty-five. The incapacity shall be verified through a written medical, psychological, or psychiatric report showing the limitations and the estimated period of incapacity;
- (4) A person whose presence in the home is required because of illness or incapacity of another member of the household;
- (5) A mother or other caretaker of a child under the age of six who is caring for the child; or
- (6) A mother or other caretaker of a child, when the nonexempt father or other nonexempt adult relative in the house is registered and has not refused to accept employment without good cause.

(b) A refugee shall not be exempt from accepting employment because of part-time participation in training under an approved employability plan by the service agency approved by the department.

(c) Inability to communicate in English shall not make the refugee unemployable. [Eff 03/19/93] (Auth: HRS §§346-14, 346-56) (Imp: HRS §346-56, 45 C.F.R. §400.76)

§17-661-20 RCA employment and training sanctions.

(a) Upon refusal by an employable refugee recipient to comply with the employment requirements of section 17-661-16 the department shall:

- (1) Provide a timely and adequate notice as provided in chapter 17-649; (2) Provide a conciliation period prior to the imposition of a sanction within the following time-limitations:
 - (A) No later than ten days following the date of failure or refusal to participate; and
 - (B) Complete conciliation within a thirty day period; or
 - (C) Terminate conciliation within the thirty day period when either the department or the recipient believes that the dispute cannot be resolved by conciliation;
- (3) Terminate assistance for the refugee refusing to comply with the employment and training requirements after the conciliation period specified in paragraph (2) and following timely and adequate notice standards as identified in chapter 17-649 and hearing requirements as described in chapter 17-602-11-15589, archived on June 14, 2017.
- (4) Apply a sanction in the following manner:
 - (A) If the assistance unit includes other individuals, then the grant shall be reduced by the amount included on behalf of that refugee. If the employable refugee is a needy caretaker relative, assistance in the form of protective or vendor payments shall be provided to the remaining members of the assistance unit; or
 - (B) If the individual is the only individual in the assistance unit, the grant shall be terminated.

(b) An employable refugee shall be ineligible for assistance for the following periods when assistance is terminated because of refusal to accept or continue employment or to participate in an available and appropriate social service program:

- (1) Three payment months for the first occurrence; and
- (2) Six payment months for each subsequent occurrence.

(c) An employable refugee who reapplies for assistance after the disqualification period shall be required to accept and participate in any training or employment before assistance is approved. [Eff 03/19/93; am 3/14/94] (Auth: HRS §346-56) (Imp: HRS §346-56, 45 C.F.R. §§400.77, 400.82)

§17-661-21 Repealed. [R 8/1/94]

§§17-661-22 to 17-661-25 (Reserved)

SUBCHAPTER 3

REPATRIATE PROGRAM

§17-661-26 Purpose. This chapter identifies the individuals and the services available to United States citizens who are returned from foreign countries (repatriates). [Eff 03/19/93] (Auth: HRS §346-14) (Imp: HRS §346-14; 45 C.F.R. §§211, 212)

§17-661-27 Definitions. As used in this chapter: "Department" means the department of human services.

"Eligible person" means an individual who meets the conditions specified in section 17-661-28.

"Service" means the Social and Rehabilitation Service, Department of Health and Human Services.

"Temporary assistance" means financial assistance, medical care, temporary billeting, transportation, and other goods and services necessary for the health or welfare of individuals, including guidance, counseling, and other welfare services. [Eff 03/19/93] (Auth: HRS §346-14) (Imp: HRS §346-14; 45 C.F.R. §§211, 212)

§17-661-28 Conditions of eligibility. To be eligible for services, the individual shall be:

- (1) A citizen of the United States or a dependent of a citizen of the United States;
- (2) Identified as having returned or been brought from a foreign country to the United States through a written statement transmitted to the Service by an authorized official of the Department of State because of the following situations:
 - (A) Destitution of the citizen of the United States;
 - (B) Illness of the citizen or any of the citizen's dependents;
 - (C) War;
 - (D) Threat of war;
 - (E) Invasion; or
 - (F) Similar crises;
- (3) Without resources immediately accessible to meet the individual's needs; and
- (4) Ineligible to receive AFDC:
 - (A) Eligible persons shall be processed for AFDC rather than repatriation assistance wherever possible;
 - (B) Repatriation assistance shall be provided until AFDC is approved; and
 - (C) When the family or a member of the family becomes ineligible for AFDC, repatriation assistance shall be provided for any period remaining in the ninety day eligibility period. [Eff 03/19/93] (Auth: HRS §346-14) (Imp: HRS §346-14; 45 C.F.R. §§211, 212)

§17-661-29 Scope of service. (a) The department, upon notification by the Service, shall meet individuals identified under section 17-661-28 at the port of entry or debarkation.

(b) The department shall provide temporary assistance to an eligible person for up to ninety days from the date of arrival in the United States.

(c) Temporary assistance may be extended for up to nine months if the repatriate is handicapped in

attaining self-support or self-care for the following reasons:

- (1) Age;
 - (2) Disability; or
 - (3) Lack of vocational preparation, in which case temporary assistance may be extended upon prior authorization by the Service for nine additional months.
- (d) Prior authorization from the federal administration to provide benefits beyond ninety days is required. [Eff 03/19/93] (Auth: HRS §346-14) (Imp: HRS §346-14; 45 C.F.R. §§211, 212)

§17-661-30 Financial assistance. (a) Financial assistance for resettlement expenses shall be provided as a one time payment:

- (1) The resettlement expenses shall be limited to actual cost, not to exceed the difference between the standard of assistance authorized by Family Support Administration per family member and the department's standard of assistance for that size family; and
 - (2) The family may request the one time payment anytime during the ninety day period of eligibility.
- (b) Financial assistance for subsistence expenses shall be limited to the department's standard of assistance for that size family specified in chapter 17-678.
- (c) Any income shall be counted against the financial assistance. [Eff 03/19/93; am 3/14/94] (Auth: §346-14) (Imp: HRS §346-14; 45 C.F.R. §§211, 212)

§17-661-31 Termination of payment. (a) The eligible individual who receives assistance, or the individual who is caring for or otherwise is acting on behalf of the eligible individual, shall report promptly to the department any event or circumstances which would cause the assistance to be changed in amount or terminated.

(b) Assistance shall be terminated on the ninety-first day unless assistance has been extended as provided in section 17-661-29(c).

(c) When assistance is terminated, an adequate notice which includes the following information shall be sent:

- (1) A statement of the action the department intends to take;
- (2) The reasons for the intended action; and
- (3) An explanation of the individual's right to request an informal review, an administrative hearing, or both.

(d) When an administrative hearing request is received, the request shall be processed according to chapter 17-602.1.

(e) The repatriate is not eligible to receive aid pending a hearing decision. [Eff 03/19/93] (Auth: §346-14) (Imp: HRS §346-14, 45 C.F.R. §§205.10, 211, 212)

§§17-661-32 to 17-661-35 (Reserved).

CHAPTER 4

SLIAG PROGRAM

§17-661-36 Purpose. The purpose of this subchapter is to establish the requirements for eligibility and participation in the state legalization impact assistance grant (SLIAG) program. [Eff 03/19/93] (Auth: HRS §346-14) (Imp: HRS §346-14)

§17-661-37 Eligible individuals. (a) SLIAG benefits are available to individuals granted lawful temporary or permanent resident status under sections 210, 210A, or 245A of the Immigration and Nationality Act (8 U.S.C. §§1101, et seq.) in accordance with section 204 of Pub. L. No. 99-603 (8 U.S.C. §1255a), Immigration Reform and Control Act of 1986.

- (b) Financial assistance shall be provided to:
 - (1) Individuals between eighteen and sixty-four years of age who are disabled;

- (2) Individuals between fifty-five and sixty-four years of age who are able to work; and
- (3) Families with dependent children who do not qualify for AFDC. [Eff 03/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: 45 C.F.R. §§402.1, 402.2)

§17-661-38 Program requirements. The individual or family shall comply with the general assistance (GA) requirements specified in chapter 17-659. [Eff 3/19/93; am 8/1/94] (Auth: HRS §346-14) (Imp: HRS §346-14; 45 C.F.R. §§402.1, 402.2)

*cited in State of Hawaii v. Trump
No. 17-15589, archived on June 14, 2017*

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HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12

MED-QUEST DIVISION

CHAPTER 1723.2

REFUGEE MEDICAL ASSISTANCE

Subchapter 1 General Provisions

- §17-1723.2-1 Purpose
- §17-1723.2-2 General requirements
- §§17-1723.2-3 to 17-1723.2-7 (Reserved)

Subchapter 2 Refugee Medical Assistance (RMA) Program

- §17-1723.2-8 Purpose
- §17-1723.2-9 Basic requirements
- §17-1723.2-10 Categorical requirements
- §17-1723.2-11 Income requirements
- §17-1723.2-12 Asset requirements
- §17-1723.2-13 Redetermination of eligibility
- §17-1723.2-14 Records
- §§17-1723.2-15 to 17-1723.2-19 (Reserved)

Subchapter 3 Freedom of Choice, Enrollment, Benefits, Disenrollment and Termination of Assistance

- §17-1723.2-20 Purpose
- §17-1723.2-21 Freedom of choice
- §17-1723.2-22 Enrollment into a participating health plan
- §17-1723.2-23 Benefits
- §17-1723.2-24 Disenrollment from a health plan

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§17-1723.2-25 Termination of assistance
 §§17-1723.2-26 to 17-1723.2-30 (Reserved)

SUBCHAPTER 1

GENERAL PROVISIONS

§17-1723.2-1 Purpose. The purpose of this chapter is to establish the requirements for eligibility and participation in the Refugee Medical Assistance (RMA) program. [Eff 09/30/13] (Auth: HRS §§346-14, 346-56; 45 C.F.R. §§400.90, 400.91) (Imp: HRS §§346-14, 346-56; 45 C.F.R. §§400.90, 400.91)

§17-1723.2-2 General requirements. The confidentiality, administrative appeal, fraud, medical assistance recovery, application processing, eligibility review, and adverse action notice provisions described in subtitle 12 shall pertain to an individual who applies or is eligible under this chapter. [Eff 09/30/13] (Auth: HRS §§346-14, 346-44; 42 C.F.R. §§431.200, 431.206, 431.221, 431.230, 431.300, 435.907, 435.916, 455.1) (Imp: HRS §§346-14, 346-44; 42 C.F.R. §§431.200, 431.206, 431.221, 431.230, 431.300, 435.907, 435.916, 455.1)

§§17-1723.2-3 to 17-1723.2-7 (Reserved).

SUBCHAPTER 2

REFUGEE MEDICAL ASSISTANCE (RMA) PROGRAM

§17-1723.2-8 Purpose. This subchapter describes the eligibility requirements for Refugee Medical Assistance (RMA). [Eff 09/30/13] Auth: HRS §§346-14, 346-56, 45 C.F.R. §§400.90, 400.91) (Imp: HRS §§346-14, 346-56, 45 C.F.R. §§400.90, 400.91)

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§17-1723.2-9 Basic Requirements. An individual applying for assistance under this subchapter shall meet the following basic requirements, which include but are not limited to non-citizen status, state residency, verification of identity, not residing in a public institution, and the provision of a social security number when applicable. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§435.10, 435.400, 435.910; 45 C.F.R. §§400.90, 400.100) (Imp: 42 C.F.R. §§435.400, 435.910; 45 C.F.R. §§400.90, 400.100)

§17-1723.2-10 Categorical requirements. An individual eligible to participate in the Refugee Medical Assistance program shall:

- (1) Be ineligible for medical assistance under the provisions of chapters 17-1715, 17-1716, 17-1717, 17-1718, 17-1719 or 17-1730.1 with the following income not considered:
 - (A) In-kind services and shelter provided by a sponsor or local resettlement agency;
 - (B) Cash allotments provided by the resettlement agency and financial cash assistance payments provided by the department; and
 - (C) Income remaining in the country of origin;
- (2) Provide documentation issued by the USCIS that the individual is:
 - (A) Paroled as a refugee or asylee under section 212(d)(5) of the INA;
 - (B) Admitted as a refugee under section 207 of the INA;
 - (C) Granted asylum under section 208 of the INA;
 - (D) A Cuban or Haitian entrant, in accordance with the requirements in 45 C.F.R Part 401;
 - (E) An Amerasian from Vietnam who is admitted to the U.S. as an immigrant pursuant to section 584 of the Foreign

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- Operations, Export Financing and Related Programs Appropriations Act of 1988 (Pub. L. 100-202, section 101(e)) and succeeding amendments; or
- (F) Admitted for permanent residence, provided the individual previously held one of the statuses identified above.
- (3) An individual who meets any of the requirements in section 17-1723.2-10(2) shall be referred to as a "refugee" in this chapter.
- (4) Provide the name of the resettlement agency which resettled them in order for the department to notify the agency upon receipt of an application.
- (5) Not be a full-time student in higher education, unless part of an employability plan for a refugee under 45 C.F.R. §400.79 or for an unaccompanied minor under 45 C.F.R. §400.112. [Eff: 09/30/13] Auth: HRS §§346-14, 346-56, §101(a)(42) of the INA, 45 C.F.R. §§400.43, 400.90, 400.100, 400.101, 400.102 (Imp: HRS §§346-14, 346-56, §101(a)(42) of the INA, 45 C.F.R. §§400.43, 400.90, 400.100, 400.101, 400.102)

§17-1723.2-11 Income Requirements. (a) Income shall be based on information as of the date of application. The department may not employ prospective averaging of income methodology.

(b) A refugee ineligible under section 17-1723.2-10 due to excess income under chapters 17-1715, 17-1716, 17-1717, 17-1718, 17-1719, or 17-1730.1 is eligible under the provisions of this chapter if able to spend down to the applicable standard through incurred medical expenses.

(c) A refugee initially determined eligible under chapters 17-1715, 17-1716, 17-1717, 17-1718, 17-1719 or 17-1730.1 who is subsequently terminated due to earnings from employment shall be transferred to

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the Refugee Medical Assistance program without a determination of eligibility, until the end of the time-limited period for RMA.

(d) Earned income shall not affect continued eligibility for a refugee initially determined eligible for RMA.

(e) A refugee who is sixty-five years or older, or who is blind or disabled, shall be referred to the Social Security Administration to apply for Supplemental Security Income (SSI) and Medicare as appropriate.

(f) For an individual determined ineligible under this chapter, the department shall transfer the individual's application information for other insurance affordability programs as appropriate pursuant to 42 C.F.R. §435.1200(e). [Eff 09/30/13] (Auth: HRS §§346-14, 346-56; 42 C.F.R. §§435.10, 435.100, 435.1200, 45 C.F.R. §§400.100, 400.101, 400.102, 400.103, 400.104) (Imp: HRS §346-56, 42 C.F.R. §§435.10, 435.100, 435.1200, 45 C.F.R. §§400.100, 400.101, 400.102, 400.103, 400.104)

§17-1723.2-12 Asset requirements. Assets shall be considered as follows:

- (1) For a non-ABD individual, apply the asset provisions described in chapters 17-1715, 17-1716, 17-1717, 17-1718, or 17-1730.1 as applicable.
- (2) For an ABD individual, apply the asset provisions described in chapter 17-1719. [Eff 09/30/13] (Auth: HRS §§346-14, 346-56; 45 C.F.R. §§400.100, 400.101, 400.102, 400.103) (Imp: HRS §346-56, 45 C.F.R. §§400.100, 400.101, 400.102, 400.103)

§17-1723.2-13 Redetermination of eligibility. The provisions of section 17-1712.1-4 relating to redeterminations of eligibility due to a change in household circumstances shall apply to an individual eligible under this chapter. [Eff 09/30/13] (Auth: HRS §§346-14, 346-56; 42 C.F.R. §§431.10,

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435.916, 45 C.F.R §§400.93, 400.94) (Imp: HRS §346-56; 42 C.F.R. §§431.10, 435.916, 45 C.F.R §§400.93, 400.94)

Historical note: §17-1723.2-13 is based substantially upon §17-1723-18. [Eff 08/01/94; R 09/30/13]

§17-1723.2-14 Records. The following information shall be entered in the record of each refugee:

- (1) The name and address of the sponsor;
- (2) The name of the national voluntary resettlement agency which resettled the refugee or the absence of an involved voluntary resettlement agency; and
- (3) The passport or alien registration number on the form I-94. [Eff 09/30/13] (Auth: HRS §346-14, §346-56; 45 C.F.R. §§ 400.93, 400.100) (Imp: HRS §346-56; 45 C.F.R. §§ 400.93, 400.100)

Historical note: §17-1723.2-14 is based substantially upon §17-1723-18. [Eff 08/01/94; R 09/30/13]

§§17-1723.2-15 to 17-1723.2-19 (Reserved).

SUBCHAPTER 3

FREEDOM OF CHOICE, ENROLLMENT, BENEFITS, DISENROLLMENT
AND TERMINATION OF ASSISTANCE

§17-1723.2-20 Purpose. This subchapter addresses and refers to the provisions of freedom of choice, enrollment, benefits and disenrollment for a refugee who is eligible for RMA under this chapter. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.10, 431.40, 435.10; 45 C.F.R. §§400.90, 400.105) (Imp: 42 C.F.R §§430.25, 431.10, 431.40, 45 C.F.R. §§400.90, 400.105)

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§17-1723.2-21 Freedom of choice. (a) A refugee eligible in accordance with this chapter, with the exception of a refugee identified in section 17-1735.1-2(a), shall be provided a choice of a health plan and a provider as described in chapter 17-1720.1.

(b) A refugee identified in section 17-1735.1-2(a) shall choose a department approved provider as described in 17-1736-3. [Eff 09/30/13] (Auth: HRS §§346-14, 346-56; 42 C.F.R. §§430.25, 431.51, 438.52; 45 C.F.R. §400.105) (Imp: HRS §346-56; 42 C.F.R. §§430.25, 431.51, 438.52; 45 C.F.R. §400.105)

§17-1723.2-22 Enrollment into a participating health plan. (a) A refugee eligible in accordance with this chapter, with the exception of a refugee identified in section 17-1735.1-2(a), shall be enrolled in a health plan as described in chapter 17-1720.1.

