

# URGENT ACTION

## EMBASSY MUST URGENTLY ISSUE DIVERSITY VISAS

**Yemenis who left everything behind to come to the US have been stuck in Malaysia for months because of the discriminatory Muslim and Refugee Travel Ban.**

**Dozens of Yemenis** won an opportunity to immigrate to the United States through the Diversity Visa Program and at considerable personal risk and cost travelled to Kuala Lumpur, the capital of Malaysia, in late 2016 and early 2017 for processing at the US embassy. After their interviews at the embassy in Kuala Lumpur, they were informed that their diversity visas were in administrative processing or that their applications had been denied.

After attending interviews in the US embassy, the Immigrant Visa Unit of the embassy notified nine of the group with whom Amnesty International has communicated that, as a result of the Executive Order banning travel to the US by individuals from six Muslim-majority countries (including Yemen), their applications would remain in administrative processing until the 90-day period of travel restriction contained in the Executive Order passed. Given the issuance of a new version of the travel ban on 24 September, which extends travel restrictions for travelers from Yemen indefinitely, these diversity visa winners will be prevented from having their visas processed and potentially immigrating to the USA. But for the Supreme Court's decision in June 2017 to temporarily lift the restrictions on the Executive Order, these applications would have been considered and processed prior to the 50,000 cap for 2017 being met and the extension of the travel ban on 24 September.

Amnesty International also interviewed or received written testimony from 25 Yemeni nationals whose diversity visa applications were denied after their interviews at the US embassy in Kuala Lumpur. The majority informed Amnesty International that their applications were rejected due to doubts about their educational certificates and experience, despite, according to the individuals, having valid copies of their documentation that were certified by the Ministry of Education, the Foreign Ministry or the embassy of Yemen. Amnesty International understands that some of these cases have since been discussed at consular level and that an agreement was made to review them, but before this review could be completed, it was put on hold due to the Supreme Court decision. Given that these visas were in process prior to the extension of the travel ban on 24 September and the annual cap on diversity visas being met, the embassy should avoid further harm by immediately resuming the diversity visa processing for these individuals, including expediting the review of any cases that were previously reopened.

### **Please write immediately in English or your own language:**

- Urging the US embassy in Malaysia to process the Yemeni nationals' diversity visas to the US despite the travel restrictions in place;
- Calling on the US State Department to make an exception for processing these applications despite the annual cap on diversity visas.

### **PLEASE SEND APPEALS BEFORE 6 NOVEMBER 2017 TO:**

#### US Consul General Malaysia

Matt Keene  
376 Jalan Tun Razak  
50400 Kuala Lumpur  
Malaysia  
Fax: +60-3-2142-2207  
Email via web:  
<https://travel.state.gov/content/visas/en/contact.html>

**Salutation: Dear Consul General**

#### US Secretary of State

Rex Tillerson  
US Department of State  
Harry S Truman Building, 2201 C St, NW  
Washington, DC, USA  
Email via web:  
<https://register.state.gov/contactus/contactusform>  
<https://travel.state.gov/content/visas/en/contact.html>

Twitter: @StateDept  
**Salutation: Dear Mr. Secretary**

**Also send copies to diplomatic representatives accredited to your country.** HIS EXCELLENCY WOODY JOHNSON, Embassy of the United States of America, 24 Grosvenor Square W1A 6AE, tel: 020 7499 9000, *There is at present no general embassy email address*  
**Please check with your section office if sending appeals after the above date.**

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

United States President Donald Trump's original executive order, signed on 27 January, barred the entry of nationals of seven majority-Muslim countries (Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen) for at least 90 days; suspended the refugee resettlement program for 120 days; cut the total number of refugees admitted for resettlement to 50,000 in fiscal year 2017, and imposed an indefinite ban on Syrian refugees. On 3 February, a federal court in Seattle blocked the order's implementation entirely, issuing a temporary restraining order with nationwide scope. A second executive order, which superseded the first, was made public on 6 March. Like the original order, the March order suspended the US's refugee resettlement program and imposed a temporary ban on the entry into the US of citizens of six majority-Muslim countries, omitting Iraq. The March executive order is currently facing several concurrent legal challenges. A third version of the travel ban was issued on 24 September. It extends the ban indefinitely regarding Iran, Iraq, Libya, Somalia, Syria and Yemen, but the terms of the ban differ by country. With regard to Yemen, it bans new immigrant visas and, regarding non-immigrant visas, it bans business and tourist visas. Additionally, the ban now includes travellers from Chad, North Korea, and certain government officials from Venezuela. Sudan has been removed from the list of countries in the earlier orders.

The power to determine who may enter a state's territory is considered one of the core attributes of state sovereignty, and states traditionally enjoy broad discretion in crafting their immigration rules. However, a state's power to regulate and restrict immigration is constrained by human rights and refugee protection law. In particular, differences in treatment between different categories of non-citizens can only be justified under international human rights law if they are necessary to achieve a legitimate objective, including, among others, the protection of national security.

US law provides "diversity immigrants", from countries with historically low rates of immigration to the United States, the opportunity to apply for an immigrant visa in a randomized lottery of 50,000 visas on an annual basis. The Yemeni individuals with whom Amnesty International has had contact spoke of the enormous efforts that they went through to regularize their documentation before departing from Yemen. They told Amnesty International that they had secured the necessary documents for their diversity visa application at great personal risk due to the necessity of having to travel through conflict affected territory in Yemen in order to access the offices where documents were issued. In order to finance this process and their travel to Malaysia, many of the group sold all their assets and belongings, including property and land, and borrowed money from family members and friends. They have continued to incur costs during their stay in Malaysia and the majority can no longer rely on family and friends to support them.

Many of the group told Amnesty International that due to the financial debt they have accumulated they are now living on one meal a day. They also spoke about the psychological stress they are under due to the considerable debts they have accumulated and the expectations of repayment by family members and other contacts in Yemen. Many of those interviewed fear that, should they be forced to return to Yemen, it is likely they will face debtors' jail as they will be unable to repay their debts. Returning to Yemen is also a dangerous prospect for these individuals as all parties to the armed conflict continue to commit serious violations of human rights and international humanitarian law.

The US embassy must avoid further harm by immediately resuming the diversity visa process for Yemeni nationals, including those applications reopened for review, and all other nationalities who have been affected by the travel restrictions, ensuring that successful applicants are still able to utilise the opportunity to settle in the US. The US State Department officials should make an exception for processing these applications given that they were already in process prior to the annual cap on diversity visas being met.