



One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

June 26, 2017

The Honorable John F. Kelly
Secretary
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Dear Secretary Kelly:

In light of the Supreme Court's ruling today on President Trump's revised travel ban, Executive Order No. 13780, *Protecting the Nation From Foreign Terrorist Entry Into the United States*, I am writing to request that you provide the Committee on Homeland Security with timely information about how your Department will carry out the order.

As you know, shortly after the President signed his initial travel ban, Executive Order No. 13769, on January 27, 2017, chaos ensued at airports when green card holders, Special Immigrant Visa recipients, and refugees were detained and, in some cases, returned to their home countries. It was apparent that U.S. Customs and Border Protection (CBP) officers in the field did not receive adequate guidance about how to implement the order, resulting in different ports of entry implementing the order differently. The botched rollout of the order also required the Department to repeatedly revise its guidance with respect to green card holders and certain dual nationals, adding to the confusion for CBP officers and, most importantly, the traveling public. As I stated when you testified before the Committee on February 7, 2017, the chaos that ensued after the initial travel ban was issued undermined the Department's border security operations by diverting border security personnel from the job of thoroughly screening all U.S.-bound travelers in an individualized, risk-based manner.

Today, the Supreme Court ruled that President's revised travel ban can take partial effect for travelers from six countries who do not have ties to the U.S. Specifically, the Court ruled that the ban "may not be enforced against foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States."¹ Given that the Administration intends to begin enforcement of the revised travel ban within the next 72 hours, it is imperative that the Department avoid past mistakes and provide prompt, clear, and consistent guidance to CBP

¹ *Trump v. International Refugee Assistance Project*, 582 U.S. ____, slip. op. at 12 (2017), available at https://www.supremecourt.gov/opinions/16pdf/16-1436_l6hc.pdf.

personnel tasked with implementing Executive Order No. 13780 pursuant to today's action by the Supreme Court.

Accordingly, pursuant to Rule X and XI of the House of Representatives, please respond to the following questions prior to implementation of the revised travel ban, and in no case later than June 29, 2017.

1. How will the Department determine whether a foreign national potentially affected by Executive Order No. 13780 has "a credible claim of a bona fide relationship with a person or entity in the United States"? Please explain how and by whom such a determination will be made.
2. How will Department personnel appropriately screen and interview travelers at ports of entry to determine they have "a credible claim of a bona fide relationship with a person or entity in the United States?"
3. What documentation or proof, if any, will a foreign national potentially affected by Executive Order No. 13780 need to show "a credible claim of a bona fide relationship with a person or entity in the United States"?
4. Please provide a copy of related guidance or directives to Department personnel to the Committee.

If you have any questions about this request, please contact Alison Northrop of my staff at (202)-226-2616. Thank you for your attention to this matter.

Sincerely,



BENNIE G. THOMPSON
Ranking Member