(b) A refugee identified in section 17-1735.1-2(a) shall not be enrolled into a health plan and their health care services shall be provided on a fee-for-service basis. [Eff 09/30/13] (Auth: HRS §§346-14, 346-56; 42 C.F.R. §§430.25, 431.10, 431.40, 438.50, 45 C.F.R. §400.105) (Imp: 42 C.F.R. §§430.25, 431.10, 431.40, 438.50, 45 C.F.R. §400.105)

§17-1723.2-23 Benefits. (a) Benefits under this chapter shall be time-limited as determined by the Director of the federal Office of Refugee Resettlement.

(b) A refugee who is enrolled in a health plan shall be provided a standard benefits package by a participating health plan and other services when appropriate as described in chapter 17-1720.

(c) A refugee identified in section 17-1735.1-2(a) shall be provided coverage under the fee-for-service provisions as described in chapter 17-1737. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6; 45 C.F.R. §400.105) (Imp:

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HRS §346-14; 42 C.F.R. §§430.25, 431.40, 438.6; 45 C.F.R. §400.105)

§17-1723.2-24 Disenrollment from a health plan.
An enrollee shall be disenrolled from a health plan under the provisions as described in chapter 17-1720.1. [Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §430.25, 431.40, 438.56, 45 C.F.R. §400.105) (Imp: HRS §346-14; 42 C.F.R. §430.25, 431.40, 438.56, 45 C.F.R. §400.105)

§17-1723.2-25 Termination of assistance. (a) After a refugee is determined eligible for RMA under this chapter, the department shall review the refugee's circumstances as appropriate for changes to determine eligibility for other medical assistance programs.

(b) Refugee Medical Assistance shall be terminated when the first of the following conditions is met:

- (1) The refugee has been determined eligible for Medicaid;
- (2) Countable assets exceed the maximum allowable; or
- (3) The last day of the final month of the time limited benefit period.

(c) When RMA is terminated, the department shall transfer the individual's application information for other insurance affordability programs as appropriate pursuant to 42 C.F.R. §435.1200(e).

[Eff 09/30/13] (Auth: HRS §346-14; 42 C.F.R. §§431.200, 431.213, 435.1200; 45 C.F.R. §§400.94, 400.100) (Imp: HRS §346-14; 42 C.F.R. §§431.200, 431.213, 435.1200; 45 C.F.R. §§400.94, 400.100)

§§17-1723.2-26 to 17-1723.2-30 (Reserved).

State of Hawaii

Department of Human Services

Language Access Plan

cited in State of Hawaii v. Trump
No. 17-15589, archived on June 14, 2017
July 5, 2013—June 30, 2016

Issued and Approved

by the Director

Department of Human Services

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INTRODUCTION

This three-year Language Access Plan speaks to the Department of Human Services (DHS) continuing commitment to provide essential, meaningful access to Limited English Proficient (LEP) individuals by removing barriers which could prevent existing or potential customers of the DHS from participating in its programs and activities because of language needs. The primary purpose is to continually enhance services provided by the DHS to all persons seeking our services.

The DHS continues to take reasonable steps to provide meaningful access to LEP individuals in compliance with Title VI of the Civil Rights Act of 1964 and its implementing regulations 45 CFR, Part 80, as well as Chapter 371, Sections 31-37 of the Hawaii Revised Statutes (HRS), as amended.

The population of the State reflects a rich blend of people and culture. According to the 2010 census the largest number of people living in Hawaii whose primary language is not English, speak an Asian or Pacific Island language or dialect. Many have a limited ability to read, write, speak or understand DHS' services in English. Language barriers can prohibit qualified residents from fully participating in the State's efforts to help them to become self-sufficient. In 2012, the most frequently encountered languages/dialects were: Chinese, Chuukese, Korean, Marshallese, Samoan, and Vietnamese. This language access plan speaks to the DHS' voluntary commitment to provide essential and meaningful access to LEP customers.

DEFINITION OF LEP PERSONS

For purposes of this plan, LEP persons, customers, and applicants are defined as individuals who do not speak English as their primary language and who self-identify as having a limited ability to read, write, speak, or understand English. They may be eligible to receive language assistance with respect to a particular service, benefit, or encounter at no cost to them. Notice of such language assistance availability is to be provided on a regular basis.

RELEVANT FACTORS

To determine whether the DHS is required to provide effective and meaningful access to LEP individuals, the U. S. Department of Health and Human Services has established four guidelines which are also found in HRS § 371-33(a) (1-4):

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program;
2. The frequency with which LEP persons come into contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to LEP persons; and

4. The resources available to the program and the costs of providing interpretation/translation services.

The combination of these factors serves as the basis to determine the DHS' obligation to provide language access services.

SUMMARY OF COMPONENTS

The DHS Language Access Plan is comprised of ten (10) components:

1. Providing oral interpretation services to applicants and clients that are free of cost.
2. Maintaining reporting systems designed to obtain key information about the LEP populations who are eligible for and/or use the DHS's services.
3. Maintaining comprehensive listings of language assistance resources.
4. Providing notice to LEP persons of free interpreter services
5. Designating Language Access Coordinator/s and Access Task Force Members.
6. Training employees and contractors on language assistance services.
7. Orienting interpreters to role expectations and a Code of Ethics.
8. Seeking stakeholders' input in revision of the DHS' Language Access Plan.
9. Monitoring the DHS' programs, services and contractors for reasonable and meaningful language assistance
10. Evaluating the effectiveness of the DHS' language assistance efforts.

An explanation of these ten components follows.

COMPONENT EXPLANATION

1. **Providing interpretation services**
 - a. Oral—Each division, agency, commission, program and activity at the DHS will provide interpretation assistance in response to the language needs expressed by LEP individuals in both face-to-face and telephone encounters about DHS services.
 - b. Written—Translation of documents will be provided when interpretation is not reasonable or meaningful within the threshold of the law.
 - c. Personnel—Hiring of employees who have bi-lingual skills is an ongoing effort where possible at the DHS. Hiring bi-lingual staff to serve as staff interpreters only is not reasonable, at this time, within the DHS' budgetary constraints.

While serving applicants or clients, situations might arise where LEP individuals are unable to navigate through the DHS' programs without assistance of interpreters in their primary language.

To ensure that the inability to communicate in English does not deprive the public of rights and privileges, the DHS will continue to provide an interpreter at no cost to the client/applicant for LEP individuals seeking or requiring DHS services.

2. Maintaining reporting systems

To provide meaningful access to LEP individuals, the DHS will continue to gather information about languages spoken, the DHS services used and the frequency such services are utilized by LEP persons.

Data is compiled on a semi-annual basis from divisions, agencies, commissions and offices at the DHS, as well as contractors who provide services with federal and state funding through the DHS. This data is analyzed and reported to the Hawai'i Office of Language Access (OLA). (See Appendix A for OLA reporting form.)

Each division, agency, commission, and office at the DHS will have in place mechanisms in their reporting system/s to regularly assess the LEP status and language assistance needs of current and potential customers as well as assess the DHS' capacity to meet these needs according to the components of this plan.

3. Maintaining comprehensive listings of language assistance resources

To serve LEP individuals effectively, the DHS maintains lists of language skills and resources available through its employees, surrounding community members, state agencies, court systems and private entities. These lists are updated and distributed semi-annually to each division, and administratively attached agencies and are available on the DHS internal Q Drive and/or website in the Civil Rights Corner. (See Appendix B)

All the DHS volunteer interpreters are highly encouraged to complete training in interpretation techniques and ethics. The DHS encourages participation at OLA sponsored training for interpreters and translators.

Although the DHS volunteer employees may not be fluent in a particular language, depending on the circumstances, that employee's or community language skills may facilitate a certain comfort level that might contribute significantly to meeting an LEP individual's needs.

In events where the DHS requires additional personnel to provide language access to LEP clients or applicants, as determined by the relevant factors described earlier, the DHS shall seek qualified contracted interpreters via telephone, video or in-person.

4. Providing notice to LEP persons of interpreter services that are free of cost to the LEP individual

The DHS provides notice at <http://humanservices.hawaii.gov>, in brochures such as Access Hawaii, and through the posting of notices in waiting areas and offices servicing LEP individuals.

Each division, administratively attached agency, commission and program at the DHS will inform its contractors of their responsibility to provide notice to their LEP clients and applicants of the availability of free language assistance services. Each will also provide notice to community agencies and unions that work with the DHS' clients. Community providers and the DHS contractors will be advised and monitored relative to their responsibility to provide interpreter services free of cost to LEP persons utilizing or applying for their services.

5. Designating Language Access Coordinator/s and Access Task Force members

DHS' Civil Rights Compliance Staff (CRCS) continues to serve as the Language Access Coordinator for the DHS in cooperation with the newly formed KOLEA LEP Project team. Additionally, the DHS has an Access Task Force to serve as a working focus group to be responsible for reporting, follow-up and implementation of this plan and to assure compliance with Hawaii Revised Statutes and other guidelines.

Each division and administratively attached agency will continue to designate representatives to the DHS' Access Task Force, with at least one backup representative for continuity purposes, who will serve in an advisory and working capacity to the Language Access Coordinator.

Each neighbor island office will provide input to the designated Access Task Force member on a regular basis.

Additional information about staff officer, division administrator, supervisor and employee roles are specified in DHS' Policies and Procedures 4.10.4 and the 2013-2015 Affirmative Action Plan.

6. Training employees on providing language assistance services

The DHS began training in 2007 for program staff, supervisors and administrators to improve language access, create awareness and prevent discriminatory practices relative to national origin, in general, and LEP, specifically. Those efforts continue on an annual basis.

Training for administrators and supervisors began during May of 2009 and is continuing. The supervisors are now responsible for directly training all staff who have daily or weekly public contact. New employees are trained at the time of hire and all employees receive annual training by their supervisors and/or division trainers (See Appendix C).

Existing civil rights training titled Administrative Procedures for Supervisors (APS) and Administrative Procedures for Clericals (APC), both of which include language access training continues on an annual basis.

The DHS will continue to inform agencies contracting with DHS about contractor responsibilities for providing interpreter services at no cost to LEP individuals and for complying with assurances specific to their respective program funds. Each program is responsible for monitoring contractor compliance (See Appendix G for a sample monitoring checklist).

Volunteer interpreters and front-line staff will continually be encouraged to attend workshops and webinars and to attend state-wide meetings designed to meet language access needs.

Each division, commission and administratively attached agency will allow time for training front-line and supervisory staff on DHS' language access efforts. Supervisors or trainers will be responsible for training new employees and all individuals under their supervision who have daily or weekly public contact. The DHS will continue to provide online annual refresher training to all of the DHS employees. While developed for the DHS' employees, contractors also have access to this online presentation at <http://hunanservices.hawaii.gov> in the Civil Rights Corner.

7. Orienting interpreters to role expectations and Code of Ethics

Interpreters are required to review DHS' Code of Ethics for providing interpreter services, sign an interpreter form, asked to participate in the OLA training on the role of interpreters, and serving individuals with language needs (See Appendix E for Interpreter Form with Code of Ethics and Appendix F for Offer and Acceptance or Waiver of Free Interpreter Services).

8. Seeking stakeholders' input in review and revision of DHS Language Access Plan

The DHS, through the Language Access Plan Coordinator, will actively seek input from groups that provide assistance to LEP clients and applicants, including those who advocate for the interests of immigrants, refugees and others who may be LEP consumers of DHS and its contract provider services. All interested stakeholders are encouraged to contact the DHS Language Access Coordinator directly at gwatts@dhs.hawaii.gov or (808) 586-4955.

The coordinator will have at least one public meeting with LEP persons, other interested stakeholders and the DHS Access Committee members prior to June 30, 2016. An advisory council of stakeholders that meets every six months is being considered. The objectives for seeking such input are (1) to provide feedback and information that will result in refining DHS plan and (2) to enable the DHS to meet its goal of taking reasonable steps toward ensuring meaningful access to LEP individuals seeking DHS services.

Following this meeting the coordinator will prepare a report on the meeting and submit the report to the Director of DHS no later than July 31, 2016. The report will include a synthesis of the data gathered through the DHS' reporting systems; meetings with stakeholders and LEP clients.

This Language Access Plan is a fluid document and will be reviewed and revised in light of comments from LEP applicants and clients, their representatives, interested stakeholders and DHS staff. Such review and revision will take place at least once every three years.

9. Monitoring for reasonable and meaningful language assistance

The CRCS makes unannounced site visits to observe notices and other areas relative to civil rights compliance and to photograph facilities and features to support this and other self-evaluation efforts. Findings from these visits are discussed with Access Task Force members for follow-up. Contract monitors in each program will continue to be responsible for monitoring contractor provision of interpreter services (See Appendix G for sample checklist).

10. Evaluating effectiveness of DHS' language assistance efforts.

Evaluations of the DHS' divisions and administratively attached agencies are conducted periodically by CRCS in consultation with staff of the Office of Language Access to determine compliance with the DHS' obligations to provide language access services. The Office of Language Access in 2013 (See Appendix G for Self-Assessment Checklist for Public Programs for a copy of the current OLA monitoring tool).

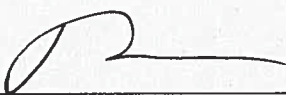
Recommendations will be addressed by the Language Access Coordinator and Access Task Force as indicated in the findings.

CONCLUSION

This plan covers the period July 1, 2013 through June 30, 2016 and addresses the DHS' continuing commitment to enhancing access to its services and programs. It supersedes the DHS' Language Access Plan covering the period July 1, 2011 through June 30, 2013. The provisions of this plan shall remain in place until a revised plan is adopted in 2016.

With approval of this Language Access Plan, the DHS in compliance with mandates of Title VI of the Civil Rights Act of 1964, as amended, and Hawai'i Language Access Law, Chapter 371, Sections 31-37 of the Hawaii Revised Statutes (HRS), as amended is providing reasonable and meaningful access to LEP clients and applicants who seek DHS services.

All DHS divisions, administratively attached agencies, commissions, and offices shall comply with the provisions of the Language Access Plan.


Patricia McManaman, Director

6/12/13
Date

APPENDICES

- A Language Access Reporting Tool
- B Resource Lists
- C Training
- D Notices and Announcements
- E Interpreter Form DHS 5050 with Code of Ethics
- F Offer and Acceptance or Waiver of Free Interpreter Services, DHS 5000
- G (1) Civil Rights Monitoring Checklist sample
(2) Self-assessment Checklist for Public Programs

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No. 17-15589, archived on June 14, 2017

Phone No. _____

Period Covered 7/1/12 - 12/31/12

Phone No. _____

Sign Translation	Written Translation	Other (please specify)	Interpret (Self-provided)	Community Voice	Continued Interpret (via an interpreter)	Continued Interpret (Self-provided)	Self Interpreter	Telephone Interpreter	Video Self Interpreter (with videoconferencing to help)	Other (please specify)	Requests Transmitted	Vital Documents	Over Language Barrier	Other Translated	Telephone Interpreter
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!

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APPENDIX A

DEPARTMENT OF HUMAN SERVICES, PERSONNEL OFFICE

LANGUAGE ACCESS LOG AND REPORTING FORM (Rev. 02/01/12)

[illegible]

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Completed By:

E-mail:

Phone:

Appendix A of the Hawaii State Judiciary Court Interpreter Certification Program Court Rules, below, lists the requirements necessary for court interpreters to achieve a Tier Designation on the certification program Registry.

Appendix A - Tiers of Court Interpreter Designation					
Tier	Spoken or ASL	Hourly Fee		Designation	Requirement
ALL TIERS OF COURT INTERPRETER DESIGNATIONS MUST FULFILL THE MINIMUM REQUIREMENTS SET FORTH UNDER TIER 1					
6	Spoken	55		Certified Master	Full Consortium Oral Exam: 80% for Simultaneous; 80% for Consecutive; 80% overall for Sight Translation, with at least 75% for each subpart; or Federal Court Interpreter Certification Exam (FCICE)
	ASL	55		Certified Master	RID SC:L
5	Spoken	N/A		N/A	N/A
	ASL	50		Certified Advanced	Tier 4 requirements and fulfillment of "Certified Advanced" requirements (currently being determined)
4	Spoken	45		Certified	Full Consortium Oral Exam: 70% for Simultaneous; 70% for Consecutive; 70% overall for Sight Translation, with at least 65% for each subpart
	ASL	45		Certified	NAD V; or HQAS V; or RID CI and CT; or RID CDI; or RID CSC; or RID RSC
3	Spoken	40		Approved	Full Consortium Oral Exam: 60% for Simultaneous; 60% for Consecutive; 60% overall for Sight Translation, with at least 55% for each subpart; or Abbreviated Consortium Oral Exam: 70% for Simultaneous; 70% for Oral English Proficiency component
	ASL	40		Approved	NAD IV; or HQAS IV; or RID CI or CT
2	Spoken	35		Conditionally Approved	Abbreviated Consortium Oral Exam: 60% for Simultaneous; 60% for Oral English Proficiency component; or Alternative Credential Recognition for passage of an exam approved by the Judiciary in a language for which the Consortium oral exam does not exist
	ASL	N/A		N/A	N/A
1	Spoken	25		Registered	2-Day Basic Orientation Workshop; 70% for Consortium Written Exam; 80% for Hawaii Basic Ethics Test; and Passage of Criminal Background Check
	ASL	25		Registered	2-Day Basic Orientation Workshop; 70% for Consortium Written Exam; 80% for Hawaii Basic Ethics Test; and Passage of Criminal Background Check

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HAWAII STATE JUDICIARY COURT INTERPRETER CERTIFICATION PROGRAM

The highest tier achievable for each language may vary. The following table lists the current languages on the Registry and the performance exam available to achieve the highest tier in each language.

LANGUAGE	HIGHEST TIER POSSIBLE	ACHIEVED VIA
American Sign	6	RID SC:L
Arabic	6	Consortium Full Exam
Bulgarian	2	LionBridge Exam
Burmese	2	LionBridge Exam
Cantonese	6	Consortium Full Exam
Cebuano	2	LionBridge Exam
Chuukese	3	Consortium Abbreviated Exam
French	6	Consortium Full Exam
German	2	LionBridge Exam
Hindi	2	LionBridge Exam
Hungarian	2	LionBridge Exam
Ilokano	6	Consortium Full Exam
Indonesian	2	LionBridge Exam
Japanese	2	LionBridge Exam
Khmer (Cambodian)	2	LionBridge Exam
Korean	6	Consortium Full Exam
Kosraean	1	Written Exam & Ethics Exam
Laotian	6	Consortium Full Exam
Mandarin	6	Consortium Full Exam
Marshallese	3	Consortium Abbreviated Exam
Pohnpeian	1	Written Exam & Ethics Exam
Portuguese	6	Consortium Full Exam
Russian	6	Consortium Full Exam
Samoan	2	LionBridge Exam
Spanish	6	Consortium Full Exam
Tagalog	2	LionBridge Exam
Thai	2	LionBridge Exam
Tongan	2	LionBridge Exam
Vietnamese	6	Consortium Full Exam

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No. 17-15589, archived on June 14, 2017*

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COURT INTERPRETER CERTIFICATION PROGRAM
COURT INTERPRETER REGISTRY
External Distribution
May 16, 2013

Court interpreters who meet mandatory requirements for interpreting in the state courts under the Hawai'i State Judiciary Court Interpreter Certification Program are published on this Registry. Requesting parties are responsible for further determining the qualifications and competence of the interpreters they hire.

If you have any questions about the Registry, please contact the Office on Equality and Access to the Courts at 808-539-4860.

* Please refer to the Hawai'i Rules for Certification of Spoken and Sign Language Interpreters, Appendix A for the list of tiers and tier requirements.

<u>LANGUAGE</u>	<u>ISLAND</u>	<u>TIER</u>	<u>DESIGNATION</u>	<u>NAME</u>	<u>CONTACT #</u>
AMERICAN SIGN	Oahu	6	Certified Master	LANI, TAMAR H.	216-6898(C), tamarness@gmail.com
AMERICAN SIGN	Oahu	4	Certified	SAPKO, REGINA C.	429-3553(C), reginaclare@hotmail.com
AMERICAN SIGN	Oahu	4	Certified	SAKAL, PATRICIA L.	223-5841(B), mumpkin2@gmail.com
AMERICAN SIGN	Oahu	4	Certified	NAKAMOTO, LYNN M.	551-3778(C), lynnsigns@gmail.com
AMERICAN SIGN	Oahu	4	Certified	LAMBRECHT, LINDA Y.	393-9861(C) Text Only, 734-9154 (B), aslteal@gmail.com or lambrech@hawaii.edu
AMERICAN SIGN	Oahu	4	Certified	KROE-UNABIA, SUSAN L.	295-0647(B), susankroe@aol.com
AMERICAN SIGN	Oahu	4	Certified	JACKSON, DEBBRA L.	239-6163(H), alii.interpreting.svc@gmail.com
AMERICAN SIGN	Oahu	4	Certified	HUNGERFORD, GINA C.	778-6790(B)(C), ginahungerford@yahoo.com
AMERICAN SIGN	Oahu	4	Certified	FRIED, JAN L.	734-5889(H), 734-9154(B), 734-9799(F) janfried@gmail.com or jfried@hawaii.edu
AMERICAN SIGN	Oahu	4	Certified	COOPER, KENNEDY L.	497-9925(C), kennedyclm@mac.com
AMERICAN SIGN	Oahu	4	Certified	BOWEN, BEVERLY K.	389-8997(C), bevsignasl@yahoo.com
AMERICAN SIGN	Oahu	4	Certified	BAIRD, DARLENE L.	352-2246(C), pukapantz@hotmail.com
AMERICAN SIGN	Hawaii	4	Certified	TRUJILLO, TARA M. W.	557-1616(C), 934-0827(H), tarawolf@hotmail.com
AMERICAN SIGN	Hawaii	4	Certified	SAPKO, REGINA C.	429-3553(C), reginaclare@hotmail.com
AMERICAN SIGN	Hawaii	4	Certified	KERN, KU MEI B.	896-9059 (C)(B), kooshmabob@yahoo.com
AMERICAN SIGN	Hawaii	4	Certified	DRAVIS-TUCKER, MALINA S.	936-0046 (C)(B), malinadt@mail.com
AMERICAN SIGN	Hawaii	4	Certified	BROOKS, PAULINE C.	430-5129(C), pbrooks.asl@gmail.com
AMERICAN SIGN	Kauai	4	Certified	LITTLETON, LARRY M.	241-1386(Voice), 240-1717(Message), LarryMLittleton@gmail.com
AMERICAN SIGN	Oahu	3	Approved	GALAPIN, NORMAN R., JR.	(714)309-2528(B)(H)(C), (951)808-8605(F), normang2005@yahoo.com
ARABIC	Oahu	1	Registered	SMITH, WILLIAM H.	258-7971(C), 237-8301(H)(F), smithwm@hawaii.rr.com
ARABIC	Oahu	1	Registered	MOUSTAFA, NEVINE FARID	377-3093(H), 393-3683(C), vanvoun293@aol.com
ARABIC	Oahu	1	Registered	BANDACK, FREDRICK E.	382-2945(C), hawaiian8heart@aol.com
BENGALI	Oahu	1	Registered	SMITH, WILLIAM H.	258-7971(C), 237-8301(H)(F), smithwm@hawaii.rr.com
BENGALI	Oahu	1	Registered	ROUF, MOHAMMAD A.	479-0298(C), 949-1163(H), 833-5787(B), 833-5987(F), mohammad@globeteckgroup.com
BOSNIAN	Hawaii	1	Registered	ZJAK, DEJAN M.	345-2795(B), dejan2810@yahoo.com
BULGARIAN	Oahu	1	Registered	IBISHEVA, ZHULIETA B.	636-3068(C), zibisheva@gmail.com

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COURT INTERPRETER CERTIFICATION PROGRAM
COURT INTERPRETER REGISTRY

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May 16, 2013

Court interpreters who meet mandatory requirements for interpreting in the state courts under the Hawai'i State Judiciary Court Interpreter Certification Program are published on this Registry. Requesting parties are responsible for further determining the qualifications and competence of the interpreters they hire.

If you have any questions about the Registry, please contact the Office on Equality and Access to the Courts at 808-539-4860.

* Please refer to the Hawai'i Rules for Certification of Spoken and Sign Language Interpreters, Appendix A for the list of tiers and tier requirements.

<u>LANGUAGE</u>	<u>ISLAND</u>	<u>TIER</u>	<u>DESIGNATION</u>	<u>NAME</u>	<u>CONTACT #</u>
BURMESE	Oahu	I	Registered	TEOHLOU, ISABELLE A. K.	945-2926(H)(F)
CANTONESE	Oahu	I	Registered	YUEN, PEARL P.J.C.	
CANTONESE	Oahu	I	Registered	YING, MONICA T.	languagemajor@gmail.com, 228-2978(C), 415-326-3382(B)
CANTONESE	Oahu	I	Registered	XU, MICHELLE WONG	(408) 676-9891(C)(H)(B), michellewongxu@gmail.com
CANTONESE	Oahu	I	Registered	WONG, WILLY	626-0237(H), 677-2592(F), wongwillywonka@aol.com
CANTONESE	Oahu	I	Registered	WONG, PATRICK T. C.	255-6188(C), patricktwong@yahoo.com
CANTONESE	Oahu	I	Registered	TEOHLOU, ISABELLE A. K.	945-2926(H)(F)
CANTONESE	Oahu	I	Registered	SHIMABUKURO, LYNNETTE LEE LING	230-0826(C), 732-6205(H)(F), lynnstresures@gmail.com
CANTONESE	Oahu	I	Registered	NG, MEI LING	781-1878(C), 672-0510(F), meiling1680@yahoo.com
CANTONESE	Oahu	I	Registered	NARUSE, WENDY (YIP)	772-8215(C), wendyn61@gmail.com
CANTONESE	Oahu	I	Registered	MA, GAIL H. Y.	561-3905(C), gailhorse@yahoo.com
CANTONESE	Oahu	I	Registered	LEE, MANSON W.	781-5287(C), mansonwlee@gmail.com
CANTONESE	Oahu	I	Registered	LAU, ROWENA C. W.	232-1370(C), rlbbsa@hotmail.com
CANTONESE	Oahu	I	Registered	KONG, YUET MUI	yuetmui_kong@hotmail.com
CANTONESE	Oahu	I	Registered	CHOI, JOHNSON	524-5738(B), 524-8063(F), jwkc8168@yahoo.com
CANTONESE	Oahu	I	Registered	CHOI, CANDY	429-2028(C), candychoi68@gmail.com
CANTONESE	Oahu	I	Registered	CHAN, SHIRLEY W. Y.	295-8803(C)(B), shirchan88@hotmail.com
CANTONESE	Oahu	I	Registered	AU, NANETTE Y. B.	226-1328(C), 523-6468(B), 533-2108(H), 523-7618(F), nanette000@gmail.com
CANTONESE	Maui	I	Registered	SO, GLORIA C. M.	228-6355(C), gloria.cm.so@gmail.com
CEBUANO	Oahu	2	Conditionally Approved	WASHBURN-REPOLLO, EVA ROSE B.	735-4874(B), 728-3089(C), wr.evarose@gmail.com
CEBUANO	Oahu	I	Registered	NELSON, CRYSTAL Y. D.	230-1150(C), 487-8765(H), crystalynelson@yahoo.com
CEBUANO	Maui	I	Registered	LUBATON, EUFEMIA P.	205-8108(C), 874-7554(H), emie_wolf2009@yahoo.com
CEBUANO	Hawaii	I	Registered	MANIPOL-LARSON, JOCELYN	640-1540(C), 960-6006(B), raven_reuboni@yahoo.com
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CHUUKESSE	Oahu	I	Registered	SHEA, GERALD F., JR.	497-4332(C), 676-1965(H), sheag002@hawaii.rr.com or gerald Shea@uscompact.org
CHUUKESSE	Oahu	I	Registered	SANDY, ELIAS H.	690-5225(C), 694-9198(H)

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<u>LANGUAGE</u>	<u>ISLAND</u>	<u>TIER</u>	<u>DESIGNATION</u>	<u>NAME</u>	<u>CONTACT #</u>
CHUUKESSE	Oahu	1	Registered	ROBERT, CHARLENE	
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CHUUKESSE	Oahu	1	Registered	ALBERT, JOSEPHINE M.	679-6815(C), langcsolutions@gmail.com
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FRENCH	Oahu	1	Registered	HOROWITZ, TANIA M.	388-6103(C)(B), taniahol@fastmail.fm
FRENCH	Oahu	1	Registered	HEROLD, FABIENNE P.	349-4129(C), 262-0897(H)(F), fab@hawaii.rr.com
FRENCH	Oahu	1	Registered	DRUKER, ROMAN	487-7774(H), 227-3747(C), drucker@hawaii.edu
FRENCH	Oahu	1	Registered	CHAUVET, TATIANA F.M.	(808) 895-2623(C), tatianachauvet@gmail.com
FRENCH	Maui	1	Registered	NEWLIGHT, NADINE	573-7730(H)
FRENCH	Maui	1	Registered	ADLER, MARTIN E.	870-0770(C), adlerm002@hawaii.rr.com
FRENCH	Hawaii	1	Registered	CHAUVET, TATIANA F.M.	(808) 895-2623(C), tatianachauvet@gmail.com
FRENCH	Hawaii	1	Registered	BERNSTEIN, ALEXANDRA N.	883-3666(H)
FRENCH	Kauai	1	Registered	TORRES, LYNNE	332-9767(H), lynnetorres@yahoo.fr
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ILOKANO	Oahu	3	Approved	MANZANO, MARIA CORAZON B.	282-3081(C)
ILOKANO	Oahu	1	Registered	TUZON, OPIE WALTER U.	853-8816(C), opiewriter.tuzon@yahoo.com
ILOKANO	Oahu	1	Registered	TIPON, EMMANUEL S.	225-2645(C), filamlaw@yahoo.com

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ILOKANO	Oahu	1	Registered	TAGAYUNA, AL A.	286-2767(C), 637-9038(H)(F), altagayuna@yahoo.com
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ILOKANO	Oahu	1	Registered	LAZARTE, LILIA EDNA B.	306-1218(C), 678-1088(H)
ILOKANO	Oahu	1	Registered	GONZALES, REMEDIOS	
ILOKANO	Oahu	1	Registered	FRONDA, CESAR B.	234-3671(C), cbfnam123@yahoo.com
ILOKANO	Oahu	1	Registered	FLORES, ABRAHAM R., JR.	352-3030(C)
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ILOKANO	Oahu	1	Registered	ALIMBUYUGUEN, RAFAEL O.	484-9872(H), 382-0574(C)
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ILOKANO	Kauai	1	Registered	GARDUQUE, FELIPA-FELINA C.	822-2062(H)(F), 639-6590(C), 822-2464(B)
ILOKANO	Kauai	1	Registered	GARDUQUE, CHITO P.	822-2062(H)(F), 639-0718(C)(B), tochig@hotmail.com
ILOKANO	Kauai	1	Registered	ABADILLA, DANILO P.	346-1830(C), abadilla@alum.bu.edu
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ILONGO	Maui	1	Registered	LUBATON, EUFEMIA P.	205-8108(C), 874-7554(H), emie_wolf2009@yahoo.com
ILONGO	Hawaii	1	Registered	MANIPOL-LARSON, JOCELYN	640-1540(C), 960-6006(B), raven_reuboni@yahoo.com
ILONGO	Kauai	1	Registered	GOLDBERG, MARY CAMELA T.	332-7848(H), 652-7799(C)

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INDONESIAN	Oahu	2	Conditionally Approved	FORRESTER, BINTARI U.	230-9035(C)
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ITALIAN	Hawaii	1	Registered	SOLER, DIANA A.	895-6010(C)
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JAPANESE	Oahu	2	Conditionally Approved	PEAKE, DONNA M.	284-6080(C), 671-6195(H)(F), dmpeake@gmail.com
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JAPANESE	Oahu	1	Registered	SAWADA, KAZUO	927-3693(C), 926-4834(H)(B), 922-9405(F), sawadafam@aol.com
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JAPANESE	Oahu	1	Registered	NAKAMURA, YUMIKO K.	220-9661(C), yumiko@nakamuracommunications.com
JAPANESE	Oahu	1	Registered	NAKAMURA, TROY I.	237-9086(C), 888-636-5214(F), maka.asia@gmail.com
JAPANESE	Oahu	1	Registered	MURPHY, YOSHI	256-6006(C)

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<u>LANGUAGE</u>	<u>ISLAND</u>	<u>TIER</u>	<u>DESIGNATION</u>	<u>NAME</u>	<u>CONTACT #</u>
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JAPANESE	Oahu	I	Registered	LEE, ELENA	371-7622(C), 946-7270(F)
JAPANESE	Oahu	I	Registered	KATOKU, KEIKO	429-9269(C), kkatoku@hotmail.com
JAPANESE	Oahu	I	Registered	KATO, IKUYO	230-1940(C)(H), iku194@gmail.com
JAPANESE	Oahu	I	Registered	KATAOKA, MISA	927-2000(C), hi9272000@hotmail.com
JAPANESE	Oahu	I	Registered	HOROWITZ, TANIA M.	388-6103(C)(B), taniaho1@fastmail.fm
JAPANESE	Oahu	I	Registered	HIRAYAMA, AKIRA	286-4684(C)(H), akiraaloha@aol.com
JAPANESE	Oahu	I	Registered	GERNER, YOKO	996-2186(H), hyggerner@bigplanet.com, (678) 787-2895(C)
JAPANESE	Oahu	I	Registered	CRANS, MIEKO T.	228-7596(C), cransmieko173@gmail.com
JAPANESE	Oahu	I	Registered	COOK, CHARLOTINA F.	char.lei.cook@gmail.com
JAPANESE	Oahu	I	Registered	CHINEN, DENISE A.	deniseaiko@hotmail.com, 561-8775(C)
JAPANESE	Oahu	I	Registered	BROWN, YUKI	291-6436(C), yukichanb@hawaii.rr.com
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JAPANESE	Oahu	I	Registered	ARUDOU, DEBITO	debito@hawaii.edu
JAPANESE	Oahu	I	Registered	ANDO, MAMIKO	384-6380(C)
JAPANESE	Maui	I	Registered	SIDNEY, TOKIE O.	276-1463(C), info@napuaweddings.com
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KOREAN	Oahu	1	Registered	KIM-RAHMAN, YOUNGJA	218-1889(C), kimjan33@hotmail.com
KOREAN	Oahu	1	Registered	KIM, DANIEL B.	259-1766(C), damibkim@yahoo.com
KOREAN	Oahu	1	Registered	JOHNSON, SE KYONG C.	772-8108(C), sekyong808@gmail.com
KOREAN	Oahu	1	Registered	JEFFERIES, MARGARET C.	256-1001(C), 236-2089(H), margaretj@hawaii.rr.com
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KOSRAEAN	Oahu	1	Registered	ABRAHAM, HOWARD J.	203-7870(C), mutunte@yahoo.com
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MANDARIN	Oahu	3	Approved	ZENG, SUZANNE M.	383-8594(C), 956-4421(B), 956-2078(F), suezeng@gmail.com
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MANDARIN	Oahu	1	Registered	YING, MONICA T.	languagemajor@gmail.com, (415) 937-1228(B)

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MANDARIN	Oahu	1	Registered	TSWEI, KATHY	735-0045(H)(B), 780-5583(C), 735-0030(F), kathy.tswei@hawaiiantel.net
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MANDARIN	Oahu	1	Registered	TEOHLU, ISABELLE A. K.	945-2926(H)(F)
MANDARIN	Oahu	1	Registered	SHIMABUKURO, LYNNETTE LEE LING	230-0826(C), 732-6205(H)(F), lynnstresures@gmail.com
MANDARIN	Oahu	1	Registered	RICHARDSON, MELISSA J.	351-5210(H)(C), caoxueqin99@yahoo.com
MANDARIN	Oahu	1	Registered	NG, MEI LING	781-1878(C), 672-0510(F), ngm003@hawaii.rr.com
MANDARIN	Oahu	1	Registered	MA, GAIL Y. F.	361-3905(C), gailhorse@yahoo.com
MANDARIN	Oahu	1	Registered	LEE, ELENA	371-7622(C), 946-7270(F)
MANDARIN	Oahu	1	Registered	KONG, YUET MUI	yuetmui_kong@hotmail.com
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MANDARIN	Oahu	1	Registered	CHOI, JOHNSON	524-5738(B), 524-8063(F), jwkc8168@yahoo.com
MANDARIN	Oahu	1	Registered	CHOI, CANDY	429-2028(C), candychoi68@gmail.com
MANDARIN	Oahu	1	Registered	CHIU, RAYMOND A.	232-9070(C), raymengchiu@gmail.com, 728-4168(B)
MANDARIN	Maui	1	Registered	SO, GLORIA C. M.	228-6355(C), gloria.cm.so@gmail.com
MANDARIN	Hawaii	1	Registered	GRANT, YUHUAN Z.	(650) 223-4967(C), yuhuan@gmail.com
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MARSHALLESE	Oahu	1	Registered	ANIEN, ABEL	321-6069(C), aanien@hawaii.rr.com
MARSHALLESE	Oahu	1	Registered	ALIK, CARMINA A.	429-2265(C)(B)
MARSHALLESE	Oahu	1	Registered	ABRAHAM, HOWARD J.	203-7870(C), mutunte@yahoo.com
MARSHALLESE	Hawaii	1	Registered	ENNE, BEN	443-7851(C), 964-8636(H)
MARSHALLESE	Hawaii	1	Registered	DOWNING, GEORGE A.	keola@hilobay.com, 965-9008(H)(B)
MARSHALLESE	Hawaii	1	Registered	BUNGITAK, JOHN	937-3835(C), 315-3597(H), bungitakjohn@gmail.com
MOKILESE	Hawaii	1	Registered	SMITH, AMY L.	345-8081(C), 238-0822(H), liosohs@hotmail.com

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<u>LANGUAGE</u>	<u>ISLAND</u>	<u>TIER</u>	<u>DESIGNATION</u>	<u>NAME</u>	<u>CONTACT #</u>
MORTLOCKESE	Hawaii	1	Registered	AKAPITO, JULIO M.	557-7527(C), 935-2002(H), jmakapito45@hotmail.com
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PIDGIN SIGNED ENGLISH	Oahu	4	Certified	LAMBRECHT, LINDA Y.	393-9861(C) Text Only, 734-9154 (B), aslteal@gmail.com or lambrech@hawaii.edu
PIDGIN SIGNED ENGLISH	Kauai	4	Certified	LITTLETON, LARRY M.	241-1386(Voice), 240-1717(Message), LarryMLittleton@gmail.com
PINGELAPESE	Oahu	1	Registered	ABRAHAM, HOWARD J.	203-7870(C), mutunte@yahoo.com
POHNPEIAN	Hawaii	1	Registered	YANGILMAU, SHIELA Y.	756-5679(C)
POHNPEIAN	Hawaii	1	Registered	SMITH, AMY L.	345-8081(C), 238-0822(H), liosohs@hotmail.com
PORTUGUESE	Oahu	1	Registered	IRIONDO SIMEK, MAYA V.	778-5125(C), mayairiondo@mac.com
PORTUGUESE	Oahu	1	Registered	HAYS, JOHN T., III	947-6013(H), johnhays@gmail.com
PORTUGUESE	Maui	1	Registered	TOYOSHIMA, LANCE	lancetoyo@gmail.com
PORTUGUESE	Maui	1	Registered	SCHLINGER, JADE J.	283-6915(C), kahakaloa@hotmail.com
PORTUGUESE	Maui	1	Registered	MORALES, DESIREE M.	298-5163(C)
PORTUGUESE	Maui	1	Registered	ADLER, MARTIN E.	870-0770(C), adlerm002@hawaii.rr.com
PORTUGUESE	Hawaii	1	Registered	NEALON, JOHN P.	358-8615(C), 968-9666(H), johnpnealon@gmail.com
PORTUGUESE	Kauai	1	Registered	OLSEN, KEITH C.	alohakokua810@gmail.com, 822-2032(H), (707) 433-9616(C)
RUSSIAN	Oahu	1	Registered	SMITH, WILLIAM H.	258-7971(C), 237-8301(H)(F), smithwm@hawaii.rr.com
RUSSIAN	Oahu	1	Registered	FRANCIS, IRINA I.	780-7359(C), irinahawaii@yahoo.com
RUSSIAN	Oahu	1	Registered	DRUKER, ROMAN	487-7774(H), 227-3747(C), drucker@hawaii.edu
RUSSIAN	Hawaii	1	Registered	HANSEN, VIKTORIYA A.	937-4409(C), 323-2093(F), hardrockgardens@msn.com
RUSSIAN	Kauai	1	Registered	RICH, SVETLANA	634-1328(C), svetlana171162@gmail.com
SAMOAN	Oahu	1	Registered	SOA, FUAMAILA, JR.	230-5925(C), 259-9522(F), fsoa@hawaii.rr.com
SAMOAN	Maui	1	Registered	OLEVAO, SIONE K.	269-4869(C), lunas4life2011@gmail.com, 661-9080(F)
SAMOAN	Hawaii	1	Registered	AUTELE, FATUANA F.	965-2622(H)
SERBIAN	Hawaii	1	Registered	ZJAK, DEJAN M.	345-2795(B), dejan2810@yahoo.com
SICHUAN	Hawaii	1	Registered	GRANT, YUHUAN Z.	(650) 223-4967(C), yuhuan@gmail.com
SPANISH	Oahu	6	Certified Master	HARPSTRITE, PATRICIA J.	347-8249(B)(C), 247-3578(H)(F), harpstrij001@hawaii.rr.com

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<u>LANGUAGE</u>	<u>ISLAND</u>	<u>TIER</u>	<u>DESIGNATION</u>	<u>NAME</u>	<u>CONTACT #</u>
SPANISH	Oahu	4	Certified	SILVER, STEVEN C.	531-1073(B), steve@silverbridges.com
SPANISH	Oahu	4	Certified	BOIDO, MARCELLA A.	946-2558(H)(B)
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SPANISH	Oahu	3	Approved	VEGA, LUZ	545-7806(H)(B), luzvl@earthlink.net
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SPANISH	Oahu	1	Registered	WYSARD, NANCY S.	259-1129(C), wysard@hawaii.edu
SPANISH	Oahu	1	Registered	VELASQUEZ, CESAR A.	779-3082(C), cevel4@hotmail.com
SPANISH	Oahu	1	Registered	SONSON, JENNIFER C.	330-9315(C), 671-8886(B), jennifersonson2012@gmail.com
SPANISH	Oahu	1	Registered	SMITH, WILLIAM H.	258-7971(C), 237-8301(H)(F), smithwm@hawaii.rr.com
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SPANISH	Oahu	1	Registered	ROBINSON, CLAUDIA M.	mclarac@aol.com
SPANISH	Oahu	1	Registered	RIPLEY, LURY	679-6929(C), spanishbylury@hawaii.rr.com
SPANISH	Oahu	1	Registered	PORRAS, KATHERINE A.	k.porras@ymail.com, (415) 685-6112(C)
SPANISH	Oahu	1	Registered	MIGUEL, SAMANTHA A.	
SPANISH	Oahu	1	Registered	MCGOVERN, LITA C.	393-1614(C), litainhawaii@aim.com
SPANISH	Oahu	1	Registered	LISTINGART TAVARES, DEBORA	282-9750(C), alohadebora@hotmail.com
SPANISH	Oahu	1	Registered	KAMOE, MICAH K. M.	953-5890(C), micahkinkamoe@gmail.com
SPANISH	Oahu	1	Registered	IRIONDO SIMEK, MAYA V.	778-5125(C), mayairiondo@mac.com
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SPANISH	Oahu	1	Registered	HERNANDEZ, LUSANA J.	386-5683(C), alivewithaloha@gmail.com
SPANISH	Oahu	1	Registered	HAYS, JOHN T., III	947-6013(H), johnthays@gmail.com
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SPANISH	Oahu	1	Registered	CORREA, MARY ESTHER	689-4651(H), 619-446-9714(C), losamigosballet@yahoo.com
SPANISH	Oahu	1	Registered	CHAPA, LAURA G.	222-7655(H)(B)(C)
SPANISH	Oahu	1	Registered	BATTLE, FLORENCE	294-4070 (C), florence.battle@gmail.com
SPANISH	Oahu	1	Registered	BALLESTEROS, LILIANA	888-4685(H), hokuconsulting@gmail.com
SPANISH	Oahu	1	Registered	AMBROSE, DONNA M.	469-6050(C), (866)759-8939(F), venice2kailua@hawaii.rr.com
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SPANISH	Maui	3	Approved	TORRES, SAUDINA O.	281-8629(C), saudina.torres@gmail.com
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SPANISH	Maui	1	Registered	TOYOSHIMA, LANCE	lancetoyo@gmail.com
SPANISH	Maui	1	Registered	SCHULTZ, OLIVIA E.	264-5702(C), bandjsch@msn.com
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SPANISH	Maui	1	Registered	PHILLIPS, ANA S.	298-0003(C), anasphillips@gmail.com
SPANISH	Maui	1	Registered	NEWLIGHT, NADINE	573-7730(H)
SPANISH	Maui	1	Registered	MORALES, DESIREE	298-5163(C)
SPANISH	Maui	1	Registered	LOWY, MARIANA	463-7204(C), mariana_lowy@hotmail.com
SPANISH	Maui	1	Registered	IUORNO, ANTHEA P.	573-5210(H)
SPANISH	Maui	1	Registered	HERNANDEZ, PHYLLIS M.	205-7289(C), phylliswailuku@aol.com
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SPANISH	Maui	1	Registered	ADLER, MARTIN E.	870-0770(C), adlerm002@hawaii.rr.com
SPANISH	Hawaii	4	Certified	NEALON, JOHN P.	358-8615(C), 968-9666(H), johnpnealon@gmail.com
SPANISH	Hawaii	4	Certified	LOPEZ-FISHER, MARIA E.	987-1273(B)(C), 326-5635(H), 331-8626(F), mlopezrg@yahoo.com
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SPANISH	Hawaii	1	Registered	SAENZ, JULIO	935-7844(B), jrs093065@yahoo.com
SPANISH	Hawaii	1	Registered	RODRIGUEZ GUILLEN, SANTIAGO	329-8076(H), 989-8076(C)
SPANISH	Hawaii	1	Registered	RODRIGUEZ, ANNET	annetrod@gmail.com
SPANISH	Hawaii	1	Registered	ROBERTS, MARIA R.	355-2213(H), 987-7100(C), romaria@juno.com
SPANISH	Hawaii	1	Registered	POBLETE, CECILIA M.	936-8714(C), ceciliapoblete@hotmail.com
SPANISH	Hawaii	1	Registered	MADRISAL, CARIDAD MARITZA	219-7668(C), lahaweyana@yahoo.com
SPANISH	Hawaii	1	Registered	HIDALGO, ROLANDO G.	937-6313(C), 322-3867(H)(B), rfarmshawaii@yahoo.com
SPANISH	Hawaii	1	Registered	HART, TAMARA O.	443-9247(C), 982-7431(H)
SPANISH	Hawaii	1	Registered	GOMEZ-PEREZ, JUDITH M.	987-4789(C), 325-5901(H), munecapreciosa43@yahoo.com
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SPANISH	Hawaii	1	Registered	BERNSTEIN, ALEXANDRA N.	883-3666(H)
SPANISH	Hawaii	1	Registered	AHIER-MCCABE, JENNIFER L.	896-6505(C), jenn_ahier@yahoo.com
SPANISH	Kauai	6	Certified Master	EMMONS, MINDY A.	245-9936(H)(F), 634-6447(C), mindyemmons@hawaii.rr.com

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SPANISH	Kauai	1	Registered	TORRES, LYNNE	332-9767(B), lynnetorres@yahoo.fr
SPANISH	Kauai	1	Registered	OLSEN, KEITH C.	alohakokua810@gmail.com, 822-2032(H), (707) 433-9616(C)
SPANISH	Kauai	1	Registered	GALVAN, DANITZA M.	246-2030(H), earlewave@hawaiiantel.net
TAGALOG	Oahu	2	Conditionally Approved	QUIBOL, LOLITA A.	368-5415(C), laquibol@gmail.com
TAGALOG	Oahu	2	Conditionally Approved	LIM, BERNADINE P.	732-2910(H), mblim316@yahoo.com
TAGALOG	Oahu	2	Conditionally Approved	CORTEZ, ALEXANDER B.	224-9290(C), alexbcortez@gmail.com
TAGALOG	Oahu	2	Conditionally Approved	CALAYCAY, EDMUND S., JR.	497-0091(C)(B), edjrcalaycay@gmail.com
TAGALOG	Oahu	1	Registered	WASHBURN-REPOLLO, EVA ROSE B.	735-4874(B), 728-3089(C), erepollo@yahoo.com
TAGALOG	Oahu	1	Registered	TIPON, EMMANUEL S.	225-2645(C), filamaw@yahoo.com
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TAGALOG	Oahu	1	Registered	NELSON, CRYSTAL Y. D.	230-1150(C), 487-8765(H), crystalynelson@yahoo.com
TAGALOG	Oahu	1	Registered	MARTINEZ, ROLANDO M.	680-0230(H), 382-0258 (C)
TAGALOG	Oahu	1	Registered	MANZANO, MARIA CORAZON B.	282-3081(C)
TAGALOG	Oahu	1	Registered	LAZARTE, LILIA EDNA B.	306-1218(C), 678-1088(H)
TAGALOG	Oahu	1	Registered	LABRADOR, JERALDINE C.	523-8799(H), 256-9622(C), gigi@mlclabrador.com
TAGALOG	Oahu	1	Registered	FRONDA, CESAR B.	234-3671(C), cbfnam123@yahoo.com
TAGALOG	Oahu	1	Registered	FARINA, JACQUELINE	941-1616(H), 741-1000(C), naninani@hawaiiantel.net
TAGALOG	Oahu	1	Registered	DALERE, VICTOR T.	386-2401(C), 677-3662(B), 621-8969(H), vdalere@hotmail.com
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TAGALOG	Oahu	1	Registered	CARPIO, MARIA A.	841-3312(H), zee.carpio@gmail.com
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TAGALOG	Maui	1	Registered	LUBATON, EUFEMIA P.	205-8108(C), 874-7554(H), emie_wolf2009@yahoo.com
TAGALOG	Maui	1	Registered	LOPEZ-RAHMAN, LILIA B.	871-4950(H)(B), lilia3843@msn.com

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TAGALOG	Hawaii	1	Registered	MANIPOL-LARSON, JOCELYN	640-1540(C), 960-6006(B), raven_reuboni@yahoo.com
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TAGALOG	Hawaii	1	Registered	ANTONIO, FERO E.	895-2017(C), 966-8573(H)(F)
TAGALOG	Kauai	1	Registered	GOLDBERG, MARY CAMELA T.	332-7848(H), 652-7799(C)
TAGALOG	Kauai	1	Registered	GARDUQUE, FELIPA-FELINA C.	822-2062(H)(F), 639-6590(C), 822-2464(B)
TAGALOG	Kauai	1	Registered	GARDUQUE, CHITO P.	822-2062(H)(F), 639-0718(C)(B), tochig@hotmail.com
TAGALOG	Kauai	1	Registered	ABADILLA, DANILO P.	346-1830(C), abadilla@alum.bu.edu
TAIWANESE	Oahu	1	Registered	TSWEI, KATHY	735-0045(H)(B), 780-5583(C), 735-0030(F), kathy.tswei@hawaiiintel.net
TAIWANESE	Oahu	1	Registered	TINAKORN, DANA	(310) 940-0789(C), dtinakorn@gmail.com
TAIWANESE	Oahu	1	Registered	TEOHLOU, ISABELLE A. K.	945-2926(H)(F)
TAIWANESE	Oahu	1	Registered	LEE, ELENA	371-7622(C), 946-7270(F)
THAI	Oahu	2	Conditionally Approved	TANHCHALEUN, CHOU L.	486-7882(H), aieamom@hotmail.com
THAI	Oahu	1	Registered	TAKAHASHI, CHINTANA Y.	956-3556(B), 626-4454(H), chintana@hawaii.edu
THAI	Oahu	1	Registered	OSTROWSKI, DEJA M.	699-0609(C), dejamarie@gmail.com
THAI	Oahu	1	Registered	HU, VINCENT C. S.	265-6879(B)(C), 396-6387(F), vincenthuu@aol.com
THAI	Oahu	1	Registered	CROUSORE, SUNISA C.	349-9599(C), schaviwanc@gmail.com
TONGAN	Oahu	2	Conditionally Approved	KAULUKUKUI, SOFOLONIA F.	421-7227(C), niak808@yahoo.com
TONGAN	Oahu	1	Registered	FINAU, SAIA S.	841-7293(B)(H), 428-8213(C), 843-1071(F), saiafinau@gmail.com
TONGAN	Maui	1	Registered	OLEVAO, SIONE K.	269-4869(C), lunas4life2011@gmail.com, 661-9080(F)
TONGAN	Maui	1	Registered	MAKONI, ANA	283-8076(C)(H), anamakoni@gmail.com
TONGAN	Hawaii	2	Conditionally Approved	TUIKOLOVATU, AISEA T.	938-6374(B)(C), 325-6234(H)(F), bestchoiceinconstruction@msn.com
VIETNAMESE	Oahu	3	Approved	CRUMPTON, THU-HUONG T.N.	284-0429(C), 239-5532(H), huyenthuhuong44@yahoo.com and huyenthuhuong@hotmail.com
VIETNAMESE	Oahu	2	Conditionally Approved	NGUYEN, STEVE	371-4422(C), trungmail@hotmail.com
VIETNAMESE	Oahu	1	Registered	NGUYEN, TONY H.	227-0136(C), tiengnguyen68@hotmail.com
VIETNAMESE	Oahu	1	Registered	NGUYEN, KIM NGOC P.	220-2762(C), kngoc3@yahoo.com
VIETNAMESE	Oahu	1	Registered	NGUYEN, ANH TU Q.	772-9797(B), anhtuq@gmail.com

THE JUDICIARY • STATE OF HAWAII
COURT INTERPRETER CERTIFICATION PROGRAM
COURT INTERPRETER REGISTRY
External Distribution
May 16, 2013

Court interpreters who meet mandatory requirements for interpreting in the state courts under the Hawai'i State Judiciary Court Interpreter Certification Program are published on this Registry. Requesting parties are responsible for further determining the qualifications and competence of the interpreters they hire.

If you have any questions about the Registry, please contact the Office on Equality and Access to the Courts at 808-539-4860.

* Please refer to the Hawai'i Rules for Certification of Spoken and Sign Language Interpreters, Appendix A for the list of tiers and tier requirements.

<u>LANGUAGE</u>	<u>ISLAND</u>	<u>TIER</u>	<u>DESIGNATION</u>	<u>NAME</u>	<u>CONTACT #</u>
VIETNAMESE	Oahu	1	Registered	LE, LINA M.	linale90@gmail.com
VIETNAMESE	Oahu	1	Registered	LAM, TAMMY THANH	256-4161(C), tam_lam26@yahoo.com
VIETNAMESE	Oahu	1	Registered	BUI, THOMAS A.	387-2374(C)

*cited in State of Hawaii v. Trump
No. 17-15589, archived on June 14, 2017*

DEPARTMENT OF HUMAN SERVICES			EMPLOYEE AND COMMUNITY INTERPRETER LIST					
LAST NAME	FIRST NAME	POS. TITLE	ISLAND	DIV.	UNIT	PHONE #	LANGUAGE (or Dialect)	
DOUTHITT	LUCY	C/APS SUPV	<u>KAUAI</u>					
GALVAN	DARITZA	TRAINER	KAUAI	SSD	CENTRAL CWS	274-3311	SPANISH	
SUMMERS	MOLLY	COMM VOL	KAUAI	COMVOL	VOLUNTEER	246-2030	SPANISH	
ROSSI	PUA	COM. VOL	KAUAI	COMVOL	COM	245-8349	HAWAIIAN	
KALIKO	PUA	COM. VOL	KAUAI	COMVOL	COM	245-8295	HAWAIIAN	
						335-8410	HAWAIIAN	
ANDERSON	RONALDE	SSAIV	<u>HAWAII</u>					
ANDERSON	RONALDE	SSAIV	HAWAII	SSD	WHAPCS/ Unit 38	327-6278	FRENCH	
THOMAS	PERCILA B.	COM.VOL.	HAWAII	SSD	WHAPCS/ Unit 38	327 6278	TAHITIAN	
KENSEN	JOHNNY	COM.VOL.	HAWAII	COM VOL	COMMUNITY VOLUNTEER	699-3627	MARSHALLESE	
MATHEW	MARVIN J	OFFICE ASST III	HAWAII	COM VOL	COMMUNITY VOLUNTEER	238-9936	CHUUKESSE	
			HAWAII	COMMUNITY VOLUNTEER	MMATHEW@DHS.HAWAII.GOV	933-0331	PALAUAN	
MIU	CHARLES	FTW	<u>OAHU</u>					
MIZUNO	DIANE H.	EWI	OAHU	BESSD	WAIHAWA FTW UNIT	622-0541	CANTONESE	
KEMPER	MAIJA	ELIG WKR	OAHU	BESSD	PAUAI #103	586-3730	CANTONESE	
BUMAGAT	MATILDE	CLK	OAHU	BESSD	PUNAWAI UNIT	587-5288	FINNISH	
SALCEDO	DIANN	ELIG WKR	OAHU	BESSD	WAIKELE IM	675-0042	ILOCANO	
MIZUNO	DIANE H.	EWI	OAHU	BESSD	PAUAI	586-3732	KOREAN	
MIZUNO	DIANE H.	EWI	OAHU	BESSD	PAUAI #103	586-3730	MANDARIN	
YANONG	CERES	SECY	OAHU	BESSD	PAUAI #103	586-3730	VIETNAMESE	
CHU	YUEN KAI	PA CLK	OAHU	FMO	WAIANAE FTW	692-7760	VISAYAN	
GOMEZ	CYNTHIA	ACCT	OAHU	FMO	MPS	586-5043	CANTONESE	
RUBIO	NINETH	ACCT CLK	OAHU	FMO	PRGM ACCTG I	586-5647	TAGALOG	
IBRAHIM	SAHAR	BLDG ENG	OAHU	HPHA	COLL/RECVRY	586-5206	VISAYAN	
LUMABAO	PLACIDO	BMW	OAHU	HPHA	DB/CMS 2	832-6006	ARABIC	
TOGIA	AITOFELE E.	SSA1 TEN.AIDE	OAHU	HPHA	PMMSB/OMU III	832-3153	ILOCANO	
LUMABAO	PLACIDO	BMW	OAHU	HPHA	HPHA	832-3336	SAMOAN	
BURMEISTER	KATHARINA	ELIG WKR	OAHU	MQD	PMMSB/OMU III	832-3153	TAGALOG	
CHARLES	HUI SON	ELIG WKR	OAHU	MQD	EB OOU III	587-3548	GERMAN	
CHOI	SHIH-FONG	ELIG WKR	OAHU	HPHA	EB OAU II	587-3564	KOREAN	
NAKASONE	MELDA C.	CLERK	OAHU	MQD	UNIT 115	587-3540	CHINESE	
NAKASONE	MELDA C.	CLERK	OAHU	MQD	CSB/MFIS	692-8162	TAGALOG	
NAKASONE	MELDA C.	CLERK	OAHU	MQD	CSB/MFIS	692-8162	VISAYAN	

YU	MINGQIU	RES. STAT	OAHU	MSQ	RESEARCH	586-5111	MANDARIN
ZHANG	JING	INFO TECH SPEC	OAHU	OIT	OIT	586-9441	MANDARIN
TUJIAEPA	SALE	YCO	OAHU	OYS	HYCF	848-0741	SAMOAN
BALLESTEROS	VICTOR	YCO	OAHU	OYS	HYCF	266-9500	SPANISH
SANCHEZ	RAUL	ARBOR E&T	OAHU	BESSD/AR	Child Care Unit 101	566-2616	SPANISH
HARGROVE	HAIDEE C.	BUS ANALYST	OAHU	SO	SYSTEMS	692-7963	TAGALOG
MORIN	JOYLYN	SOCIAL WKR	OAHU	MQD	DH/HCSB/MPRS	832-0232	ILOCANO
MASANIAI	BEATA	C/APS SPC	OAHU	SSD	SP SVC CMU	692-7838	POLISH
NIUPULUSU	BARBARA C.	SS AIDE	OAHU	SSD	CCWSS/CCW2	692-7800	SAMOAN
MC GOVERN	CRISSEY K.	SSWII	OAHU	SSD	CWSB/DHCWSS/DHCWSU3	832- 5347	SAMOAN
VILLAREN III	LITA	SOC.WKR III	OAHU	SSD	CWS/CCWP	832-5473	SPANISH
GALLANO	IRENIO	SSA	OAHU	SSD	DHCWSU 3	832-5344	SPANISH
GALLANO	LORNA D.	ACCT CLK	OAHU	VRSBD	SBB/ES	586-5257	ILOCANO
LUKUKUI	LORNA D.	ACCT CLK	OAHU	VRSBD	SBB/ES	586-5257	TAGALOG
HOELLEY	NAI	COM.VOL	OAHU	ICT/MED	NIAK8082@YAHOO.COM	421-7227	TONGAN
ICHITA	JOHNNY	PROGSPEC	OAHU	PATCH	PRESCHOOL OPN DRS	791-2133	POHNPEIAN
WHITE	ELFTA	SS AIDE I	OAHU	SSD	AMP31	686-9815	CHUUKKESE
KOU	LAURA	VRSBD, DCS	OAHU	VRSBD (808)	VRSBD.DBB.laurauw@hawaii.edu	754-5792	PORTUGUESE
MANZANO	JOHNNY	ELIG.WORKER I	OAHU	BESSD WAIPAHI	johnny8362385@yahoo.com	836-2385	SPANISH
BAMRUNGRUAN	HELENA	LEP KOLEA PROJ.M	OAHU	DIR OFFICE	hmanzano@dhs.hawaii.gov	586-5062	TAGALOG/ILOCANO
MACARAEG	APHIRAK	LEP KOLEA PRO CQ	OAHU	DIR OFFICE	abamrungruan@dhs.hawaii.gov	586-5069	THAI
ZHOU	AGNES S.	ELIGIBILITY WKR I	OAHU	MQD/OS/OUII	See directory when assigned	587-3531	ILOCANO/TAGALOG
	SHARON X.	PUB HOUSING SPEC	OAHU	KDHA/MP30	Sharon X Zhou/DHS/StateHHS	483-2550	CANTONESE&MANDARIN

LANGUAGE ASSISTANCE RESOURCES		
	Interpretation (Spoken and Signed)	
Benjamin J. Boud (Chinese/English)	bcbb@uphill.com	1 (808) 343-3133
Bilingual Access Line (Lang Services)	http://languageserviceshawaii.com	1 (808) 393-7060
East-West Concepts, Inc. (Kauai)	Janos Samu eastwestconcepts@aol.com	1 (808) 332-5220
Equality and Access to the Courts	http://humanserviceshawaii.gov	1 (808) 539-4860
Hawaii LLC 1 (866) 386-5057 (fax)	1sh@languageserviceshawaii.com	1 (808) 393-7060
Hawaii Interpreting Services (ASL)	Sign Language	1 (808) 394-7706
Helping Hands Hawaii	Bilingual Access Line	1 (808) 526-9724
Island Skill Gathering	Valerie Miehlslein val@isginc.org	1 (808) 732-46-22
Optimal Phone Interpreters	Cathy Delgadio or Michael Lane x144	1 (866) 380-9410 x154
Pacific Gateway Center	colleen@pacificgatewaycenter.org	1 (808) 851-7055
Phyu Hnin "Lilo" Aye	Program Coordinator or 020@pacificgatewaycenter.org	1 (808) 851-7020 x213
Language Line	or Ronnie Bautista	1 (808) 851-7010 x215
Pacific Interpreters	6 digit access code needed from Division Office	1 (800) 874-9426
Maui Filipino Group	Recently purchased by Language Line	1 (800) 311-1232
Tele-interpreter	11bmaui@yahoo.com	1 (808) 298-3167
Vergara, Herman	Access code needed 1 (866) 380-9410	1 (800) 811-7881
	hermanvergara2008@gmail.com	1 (702) 458 5311
	Translation	
Transperfect	demerv@transperfect.com	1 (202) 347-2300
ViaDelivers (Via Language)	Nancy Pautsch www.viadelivers.com	1 (808) 737-8481 x1018
	Websites and Directories	
American Translators Association	http://www.atanet.org	1 (703) 683-6100
Appleseed, Inc.	http://www.appleseedinc.net	1 (808) 938-8410
Corporate Translation Services, Inc.	http://www.ctslanguageink.com	1 (424) 270-0035
Court Interpreter List	http://www.courts.state.hi.us/docs/services/interpreters.pdf	1 (808) 539-4860
Disability & Communication Access Board	http://hawaii.gov/health/dcab/communicationaccess/interpreters	1 (808) 586-8121
EastWest Concepts	http://www.eastwestconcepts.com	1 (808) 332-5220
Federal Guidelines and Gen. Resources	http://www.lep.gov	1 (202) 514-2000
Hawaii Interpreting Services	http://www.interpretinghawaii.com	1 (808) 394-7706

Language Line Services, Inc.	http://language-line.com	1 (800) 874-9426
Migration Policy Institute	http://www.migrationinformation.org/datahub	1 (202) 266-1940
National Assoc. of Judiciary Interpreters	http://www.najit.org	1 (202) 293-0342
Office of Language Access	http://labor.hawaii.gov/ola (Health)	1 (808) 586-8730
Pacific Gateway	http://www.pacificgateway.org	1 (808) 851-7055
Tele-interpreter	http://www.teleinterpreters.com/need_interpreter_now.aspx	1 (866) 380-9410
Transperfect	http://www.transperfect.com	1 (202) 347-2300
USDHHS, OCR	http://www.hhs.gov/ocr/civilrights/resources/specialtopics/lep/index.html	1 (415) 437-8310
ViaDelivers	http://www.viadelivers.com	1 (808) 737-8481

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17-15589, archived on June 14, 2017

Department of Human Services

2013

Language Access Training



(rev. 3/1/2013)

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Free Interpreter Services

Available to assist with access to DHS Services

Call Toll-Free 1-888-764-7585

Malo e lelei • Hola • Kaselehla • Bula
Ia ora na • Aloha • Iakwe • Ciao
Mingala ba • Sabaidee • Hafa • Ran allim
Talofa • Kumusta • Chào Hello
你好 안녕하세요 नमस्ते

(rev. 3/1/2013)

2

Overall Goals

- Increase awareness and ability to provide language access services with standardized interpreter procedures including the following:
 - What clients' rights are
 - How to provide services
 - How to document

(rev. 3/1/2013)

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Training Goals

- Increase your awareness of and ability to provide, language access services
- Prevent discriminatory practices
- Ensure that individuals with language needs understand their rights and our services
- Standardize interpreter procedures
- Promote data collection about populations with language access needs

(rev. 3/1/2013)

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Agenda

- I: Background
- II: What to do When You Encounter an LEP Individual
- III: Discrimination Complaint Procedure
- IV: Summary

(rev. 3/1/2013)

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Part I: Background



(rev. 3/1/2013)

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Federal and State Laws regarding Limited English Proficiency

- Federal: Title VI of the Civil Rights Act of 1964 (*National Origin*)
- State: Hawaii Revised Statutes chapter 371, Part II (2006, *Language Access*)
 - Applies to all State public contact activities
 - Ensures competent, timely, free language assistance services

(rev. 3/1/2013)

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Applicable DHS Policies and Procedures

You need to be familiar with and follow these policies:

- 4.10.1 Non-Discrimination in Employment and Services Discrimination Complaint Procedure
- 4.10.3 Opportunity to Participate in Programs, Services and Activities (Revised 2007)
- 4.10.4 Access (Revised 2009)

(rev. 3/1/2013)

8

Who is a Limited English Proficient Person?

- Primary language is not English
- Limited ability to read, write, speak, and/or understand English
- Self-identify as LEP individual

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Meaningful Access

Means individuals are informed of, able to participate in, and benefit from the services, programs and activities offered by the DHS

Clients and program participants shall be informed of their right to:

- Interpreter services that are provided free of charge to applicants and clients; and
- File a discrimination complaint

(rev. 3/1/2013)

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Interpretation services (Oral)

In-Person

Telephonic

Oral interpretation of written documents
(in-person or telephonic)

(rev. 3/1/2013)

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Translation (Written)

- The Department and Divisions provide some translated documents for expediency
- If an LEP client requires assistance to understand an English document, arrange for an interpreter to orally interpret the document

(rev. 3/1/2013)

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Translation (Written)

- Check with your supervisor if:
 - a written translation is requested, or
 - you need a foreign language document translated into English
- Foreign language documents may also be orally interpreted

(rev. 3/1/2013)

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Part II: What to do When You Encounter an LEP Individual



(rev. 3/1/2013)

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Step 1:

Determine what language the LEP individual is speaking

- Application form
- Office of Language Access poster available at <http://humanservices.hawaii.gov> in the Civil Rights Corner
- "I Speak" cards (See deskbook and protocols)

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Free interpreter services available to assist with access to DHS services

Call Toll-Free 1-888-7647586



免費的翻譯員服務, 以幫助 DHS
的服務, 請打免費電話 1-888-764-7586.



DHS (후생국)의 서비스들을 받기 위해서 무료 통역
서비스를 이용할 수 있으며 무료-직통전화
1-888-764-7586으로 연락하세요.



Mei or ei neni ka tongeni kokori ika pwe ke
mochen nounou chon chiaku ese kamo ei
neni itan DHS nampun 1-888-764-7586.



Adda Libre a Serbisyo dagiti Interpreter nga
tumulong a sumrek kadagiti serbisyo ti
DHS. Tawag 1-888-764-7586

(rev. 3/1/2013)

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Step 1: (cont.)
**Determine what language the
LEP individual is speaking**

- Tele-Interpreters: 1-866-874-3972
Client ID# for _____ is _____
Dept. _____ 6 digit
or Language Line 1-800-811-7881
Be creative: What else could you use?
 - Maps
 - Flags
 - Script

(rev. 3/1/2013)

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Step 2:
**Document offer of
no-cost interpreter services**

- Have the individual complete and sign the
“Offer and Acceptance or Waiver of Free
Interpreter Services” form, DHS 5000
 - Document offer of no-cost interpreter services and
whether the individual accepts or declines the offer
 - Interpretation may be necessary to explain the form

(rev. 3/1/2013)

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Sample DHS 5000 Form

**OFFER AND ACCEPTANCE OR WAIVER OF
FREE INTERPRETER SERVICES**

Case Name: _____ Case Number: _____
 Worker: _____ Unit: _____
 Phone: _____

The Department of Human Services (DHS) has offered an interpreter at no cost to me, if English is not my primary language.

1. **ENGLISH** is my primary language: ☐ YES ☐ NO

2. ☐ I do not want an interpreter. If you do not want an interpreter go to part 4 and sign below:
 I need an interpreter for the following language: _____
 If you need an interpreter, go to part 3, and check the box that applies to you.

3. ☐ I want DHS to provide an interpreter at no cost to me.
☐ I do not want an interpreter provided by DHS, and I will provide my own.

• I understand that DHS may secure an independent interpreter to observe any interpreter to ensure the accuracy of the communication.

• I understand that the use of family or friends as interpreters may not be the most effective way to help me across the barrier and services that DHS provides.

• I understand that DHS does not recommend the use of family members or friends as interpreters and prohibits the use of minors as interpreters.

• I understand that if I do not want interpreter services at this time, I have the right to change my mind in the future and have DHS provide free interpreter services at that time or bring an interpreter of my choice.

4. I have read and understood the information on this form. If I have questions or concerns, I am contact the worker listed above.

Print Name: _____ Date: _____
 Signature: _____

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Step 2: Form DHS 5000 (cont.)

- The form is valid until a change is requested by the client
- If the client has used no-cost interpreter services and changes to using their own interpreter, or vice versa, they must sign a new form to document and make the change

(rev. 3/1/2013)

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Step 3: Arrange Interpreter Services

- Examples of interpreter services:
 - Volunteer
 - DHS Employees
 - Other agencies and entities
 - Paid Interpreters
 - see Language Assistance Resources list
 - Adult friends/family
- Follow your division procedures regarding the type of interpreter services to use, which may depend on the situation

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Volunteer Employee Interpreter

- Bilingual staff employed by DHS, who have agreed to interpret on a volunteer basis
- Contact volunteer employee within proximity of your office, if possible
- Be considerate of the volunteer employee's time
- Follow your division's procedures for use of volunteers, and for providing interpreter services if you are a volunteer interpreter

(rev. 3/1/2013)

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Volunteer Staff Interpreter (continued)

- If you are interested in becoming a volunteer, contact the DHS Civil Rights Compliance Section (CRCS) at 586-4955
- The list is updated by CRCS and made available to all divisions in DHS

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Paid Interpreters

- If you are unable to find a qualified volunteer interpreter, use a paid interpreter
- Language Assistance Resources
 - list of agencies and individuals that provide interpreter services; maintained by CRCS
- Follow your division's procedures, if available, to obtain a paid interpreter

(rev. 3/1/2013)

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Use of Family or Friends as Interpreters

- If, after the offer of free language assistance, an LEP individual elects to use a family member or friend, you must take reasonable steps to determine if the individual providing the interpretation is competent to provide this service

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Need to take reasonable steps and avoid pitfalls

- Determine whether conflict of interest, confidentiality or other concerns make use of the family member or friend inappropriate
- Use significant caution if the LEP person asks to have a minor provide interpretation
- Only in rare emergency situations can a person under the age of 18 provide interpreting services (almost never)
- You must provide interpreter services in place of, or in addition to, the person selected by the LEP individual when he or she insists on using a friend or family member to interpret

(rev. 3/1/2013)

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For LEP person who declines the offer for DHS interpreter services

- DHS staff shall document:
 - A. That an offer was made by the DHS to provide an interpreter free of cost
 - B. That the offer was declined and
 - C. The name of the family member or friend who provided language assistance at the LEP individual's request

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LEP Individual Who Has Declined the Offer for Interpreter Services

- Shall be informed that the individual may reconsider and request an interpreter at any time

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Interpreter Guidelines

- Use an interpreter who is proficient in English and in the other language
- Complete Form DHS 5050
- You may need to complete the DHS 5050 for a telephonic interpreter. Document that you completed the form with information provided by the interpreter
- Use common sense: if an interpreter is not working out for a particular situation (regardless of fluency), get another one

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Language Assistance Resources

INTERPRETATION (Oral)

Benjamin J. Boud (Chinese/English)	bcb@uphill.com	1 (808) 343-3133
East-West Concepts, Inc. (Kauai)	Janece Samu eastwestconcepts@aol.com	(808) 332-8220
Equality and Access to the Courts	Court Interpreter List http://humanservices.hawaii.gov	(808) 539-4880
Hawaii Interpreting Services (ASL)	Sign Language	(808) 394-7708
Helping Hands Hawaii	Bilingual Access Line	(808) 628-8724
Island Skill Gathering	Valerie Miehsteln val@taginc.org	(808) 732-4622
Optimal Phone Interpreters	Cathy Delgadillo ext. 154	1 (888) 380-8410
Pacific Gateway Center	Phyu Hinn "Lilo" Aye, Program Coordinator	(808) 881-7000
Tele-Interpreter	Access Code Needed by Division	1 (888) 674-3872
Vergara, Herman, Individual	hermanvergara20082@gmail.com	(702) 488-5311

DHS Free Interpreter Services available to assist with access to DHS services:

Call toll-free 1-888-764-7586

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Language Assistance Resources

(Continued)

TRANSLATION (Written only)

Appleseed, Inc.	Krisztina Samu@appleseedinc.net	1 (609) 561-9253
Transperfect	demery@transperfect.com	1 (202) 347-2300
Via Language	Nancy Pautsch www.viaLanguage.com	1 (800) 737-8481
Via Delivers (name change)		x1018

Interpretation and Translation

Center for Interpretation and Translation Studies suezeng@hawaii.edu (808) 956-4421

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Language Assistance Resources Websites

<http://www.>

Appleseed, Inc.	appleseedinc.net
Corporate Translation Services, Inc.	ctslanguagelink.com
Court Interpreter List	state.hi.us/jud/pdf/interpreters.pdf
East-West Concepts	eastwestconcepts.com
Federal Guidelines	lep.gov and ojp.usdoj.gov/ocr
Language Line Services, Inc.	language-line.com
Migration Policy Institute	migrationinformation.org/datahub
Office of Language Access	hawaii.gov/labor/ola
Pacific Gateway	pacificgateway.org
Pacific Interpreters	pacificinterpreters.com
Tele-interpreter	teleinterpreters.com/need_interpreter_now.aspx
Transperfect	transperfect.com
USDHHS, OCR	hhs.gov/ocr/civilrights/resources/specialtopics/lep/index.html

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Sample Interpreter Form DHS 5050

INTERPRETER FORM

Names: _____ Language: _____

Phone No.: _____ Email Address: _____

DHS Division/Branch/Section/Unit: _____

DHS Position Title: _____

Company: _____

Address: _____

For DHS Staff Volunteer Interpreter:

☐ I would like to be on the DHS list of volunteer interpreters. I will inform the DHS Personnel Office, Civil Rights Compliance Staff, if I no longer want to volunteer as an interpreter.

☐ I do not want to be on the DHS list of volunteer interpreters; however I will provide interpreter services for _____.

For Family And Friends Providing Interpreter Services:

Name of person you are interpreting for: _____

Your relationship to the person you are interpreting for: _____

I state that the following are true:

☐ I have read and understand the Interpreter Code of Ethics (on the back of this form), and agree to follow it when providing interpreter services;

☐ I am 18 years of age or older, and, _____

Check on applicability:

<input type="checkbox"/> I am conversational in English and the language listed above;	_____
<input type="checkbox"/> I can interpret to and from English and the language listed above;	_____
<input type="checkbox"/> I can translate written English to the language listed above;	_____
<input type="checkbox"/> I can translate the written language listed above to English;	_____

Unless otherwise approved by DHS, I understand that my services are voluntary and I will not receive extra pay from DHS for providing interpreter services.

Interpreter Code of Ethics

- Accuracy**
 - Interpreters shall convey the message and tone of the speaker accurately and completely, without adding or deleting anything.
 - Interpreters shall accurately interpret offensive language, obscenity, and must acknowledge and shall not omit content while interpreting to another party's request.
 - Interpreters shall seek clarification when needed.
 - Upon recognizing that a communication may have been misunderstood, interpreters may bring the parties understanding to the attention of the parties, who will decide how to proceed. (Do not be slow to help proceedings.)
- Confidentiality**
 - Interpreters shall keep confidential all sensitive-related information and shall not divulge any information obtained through their assignments, including but not limited to information gained through access to documents or other written records.
- Impartiality**
 - Interpreters shall refrain from accepting an assignment when family, personal or professional relationships affect impartiality.
 - Interpreters shall remain neutral regarding with a party that might be perceived as a conflict of interest.
 - Interpreters shall demonstrate respect toward all persons involved in the interpreting situation and shall act in a manner that is respectful, impartial, unbiased and culturally sensitive.
- Role Limitations**
 - Interpreters shall use first person speech to help facilitate or assist direct communication or parties.
 - Interpreters shall maintain proper role boundaries, avoiding all unnecessary contact with the parties during and outside the interpreting situation.
 - Interpreters shall not interpret personal opinions or give consent or advice to individuals he or she is interpreting.
- Professionalism**
 - Interpreters shall arrive punctually at the appointed location, prepared and dressed appropriately.
 - Interpreters listed by an agency shall not promote their own business directly with the agency's customers or employees or provide or referred to from them.
 - Interpreters shall accurately represent their qualifications, training and experience, and shall disclose from accepting assignments for which they are not qualified.
 - Interpreters shall participate in continuing education programs when available.
 - Interpreters shall evaluate feedback in order to improve their performance.

Adapted from Dr. Barbara Jones, Center for Interpretation and Translation Studies, University of Hawaii

(rev. 3/1/2013)

cited in State of Hawaii v. Trump
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DHS Form 5050 (cont.)

- All Interpreters must complete the Interpreter Form, DHS Form 5050, including:
 - Friends/Adult Family member
 - Bilingual employee who is not on the DHS volunteer list
- The following do NOT need to complete DHS Form 5050:
 - DHS contracted interpreters
 - DHS employees on the DHS Volunteer Employee Interpreter List

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Step 4: Document efforts to provide interpreter

- Note efforts to arrange for timely interpreter services in the case notes (HAWI) and/or log of contacts
- File in case file: DHS 5000, and DHS 5050, if needed

(rev. 3/1/2013)

*cited in State of Hawaii v. Trump
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Questions?

- Contact your supervisor if you have questions regarding these procedures.
- Divisions can contact the DHS Civil Rights Compliance Section for further LEP assistance at 586-4955 or gwatts@dhs.hawaii.gov

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Part III:

DHS Discrimination Complaint Process



(rev. 3/1/2013)

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LEP Complaints are Treated the Same as Other Discrimination Complaints

Use:

- DHS Policy and Procedures 4.10.1
- DHS 6000 Discrimination Complaint Form
- DHS 6006 Consent/Release Form

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Discrimination Complaint Forms DHS 6000 and 6006

DISCRIMINATION COMPLAINT FORM			
NAME	XXXXXX	XXXXXXXXXX	XXXXXXXXXX
EMPLOYER/ORGANIZATION/AGENCY (if applicable)	XXXXXX	XXXXXX	XXXXXX
JOB TITLE			
2. BASIS OF ALLEGED DISCRIMINATION (Check appropriate box(es))			
<input type="checkbox"/> Race	<input type="checkbox"/> National Origin/Ancestry	<input type="checkbox"/> Sex	<input type="checkbox"/> Disability
<input type="checkbox"/> Sex/Gender	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Age
<input type="checkbox"/> Religion	<input type="checkbox"/> Parent/Child Status	<input type="checkbox"/> Citizenship	<input type="checkbox"/> Political Beliefs
<input type="checkbox"/> Disability	<input type="checkbox"/> Child Support Arrears	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Political Beliefs
3. Explain briefly what, if anything, you have done about the alleged discrimination.			
4. Does your complaint concern alleged discrimination in service delivery? <input type="checkbox"/> Yes <input type="checkbox"/> No			
5. Is the alleged discrimination against you? <input type="checkbox"/> No <input type="checkbox"/> Yes, by whom?			
6. Please explain here and why you believe you were discriminated against. Please be SPECIFIC. Please include names, dates, witnesses and places of the incidents.			
7. (Attach additional sheet if you require more space)			
8. Is the alleged discrimination against others? <input type="checkbox"/> No <input type="checkbox"/> Yes, please list (Name(s), Address(es) and Phone Number(s))			
9. What is the specific date or period of time of the alleged discrimination?			
10. Please indicate the relationship(s) you are seeking.			
11. I will notify Department of Human Services (DHS), Personnel, Civil Rights Compliance Service (CRCS), PO Box 209, Honolulu HI 96899-0209, if I change my address or telephone number. I agree to allow that I have read the above statements and that they are true to the best of my knowledge and belief.			
PLEASE COMPLETE, REVIEW, SIGN, DATE AND RETURN TO THE ABOVE ADDRESS.			
Signature	Date		

CONSENT / RELEASE FORM	
Yves Name:	
Address:	
Please read the information below, initial the appropriate space, and sign and date this form on the lines at the bottom of the form.	
I understand that in the course of a preliminary inquiry or investigation I might become necessary for the Department of Human Services (DHS), Civil Rights Compliance Staff (CRCS) to conduct any identity verification at the organization under investigation. I am also aware of the obligation of CRCS to honor requests under the Freedom of Information and Privacy Act. I understand that I might be necessary for DHS to conduct investigation of my complaint. In addition, I understand that as a complainant I am permitted by Federal regulations and DHS policies from withdrawing the having taken action or participated in action to receive rights pursuant to nondiscrimination statutes.	
Initial on the line above if you agree to consent.	CONSENT GRANTED - I have read and understood the above information and authorize DHS, CRCS, to conduct any identity verification at the organization under investigation and to follow up with the organization that provides financial assistance to the organization or who have civil rights compliance oversight responsibilities that occur that organization. I hereby authorize DHS to receive personal and confidential information that is necessary to the investigation of my complaint. This release includes and is not limited to, applications, case files, personnel records and medical records. This authorization is given by me for DHS to use the information to conduct an investigation of my complaint and gathering of the most difficult and, in some cases, impossible, any result in the investigation being done.
Initial on the line above if you do not consent.	CONSENT DENIED - I have read and understood the above information and do not want CRCS to conduct any identity verification at the organization under investigation, or to receive personal records of, or documents submitted and relevant information about me, pertinent to the investigation of my complaint. I understand that this is likely to make the investigation of my complaint and gathering of the most difficult and, in some cases, impossible, any result in the investigation being done.
Signature	Date
Please return completed, signed and dated form to:	
State of Hawaii Department of Human Services PERSONNEL PO Box 209 Honolulu, Hawaii 96899-0209	
Questions may be sent to crs@dohs.hawaii.gov	

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Retaliation is Prohibited

Be professional when working with someone who has filed a complaint, and continue to provide the same quality of customer service as if there were no complaint

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Levels of Investigations

The client can file a complaint with any one or more of the following:

- Internal
 - Branch/Division/Section/Unit
 - Departmental
- External
 - Hawaii Civil Rights Commission (HCRC)
 - Equal Employment Opportunity Commission (EEOC)
 - US Department of Health and Human Services (DHHS)
 - USDA/Food and Nutritional Services (FNS)
 - US Department of Justice (USDOJ)
 - US Department of Education (DOE)
 - US Department of Housing and Urban Development (HUD)

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Participating in an investigation

- Cooperate with the investigation
- Report all the facts you know:
 - Dates
 - Times
 - Witnesses
- Report these completely and truthfully

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Part IV: Summary

To provide meaningful language access,
remember to:

- Determine the language needs of the individual
- Document the offer of no-cost interpreter services
 - Complete Form DHS 5000
- Arrange for interpreter services
 - Complete Form DHS 5050
 - Follow your Division procedures
 - Don't stop until you get an interpreter
- Document: HAWI, case notes, DHS 5000, DHS 5050
- Contact Supervisor for further assistance

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Mandatory Notices 2013

- <http://humanservices.hawaii.gov>
in the Civil Rights Corner
- Mandatory Notices Checklist
and Confirmation
Q Drive in Civil Rights Folder
- Script
Q Drive in Civil Rights Folder

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**Mandatory Notices
Checklist and Confirmation**

- [Access Hawaii Brochure](#)
- [ADA Notice](#)
- [Director Notices 2013-1](#)
- [Director Notices 2013-2](#)
- [EEO and Supplement Genetic Information](#)
- [Employment Discrimination and Other Hawaii State Notices](#)
- [Fair Housing Notice](#)
- [Harassment Notice](#)
- [Justice for All Notice](#)
- [Notice of Interpreter Services at No Cost](#)
- [Equal Opportunity Notice](#)
- [Your Rights Under USERRA](#)

DHS Nondiscrimination Multilingual Statement (Joint)

- Chinese (Mandarin or Cantonese)
- Chinese
- English
- Japanese
- Samoan
- Tagalog
- Vietnamese
- Vietnamese
- Spanish

- **Food Stamp (SNAP) Nondiscrimination Statement in multi languages**

Federal laws provide that willful violation of the posting requirement is punishable by a fine of not more than \$100 for each separate offense, and can be interpreted as a lack of commitment to non-discrimination policies.

• The _____ affirms that these required notices are posted at eye
(Division, Office, Agency)
level for a person seating in all public waiting areas as of _____ Date _____

Signature

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What will you do differently?

- What specific actions will you take as a result of this increased awareness?
- How will you change the way you work with clients? Employees?
- Create a list of what you will do differently and put it into action
- Remember sign and date the training verification form on the next slide

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Limited English Proficiency

2013 Verification

____ Initial Training (first time LEP Training)

____ 2013 Annual Review

I verify that my supervisor and I have reviewed this 2013 Limited English Proficiency (LEP) presentation, as required by the Department of Human Services and the Federal government no later than April 30, 2013.

Employee Name (printed)

Employee Signature

Date

Supervisor's Name (printed)

Supervisor's Signature

Date

Civil Rights Compliance Staff

Date

Supervisor complete and send through channels to PERS/CRCS prior to May 6, 2013.

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**Please point here if you need an interpreter
in this language (at no cost to you).**



APPENDIX D

<u>Hawai'ian:</u>	E kuhikuhi mai 'oe i 'anē i ke pono ka mahele'ōlelo ('a'ōhe kāki).
<u>日本語 (Japanese):</u>	日本語の通訳が必要な方は、ここを指差してください (通訳費用はかかりません)。
<u>한국어 (Korean):</u>	통역을 필요로 하 시면 다음 약속일 전에 반듯이 통역이 필요하다고 말씀하셔야 합니다. 비용은 부담않아서도 됩니다.
<u>普通话(华语/國語) (Mandarin):</u>	如果您需要讲普通话的免费翻译, 请指这里。(如果您需要講國語的免費翻譯, 請指這裡。)
<u>廣東話 (Cantonese):</u>	如果您需要講廣東話的免費翻譯, 請指這裡。
<u>Ilokano:</u>	No masapulmo ti paraipatarus iti Ilokano nga awan bayadna, pakitudom ditoy.
<u>Tagalog:</u>	Kung kailangan mo ng libreng tagasalin sa Tagalog, pakituro lamang dito.
<u>Cebuano (Visayan):</u>	Kung kinahanglan nimo ug libre nga tighubad sa Binisaya, itudlo lang diri.
<u>Tiếng Việt (Vietnamese):</u>	Xin chỉ vào đây nếu bạn cần thông dịch viên cho ngôn ngữ này (bạn sẽ được cung cấp thông dịch viên miễn phí).
<u>မြန်မာ (Myanmar):</u>	သင်နားလည်သောစကားနှင့် ဘာသာပြန်အလိုရှိပါက ယခုနေရာသို့ညွှန်ပြပါ။ အထက်ပါစကား အတိုက်အခံကံတခေါက်ဆက်သွယ်ရန်လိုအပ်ပါသည်။
<u>ภาษาไทย (Thai):</u>	กรุณาม้าที่ข้อความนี้ ถ้าคุณต้องการสามภาษาไทย (โดยที่คุณไม่ต้องเสียค่าใช้จ่ายใดๆ)
<u>ភាសាខ្មែរ (Khmer):</u>	សូមបង្ហាញនៅក្រុងនេះមក បើប្រសិនបើអ្នកត្រូវការអ្នកបកប្រែភាសាខ្មែរ (អ្នកមិនត្រូវការចំណាយថវិកាអ្វីឡើយ)។
<u>ອັກສອນລາວ (Lao):</u>	ກະລຸນາຊີ້ມາດໃສ່ບ່ອນນີ້ ຖ້າທ່ານຕ້ອງການຮາກສາມພາສາໄທ (ໂດຍທີ່ທ່ານບໍ່ຕ້ອງເສຍຄ່າໃຊ້ຈ່າຍໃດໆ) ໄດ້ຍິນ ທ່ານ ບໍ່ ຕ້ອງເສຍ ວິດ 'າໃຊ້ ຈ່າຍໃດໆ)
<u>Marshallese:</u>	Jouj im jitōñe ijin elañe kwoj aikuji juōñ am ri-ukok ilo kajin in (ejjelok wōñāñ ñan yuk).
<u>Chuukese:</u>	Itini awenewenan ikeei ika pwún kopwe néunéu emén chón chiakú nón fóosun eei fénú (kosap wisenmééni noum eei chón chiakú).
<u>Chamorro:</u>	Matka pat apunta este yangen un nesisita intetpiti gi fino Chamorro (dibadi este na sitbesio).
<u>Pohnpeian:</u>	Menlau idih wasa ma ke anahne soun kawehwe (sohte isais).
<u>Kosraean:</u>	Nunak munas srisrngingac acn se nge fwín kom enenu met in top nuke kahs lom an sifacna (kom ac tia moli).
<u>Yapese:</u>	Fa'anra bet'uf bae' ninge ayweg nem nge abweg e thin rom (ni dabmu pii'pulwon) meere mog aray.
<u>Yapese (Outer Island):</u>	Gobe sor gare go tipeli bwo semal yebe gematfa kepatal menel le yetwai yor paluwal ngalug.
<u>Samoaan:</u>	Fa'amolemole tusi lou lima i'i pe 'ā 'e mana'omia se fa'amatala'upu i le gagana lea (e te lē tologiina se tupe).
<u>Tongan:</u>	Tuhu ki heni kapau 'e fiema'u ha taha ke fakatonulea 'oku ta'etotongi.
<u>Русский (Russian):</u>	Если вам нужен бесплатный переводчик русского языка, пожалуйста укажите пальцем на это предложение.
<u>Español (Spanish):</u>	Por favor señale aquí con el dedo si necesita un intérprete (sin ningún costo para usted).



This is an important notice from the Department of Human Services (DHS), [program/ office] . Please call XXX-XXXX. When you call, you will be asked what language you speak and your call will be put on hold for an interpreter. You can also call 1-888- 764-7586 for all DHS services.	English 
這是一封從人類服務部 (DHS) [program/office] 發出的重要通知。請致電 XXX - XXXX。打電話時,你將會被詢問你所講的語言需要,然後您的通話將被擱置直至聯絡到翻譯服務。您也可以撥打 1-888 - 764- 7586 諮詢所有 DHS 的服務。	Cantonese 
Ei auchchean esinesin seni ewe putain Human Services (DHS) (program/office) . Kose mwochen kokkori xxx-xxxx. Fansoun omw kokko, epwe wor epwe eisinuk menni kapas kopwe nounow choon chiaku ren. Ka pwan tongeni kokkori 1-888-764-7586 ren meinisin peekin aninnis seni DHS.	Chuukese 
Ceci est une lettre importante de Department of Human Services (DHS) . S'il vous plaît, faire un appel téléphonique xxx-xxxx . Lorsque vous téléphonez, quelqu'un va vous demander quelle langue vous parlez, et votre appel sera mis en attente pour un interprète. Vous pouvez aussi téléphoner au 1-888-764-7586 pour tous les services de DHS.	French 
Dies ist eine wichtige Benachrichtigung von der Abteilung Menschlicher Dienste (DHS), [program/office] . Bitte Anruf XXX-XXXX. Wenn Sie rufen, werden Sie gefragt werden, welche Sprache Sie sprechen, und Ihr Anruf wird auf Wartestellung für einen Dolmetscher geschaltet werden. Sie können 1-888-764-7586 für alle DHS Dienste auch rufen..	German 
He ho'olaha ko'iko'i k(e)ia mai ka 'Oihana Lawelawe Kanaka (DHS), [program/office] . E 'olu'olu e kelepona mai i xxx-xxxx. Ke kelepona 'oe, e ninau 'ia ana 'oe he aha kau 'olelo 'oiwi a laila e kali 'oe a loa'a ke kanaka mahele 'olelo. Hiki pu ia 'oe ke kelepona i 1-888-764-7586 no na lawelawe a pau a ka 'Oihana Lawelawe Kanaka (DHS).	Hawaiian 
Ito ay mahalaga na sulat na galling sa Department of Human Services(DHS). [program/office] .Mangyaring tawagan ang XXX-XXXX. Kung kayo ay tatawag , tatanungin kung ano ang iyong wika at hintayin ninyo hanggat may sumagot na tagasalin. Pwede ninyong tumawag sa 1-888-764-7586 para sa lahat ng serbisio sa DHS.	Ilocano 
ハワイ州人道的奉仕局 (略称DHS) [program/ office] からの大切な 通知です。この番号 XXX-XXX にお電話された時に、貴方がどの言語を 話されているかを聞かれます、通訳に接続されるまでしばらくお待ちください。DHS のどのサービスにも、この電話番号 1- 888 - 764 -7586 で対応いたします。	Japanese 
이것은 인간 서비스부 에서 보내는 중요한 편지입니다. [DHS] 이편지에 명시 되어있는 번호로 전화를 하십시오. 전화를 하면 당신이 사용하는 언어를 물울것이고 그언어의 통역인에게 연결 될것입니다. DHS 서비스를 받기위해 1-888-764-7586 으로 전화할수 있습니다. 이것은 인간서비스부에서 보내는 중요한 편지입니다. [program/office] and XXX- XXXX로 전화를 하십시오. 전화를 하면	Korean 
这是一封从人类服务部 (DHS) : [计划办公室] 发出的重要信件。请致电 XXX - XXXX . 打电话时,你将会被询问你所讲的语言需要,然后您的通話將被擱置直至聯絡到翻譯服務。您也可以撥打 1-888-764- 7586 咨询所有DHS的服務。	Mandarin 
Kojela in im elap an aurok im ej itok jen ra eo an department of Human Services (DHS), [program/office] ,juoij im call e XXX-XXX. Ne kwoj call, renej kajitok ibbem kain kajin rot eo koj kenono kake im renej likit kwe ilo hold ak kottar non e ri okok eo enej uak. Komaron bareinwot call e lok 1-888-764-7586 non aolepen ra ko ilo DHS services eo.	Marshallese 
O se fa'asilasilaga ta'ua lenei mai le Ofisa o le Human Services (DHS), [program/office] ,Fa'amolemole vala'au mai i le numera xxx-xxxx . A e vili mai, o le a fesili atu po'o le a le gagana e te mo'omia, ona tu'u sa'o lea o lau telefoni i se tagata e mafai ona fesoasoani ia te oe. E mafai fo'i ona e vala'au i le numera lea, 1-888-764-7586 mo nisi 'au'aunaga mai le Ofisa o le Human Services.	Samoan 
Este es un aviso importante de la Sección de Servicios Humanos (DHS), [program /office] ,Por favor llame XXX-XXXX . Cuando usted llama, usted se preguntará qué idioma usted habla y su llamada se pondrá en espera para un intérprete. Usted también puede llamar 1-888-764-7586 para todos los servicios de DHS.	Spanish 
Ito ay mahalaga na sulat na galling sa Department of Human Services (DHS). [program/office] .Mangyaring tawagan ang XXX-XXXX. Kung kayo ay tatawag , tatanungin kung ano ang iyong wika at hintayin ninyo hanggat may sumagot na tagasalin. Pwede ninyong tumawag sa 1-888-764-7586 para sa lahat ng serbisio sa DHS.	Tagalog 
Ko e tohi mahuinga ko eni, mei he Department of Human Services (DHS). [program/office] . Katakī o' ta mai kihe XXX - XXXX. Ihe taimi oku fikhoko 'a'ae telefoni, e kole atu leva, pe ko e ha'ae le'a ho'o matakali. E kole atu leva keke tatali ka'e fikhoko ho'o telefoni kiha taha e malava o fikhonu lea atu kiate koe i ho'o lea fikhonu. Oku malava pe keke telefoni kihe fika ko eni. 1-888-764-7584. O' kapau oku ke fie'ma'u ha tokoni pe ko e fie'ilo kiha toe me'a fekau'oki moe DHS Services.	Tongan 
Đây là một thông báo quan trọng từ Bộ Dịch vụ Nhân sinh (DHS), [chương trình / văn phòng] . Xin vui lòng gọi XXX-XXXX . Khi bạn gọi, bạn sẽ được hỏi những gì bạn nói ngôn ngữ và cuộc gọi của bạn sẽ được giữ lại trong một thông dịch viên. Bạn cũng có thể gọi 1-888 - 764-7586 cho tất cả các dịch vụ DHS.	Vietnamese Việt Nam
Kini importante nga sulat gikan sa Department of Human Services (DHS), (program/office) . Palihug tawagi ang XXX-XXXX . Sa imong pagtawag, ikaw pangutan-on kun unsa ang imong pinulongan ug ang imong tawag ilang ipahulat para sa usa ka taghubad sa pinulongan. Mahimo usab nga imong tawagan ang 1-888-764-7586 para sa tanang mga serbisyo sa DHS.	Visayan 

NOTICE

Free Interpreter Services

available to assist with access to
DHS services
call:

Toll-Free 1-888-764-7586.



免費的翻譯員服務, 以幫助 DHS
的服務, 請打免費電話 1-888-764-7586.



DHS (후생국)의 서비스들을 받기 위해서 무료 통역
서비스를 이용할 수 있으며 무료-직통전화
1-888-764-7586으로 연락하세요.



Mei or ei neni ka tongeni kokori ika pue ka
moden nounou chon chika, ese kamo ei
neni ika DHS nampun 1-888-764-7586.



Angat Libre a Serbisyo dagiti Interpreter nga
tumulong a sumrek kadagiti serbisyo ti
DHS. Tawag 1-888-764-7586

cited in *State of Hawaii v. Trump*
No. 17-15589, archived on June 14, 2017

BASIS FOR THE POLICY

This fundamental policy concerning equal Services opportunity shall be applied within the parameters of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Title IX of the Education Amendment of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans With Disabilities Act of 1990, and the Hawaii Revised Statutes, including and not limited to, 371 and 378, as revised in 2006.

QUESTIONS?

Write or call the Department of Human Services Civil Rights Compliance Staff:

Civil Rights Office
Queen Liliuokalani Building
1390 Miller Street
Honolulu, Hawaii 96813

Phone: 586-4955
TTY: 586-4950
Fax: 586-4990

E-mail: gwaatts@dhs.hawaii.gov

August 2011
DHS 050

B. Personnel Office
Civil Rights Compliance Staff
P. O. Box 339
Honolulu, Hawaii 96809-0339

C. Discrimination complaints may also be filed concurrently with the following agencies:

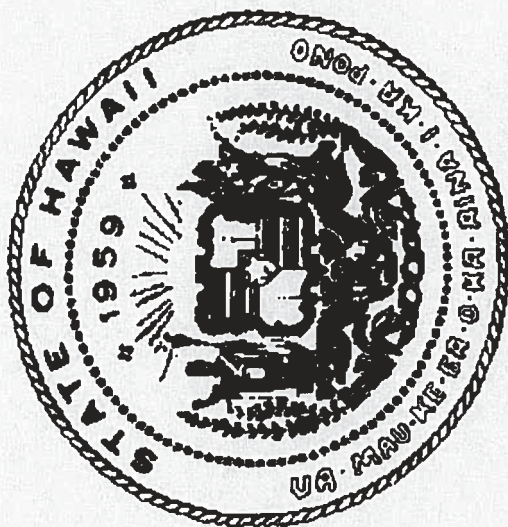
U. S. Department of Health & Human Services, Region IX
Office of Civil Rights
90 7th Street, Suite 4-100
San Francisco, CA 94103-6705
(Financial & Medical Assistance)

U. S. Department of Agriculture
Director OCR, Room 326-W, Whitten
1400 Independence Avenue, SW
Washington, D. C. 20250-9410
(202) 720-5964 and Regional
90 7th Street, Suite 10-100
San Francisco, CA 94103
(Supplemental Nutrition Assistance Program (SNAP))

U. S. Department of Education
Region IX, Office of Civil Rights
915 Second Avenue, #3310
Seattle, WA 98174-1099
(Vocational Rehabilitation Services)

U. S. Department of Justice
Office of Civil Rights
810 7th Street, NW
Washington, D.C. 20531
(Youth Services)

U. S. Department of Housing and Urban Development
Office of Civil Rights
451 7th Street, SW
Washington, D. C. 20410
(Housing/HPHA)



ACCESS HAWAII

Department of Human Services

Services to the Public:

Your Rights

Our Responsibilities

Civil Rights Brochure
Alternative Formats Call:
(808) 586-4950

DEPARTMENT OF HUMAN SERVICES' POLICY

It is the policy of the Department of Human Services (DHS) that all individuals shall be provided an equal opportunity to participate in programs, activities and services of the DHS without regard to race color, national origin, age, disability, sex, political beliefs or religion.

This policy applies to all organizational divisions, agencies and/or commissions and organizations that receive State or Federal funds through contracts or other arrangements with the DHS.

State and Federally-funded programs must be planned and administered such that they do not have the effect of denying services and/or participation in the program to any particular person or groups of persons. For example, materials such as notices and brochures written only in English, may have the effect of denying services or participation in a program to limited and non-English speaking persons. Similarly, architectural barriers to DHS offices may have the effect of preventing persons with disabilities from accessing our services.

DISCRIMINATION

There are many forms of discrimination, both overt and subtle, that may adversely affect individuals or groups' opportunity to gain equal access to services. These include:

Alternative Formats Call: (808) 586-4950

- treating individuals differently in the determination of eligibility for services;
- segregating or subjecting individuals to separate services or different treatment, which does not provide equal access to services;
- failing to provide language interpreter services for limited or non English speaking individuals or sign language interpreters for persons with hearing or speech impairments; and
- establishing hours of service that have an adverse effect on certain groups of individuals.

EMPLOYEE RESPONSIBILITIES

All employees are responsible for the implementation of the DHS' equal service opportunity policy (4.10.3). This includes, and is not limited to:

- ☐ treating all individuals equally and courteously; and
- ☐ informing persons of their right to equal service opportunity and their right to free interpreter service as well as their right to file a discrimination complaint when they feel their civil rights have been violated and/or an internal complaint when they feel they have been treated unfairly.

Alternative Formats Call: (808) 586-4950

Any employee who intentionally obstructs the DHS' objective of providing equal access to services shall be subject to disciplinary action.

Program Administrators are Responsible for determining the needs of the population they serve considering language, culture, and physical accessibility needs, and planning programs that are consistent with those needs and in compliance with the law.

Supervisors are responsible for ensuring that their staff are aware of their responsibility to treat all clients equally and fairly, and to provide assistance to persons with special needs. Supervisors shall also ensure that clients are informed of their right to nondiscriminatory services.

COMPLAINT PROCEDURES

4.10.1

Persons who feel they have been treated unfairly because of their race, color, national origin, age, disability, sex, political beliefs or religion, may file a discrimination complaint (DHS forms 6000 & 6006). Concurrent complaints may be filed with appropriate Federal and State Agencies within stated timeframes. Written complaints may be filed with:

A. the respective Program Administrator w/ copy to Director;

STATE OF HAWAII
Department of Human Services

— APPENDIX E

INTERPRETER FORM

Name: _____ Language: _____

Phone No.: _____ E-mail Address: _____

DHS Division/Branch/Section/Unit: _____

DHS Position Title: _____

Company: _____

Address: _____

For DHS Staff Volunteer Interpreter:

☐ I would like to be on the DHS list of volunteer interpreters. I will inform the DHS Personnel Office, Civil Rights Compliance Staff, if I no longer want to volunteer as an interpreter.

☐ I do not want to be on the DHS List of Volunteer Interpreters; however I will provide interpreter services for _____.

For Family And Friends Providing Interpreter Services:

Name of person you are interpreting for: _____

Your relationship to the person you are interpreting for: _____

I state that the following are true:

- ☐ I have read and understand the Interpreter Code of Ethics (on the back of this form), and agree to follow it when providing interpreter services;
- ☐ I am 18 years of age or older; and,

Check as applicable:

Fluency:
Fair Good Excellent

- | | | | |
|---|-------|-------|-------|
| <input type="checkbox"/> I can communicate in English and the language listed above; | _____ | _____ | _____ |
| <input type="checkbox"/> I can interpret to and from English and the language listed above; | _____ | _____ | _____ |
| <input type="checkbox"/> I can translate written English to the language listed above; | _____ | _____ | _____ |
| <input type="checkbox"/> I can translate the written language listed above to English; | _____ | _____ | _____ |

Unless otherwise approved by DHS, I understand that my services are voluntary and I will not receive extra pay from DHS for providing interpreter services.

(Signature)

Date

Interpreter Code of Ethics

1. Accuracy

- a. Interpreters shall convey the message and tone of the speakers accurately and completely, without adding or deleting anything.
- b. Interpreters shall accurately interpret offensive language, obscenities, and sexual terminology and shall maintain composure while interpreting in emotionally charged situations.
- c. Interpreters shall seek clarification when needed.
- d. Upon recognizing that a communication may have been misunderstood, interpreters may bring the possible misunderstanding to the attention of the provider, who will decide how to resolve it. (Not to be done in legal proceedings.)

2. Confidentiality

- a. Interpreters shall keep confidential all assignment-related information and shall not divulge any information obtained through their assignments, including but not limited to information gained through access to documents or other written materials.

3. Impartiality

- a. Interpreters shall refrain from accepting an assignment when family, personal or professional relationships affect impartiality.
- b. Interpreters shall reveal any relationship with a party that might be perceived as a conflict of interest.
- c. Interpreters shall demonstrate respect toward all persons involved in the interpreting situation and shall act in a manner that is neutral, impartial, unbiased and culturally sensitive.

4. Role Boundaries

- a. Interpreters shall use first person speech to help facilitate as much direct communication as possible.
- b. Interpreters shall maintain proper role boundaries, avoiding all unnecessary contact with the parties during and outside the interpreting situation.
- c. Interpreters shall not interject personal opinions or give counsel or advice to individuals for whom they are interpreting.

5. Professionalism

- a. Interpreters shall arrive punctually at the appointed location, prepared and dressed appropriately.
- b. Interpreters hired by an agency shall not promote their own business directly with the agency's customers or accept/request gratuities or additional fees from them.
- c. Interpreters shall accurately represent their qualifications, training and experience, and shall refrain from accepting assignments for which they are not qualified.
- d. Interpreters shall participate in continuing education programs when available.
- e. Interpreters seek evaluative feedback in order to improve their performance.

*Adopted from Dr. Suzanne Zeng, Center for Interpretation and Translation Studies, University of Hawaii
Revised June 2009*

STATE OF HAWAII

DEPARTMENT OF HUMAN SERVICES

— APPENDIX F

**OFFER AND ACCEPTANCE OR WAIVER OF
FREE INTERPRETER SERVICES**

Case Name: _____ Case Number: _____
 Worker: _____ Unit: _____
 Phone: _____

The Department of Human Services (DHS) has offered an interpreter at no cost to me, if English is not my primary language.

1.	ENGLISH is my primary language:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
2.	<input type="checkbox"/> I do not need an interpreter. If you do not need an interpreter go to part 4 and sign below: <input type="checkbox"/> I need an interpreter for the following language: _____ If you need an interpreter, go to part 3, and check the box that applies to you.		
3.	<input type="checkbox"/> I want DHS to provide an interpreter at no cost to me. <input type="checkbox"/> I do not want an interpreter provided by DHS, and I will provide my own. <ul style="list-style-type: none"> I understand that DHS may secure an independent interpreter to observe my interpreter to ensure the accuracy of the communications. I understand that the use of family or friends as interpreters may not be the most effective way to help me access the benefits and services that DHS provides. I understand that DHS does not recommend the use of family members or friends as interpreters and prohibits the use of minors (no one under age 18) as interpreters. I understand that if I do not want interpreter services at this time, I have the right to change my mind in the future and have DHS provide free interpreter services at that time or bring an interpreter of my choice. 		
4.	I have read and understand the information on this form. If I have questions or concerns, I can contact the worker listed above.		
Print Name: _____			
Signature: _____		Date: _____	

Civil Rights Monitoring Checklist

(Required Annually of OJP-Funded Contractors)

OYS Contract Number:		Total Award Amount:	
Contractor Name:	OJJDP Grant Award Number:		
Contract Period:			

1	During this budget period, has OYS seen this Contractor's current Equal Employment Opportunity Plan (EEOP) in accordance with 28 C.F.R. section 42.301-.308?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
2	Has this provider submitted an EEOP Short Form to the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), if required by 28 C.F.R. section 42.301-.308? If the provider is not required to submit an EEOP Short Form to the OCR, has it submitted a certification form to the OCR claiming a partial or complete exemption from the EEOP requirements? If the provider prepared an EEOP Short Form, on what date did the provider prepare it?	<input type="checkbox"/> Yes – submitted EEOP Short Form <input type="checkbox"/> Yes – submitted a certification <input type="checkbox"/> No
3	How does the provider notify program participants and beneficiaries that it does not discriminate on the basis of race, color, national origin, religion, sex, disability, and age in the delivery of services (e.g. posters, inclusion in brochures or other program materials, etc.)? Comments:	
4	How does the provider notify employees that it does not discriminate on the basis of race, color, national origin, religion, sex, and disability in employment practices (e.g. posters, dissemination of relevant orders or policies, inclusion in recruitment materials, etc.)? Comments:	
5	Does the provider have written policies or procedures in place for notifying program beneficiaries how to file complaints alleging discrimination by the provider with the Hawaii Civil Rights Commission or the OCR?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6	If the provider has 50 or more employees and received DOJ funding of \$25,000 or more, has the provider taken the following actions: a. Adopted grievance procedures that incorporate due process standards and provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing	<input type="checkbox"/> A. Yes <input type="checkbox"/> A. No <input type="checkbox"/> B. Yes <input type="checkbox"/> B. No

	<p>Section 504 of the Rehabilitation Act of 1973, found at 28 C.F.R. Part 42, Subpart G, which prohibits discrimination on the basis of a disability in employment practices and the delivery of services.</p> <p>b. Designated a person to coordinate compliance with the prohibitions against disability discrimination contained in 28 C.F.R. Part 42, Subpart G.</p> <p>c. Notified participants, beneficiaries, employees, applicants, and others that the provider does not discriminate on the basis of disability.</p>	<input type="checkbox"/> C. Yes <input type="checkbox"/> C. No
8	<p>If the provider operates an education program or activity, has the provider taken the following actions:</p> <p>a. Adopted grievance procedures that provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Title IX of the Education Amendments of 1972, found at 28 C.F.R. Part 54, which prohibits discrimination on the basis of sex.</p> <p>b. Designated a person to coordinate compliance with the prohibitions against sex discrimination contained in 28 C.F.R. Part 54.</p> <p>c. Notified applicants for admission and employment, employees, students, parents, and others that the provider does not discriminate on the basis of sex in its educational programs or activities.</p>	<input type="checkbox"/> A. Yes <input type="checkbox"/> A. No <input type="checkbox"/> B. Yes <input type="checkbox"/> B. No <input type="checkbox"/> C. Yes <input type="checkbox"/> C. No
9	<p>Has the provider complied with the requirements to submit to the OCR any findings of discrimination against the provider issued by a federal or state court or federal or state administrative agency on the grounds of race, color, religion, national origin, or sex?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No.
10	<p>What steps has the provider taken to provide meaningful access to its programs and activities to persons who have limited English proficiency (LEP)?</p> <p>Comments, including an indication of whether the provider has developed a written policy on providing language access services to LEP persons:</p>	
11	<p>Does the provider conduct any training for its employees on the requirements under federal civil rights laws?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
12	<p>Does the provider need any civil rights training or technical assistance regarding its duties to comply with the applicable civil rights laws?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
13	<p>If the provider conducts religious activities as part of its programs or services, does the provider do the following:</p> <p>a. Provide services to everyone regardless of religion or religious belief.</p>	<input type="checkbox"/> A. Yes <input type="checkbox"/> A. No <input type="checkbox"/> B. Yes

	<p>b. Ensure that the provider does not use federal funds to conduct inherently religious activities, such as prayer, religious instruction, or proselytization, and that such activities are kept separate in time or place from federally-funded activities.</p> <p>c. Ensure that participation in religious activities is voluntary for beneficiaries of federally-funded programs.</p>	<input type="checkbox"/> B. No <input type="checkbox"/> C. Yes <input type="checkbox"/> C. No
--	---	---

14	Please provide below the contact information for the person responsible for submitting any findings of discrimination to the Office for Civil Rights.	
	Last Name, First Name:	
	Street Address:	
	City, State, Zipcode:	
	Telephone Number:	
	Fax Number:	

Comments:

 OYS Monitor Signature

 Date

*cited in State of Hawaii v. Trump
No. 17-15589, archived on June 14, 2017*

Self-Assessment Checklist for Public Programs

ASSESSMENT AREA	YES	NO	COMMENTS
Conducting Preliminary and Ongoing Assessment for Informed Planning			
1. Has your agency conducted an assessment of the language needs of the general or eligible population in the local service area? (number of LEP individuals, languages spoken and/or linguistically-isolated households)			
a. If so, what data sources have you used:			
Census/American Community Survey			
School District			
Labor Market Information			
Community Organizations			
Other (please specify)			
2. Has your agency conducted an assessment of its capacity to serve LEP populations?			
a. Can you identify the languages spoken by current staff?			
b. Is there a way to measure the proficiency level of bi/multilingual staff?			
c. Are bi/multilingual staff assigned according to ongoing community language needs?			
Implementing a Language Access Plan			
3. Evaluating a client's first interaction with your agency:			
a. Are there bi/multilingual signs easily visible at the reception area or office?			
b. Are there pictorial signs for low-literacy/illiterate LEP clients easily visible at the reception area or office?			
c. Are frontline staff bi/multilingual?			
d. Are bi/multilingual telephone lines available to clients at this office?			
e. Is your website bi/multilingual?			
f. Have you partnered with community-based organizations to inform them about the linguistic accessibility of your program?			
4. Tracking a client's language preference:			
a. Is there a mechanism to track language preferences of LEP individuals over time?			
b. If so, does your tracking mechanism enable LEP individuals to receive communications and services in their native languages?			

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ASSESSMENT AREA	YES	NO	COMMENTS
5. Determining if there are sufficient numbers of bi/multilingual staff members:			
a. Are there procedures for assessing and certifying individual staff language skills?			
b. Are there policies for aligning bi/multilingual staff members' skills (oral or written) with LEP program needs?			
c. Are bi/multilingual staff culturally competent?			
d. Has your agency developed clear compensation and retention policies for bi/multilingual staff?			
e. Has your agency participated in recruitment programs for bi/multilingual staff?			
6. Obtaining competent and qualified interpreters:			
a. Are your interpreters fluent in both languages and familiar with relevant vocabulary?			
b. Do your interpreters possess the appropriate skills for the particular context?			
c. Do your interpreters understand applicable ethical principles?			
d. Are your interpreters culturally competent?			
e. Are there procedures to ensure that interpreters are available in a timely manner?			
7. Training Agency Staff			
a. Are staff trained in the agency's policies and procedures for obtaining language assistance?			
b. Are <i>all</i> staff trained to interact with LEP individuals and their interpreters?			
c. Do staff receive training in cultural competence?			
d. Are staff trained on the complaint procedure for LEP clients alleging discrimination on the basis of national origin?			
e. Are staff language access trainings scheduled at regular intervals to update staff knowledge and include new employees?			

cited in *State of Hawaii v. Trump*
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ASSESSMENT AREA	YES	NO	COMMENTS
8. Translating Written Documents			
a. Are there procedures in place for identifying vital documents?			
b. Are there procedures in place for ensuring that translations are accurate and understood by the target population?			
c. Is there a mechanism to track and update translated documents?			
d. Has your agency created a plan to disseminate vital translated documents within your agency?			
e. Has your agency created a plan to disseminate vital translated documents to the broader public?			
Evaluating Your Language Access Plan			
9. Ongoing Monitoring, Feedback & Improvement			
a. Are there staff dedicated to monitoring or providing technical assistance to your language access plan?			
b. Are evaluations scheduled at regular intervals?			
c. Does your agency solicit feedback from community-based organizations on a regular basis?			
d. Does your agency survey its LEP clients on a regular basis?			
10. Ongoing Data Collection			
a. Are there staff dedicated to collecting program data?			
b. Does the agency collect data on the number of LEP individuals served?			
c. Does the agency collect demographic data on LEP individuals served or encountered in the eligible service population?			
d. Does the agency monitor how much is spent on their language access plan?			
11. Is there a Task Force or Oversight Committee that assists your agency in monitoring and implementing the language access plan?			

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ASSESSMENT AREA	YES	NO	COMMENTS
Resolving Complaints			
12. Establishing Complaint Procedures			
a. Has your agency developed procedures for investigating complaints alleging discrimination on the basis of national origin?			
b. Are complaint procedures translated and accessible to LEP clients?			
1. Posted signs at intake areas			
2. Resource areas			
3. Client file			
4. Written notices			
5. Explained during orientation/intake			
6. Other (specify)			
Conducting Ongoing Outreach to LEP Residents			
13. Has your agency established partnerships with community-based or advocacy organizations to increase LEP participation?			
14. Has your agency established partnerships with community-based or advocacy organizations to advertise bi/multilingual employment opportunities?			
15. Has your agency publicized its program through ethnic media?			
Building External and Internal Support for Equal Access Policies			
16. Are there funds dedicated to providing language access services in your agency?			
17. Is middle and senior management aware of and dedicated to providing language access to LEP individuals?			

Filed in State of Hawaii v. Trump
 No. 17-15589, archived on June 14, 2017

United States Court of Appeals for the Ninth Circuit

Office of the Clerk
95 Seventh Street
San Francisco, CA 94103

Information Regarding Judgment and Post-Judgment Proceedings**Judgment**

- This Court has filed and entered the attached judgment in your case. Fed. R. App. P. 36. Please note the filed date on the attached decision because all of the dates described below run from that date, not from the date you receive this notice.

Mandate (Fed. R. App. P. 41; 9th Cir. R. 41-1 & -2)

- The mandate will issue 7 days after the expiration of the time for filing a petition for rehearing or 7 days from the denial of a petition for rehearing, unless the Court directs otherwise. To file a motion to stay the mandate, file it electronically via the appellate ECF system or, if you are a pro se litigant or an attorney with an exemption from using appellate ECF, file one original motion on paper.

Petition for Panel Rehearing (Fed. R. App. P. 40; 9th Cir. R. 40-1)**Petition for Rehearing En Banc (Fed. R. App. P. 35; 9th Cir. R. 35-1 to -3)****(1) A. Purpose (Panel Rehearing):**

- A party should seek panel rehearing only if one or more of the following grounds exist:
 - ▶ A material point of fact or law was overlooked in the decision;
 - ▶ A change in the law occurred after the case was submitted which appears to have been overlooked by the panel; or
 - ▶ An apparent conflict with another decision of the Court was not addressed in the opinion.
- Do not file a petition for panel rehearing merely to reargue the case.

B. Purpose (Rehearing En Banc)

- A party should seek en banc rehearing only if one or more of the following grounds exist:

- ▶ Consideration by the full Court is necessary to secure or maintain uniformity of the Court's decisions; or
- ▶ The proceeding involves a question of exceptional importance; or
- ▶ The opinion directly conflicts with an existing opinion by another court of appeals or the Supreme Court and substantially affects a rule of national application in which there is an overriding need for national uniformity.

(2) Deadlines for Filing:

- A petition for rehearing may be filed within 14 days after entry of judgment. Fed. R. App. P. 40(a)(1).
- If the United States or an agency or officer thereof is a party in a civil case, the time for filing a petition for rehearing is 45 days after entry of judgment. Fed. R. App. P. 40(a)(1).
- If the mandate has issued, the petition for rehearing should be accompanied by a motion to recall the mandate.
- *See* Advisory Note to 9th Cir. R. 40-1 (petitions must be received on the due date).
- An order to publish a previously unpublished memorandum disposition extends the time to file a petition for rehearing to 14 days after the date of the order of publication or, in all civil cases in which the United States or an agency or officer thereof is a party, 45 days after the date of the order of publication. 9th Cir. R. 40-2.

(3) Statement of Counsel

- A petition should contain an introduction stating that, in counsel's judgment, one or more of the situations described in the "purpose" section above exist. The points to be raised must be stated clearly.

(4) Form & Number of Copies (9th Cir. R. 40-1; Fed. R. App. P. 32(c)(2))

- The petition shall not exceed 15 pages unless it complies with the alternative length limitations of 4,200 words or 390 lines of text.
- The petition must be accompanied by a copy of the panel's decision being challenged.
- An answer, when ordered by the Court, shall comply with the same length limitations as the petition.
- If a pro se litigant elects to file a form brief pursuant to Circuit Rule 28-1, a petition for panel rehearing or for rehearing en banc need not comply with Fed. R. App. P. 32.

- The petition or answer must be accompanied by a Certificate of Compliance found at Form 11, available on our website at www.ca9.uscourts.gov under *Forms*.
- You may file a petition electronically via the appellate ECF system. No paper copies are required unless the Court orders otherwise. If you are a pro se litigant or an attorney exempted from using the appellate ECF system, file one original petition on paper. No additional paper copies are required unless the Court orders otherwise.

Bill of Costs (Fed. R. App. P. 39, 9th Cir. R. 39-1)

- The Bill of Costs must be filed within 14 days after entry of judgment.
- See Form 10 for additional information, available on our website at www.ca9.uscourts.gov under *Forms*.

Attorneys Fees

- Ninth Circuit Rule 39-1 describes the content and due dates for attorneys fees applications.
- All relevant forms are available on our website at www.ca9.uscourts.gov under *Forms* or by telephoning (415) 355-7806.

Petition for a Writ of Certiorari

- Please refer to the Rules of the United States Supreme Court at www.supremecourt.gov

Counsel Listing in Published Opinions

- Please check counsel listing on the attached decision.
- If there are any errors in a published opinion, please send a letter **in writing within 10 days** to:
 - ▶ Thomson Reuters; 610 Opperman Drive; PO Box 64526; St. Paul, MN 55164-0526 (Attn: Jean Green, Senior Publications Coordinator);
 - ▶ and electronically file a copy of the letter via the appellate ECF system by using “File Correspondence to Court,” or if you are an attorney exempted from using the appellate ECF system, mail the Court one copy of the letter.

United States Court of Appeals for the Ninth Circuit

BILL OF COSTS

This form is available as a fillable version at:

<http://cdn.ca9.uscourts.gov/datastore/uploads/forms/Form%2010%20-%20Bill%20of%20Costs.pdf>.

Note: If you wish to file a bill of costs, it MUST be submitted on this form and filed, with the clerk, with proof of service, within 14 days of the date of entry of judgment, and in accordance with 9th Circuit Rule 39-1. A late bill of costs must be accompanied by a motion showing good cause. Please refer to FRAP 39, 28 U.S.C. § 1920, and 9th Circuit Rule 39-1 when preparing your bill of costs.

v. 9th Cir. No.

The Clerk is requested to tax the following costs against:

Cost Taxable under FRAP 39, 28 U.S.C. § 1920, 9th Cir. R. 39-1	REQUESTED <i>(Each Column Must Be Completed)</i>				ALLOWED <i>(To Be Completed by the Clerk)</i>			
	No. of Docs.	Pages per Doc.	Cost per Page*	TOTAL COST	No. of Docs.	Pages per Doc.	Cost per Page*	TOTAL COST
Excerpt of Record	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Opening Brief	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Answering Brief	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Reply Brief	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Other**	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
TOTAL:				\$ <input type="text"/>	TOTAL: \$ <input type="text"/>			

* *Costs per page:* May not exceed .10 or actual cost, whichever is less. 9th Circuit Rule 39-1.

** *Other:* Any other requests must be accompanied by a statement explaining why the item(s) should be taxed pursuant to 9th Circuit Rule 39-1. Additional items without such supporting statements will not be considered.

Attorneys' fees **cannot** be requested on this form.

Continue to next page

Form 10. Bill of Costs - Continued

I, , swear under penalty of perjury that the services for which costs are taxed were actually and necessarily performed, and that the requested costs were actually expended as listed.

Signature

("s/" plus attorney's name if submitted electronically)

Date

Name of Counsel:

Attorney for:

(To Be Completed by the Clerk)

Date

Costs are taxed in the amount of \$

Clerk of Court

By:

, Deputy Clerk