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WHITE HOUSE CONTRADICTS JUSTICE DEPARTMENT ON IMMIGRATION ORDER

Government may take different path than the one the Justice Department told a federal court it would take

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White House press secretary Sean Spicer on Tuesday contradicted a Justice Department court filing on President Donald Trump's plans to rescind his executive order on visas and refugees, saying the original ban wouldn't be revoked as another one is issued.

At a White House press briefing, Mr. Spicer said the president would soon issue a new executive order with an updated iteration of the ban but he wouldn't rescind the current order, which has been suspended by the courts. The order temporarily blocked entry to the U.S. from seven majority-Muslim countries. It also temporarily halted the U.S. refugee program and indefinitely blocked entry by refugees from Syria.

The administration says the ban is aimed at halting immigration from countries identified as having poor ability to vet migrants for connections to terrorism. Critics say the order is an unconstitutional attempt to screen immigrants on the basis of religion and fails to provide due-process rights to those affected.

The Ninth Circuit Court of Appeals, based in San Francisco, ruled the order should be suspended for now, while several legal challenges to its underlying legality work their way through the courts.

That ruling was made by a three-judge panel of the court, and an unnamed judge recently requested that a larger group of judges from the court reconsider the decision. But the Justice Department told the court last week that it didn't need to reconsider the ruling.

"Rather than continuing this litigation, the president intends in the near future to rescind the order and replace it with a new, substantially revised executive order to eliminate what the panel erroneously thought were constitutional concerns," the department wrote.

But Mr. Spicer, questioned on the matter on Tuesday, suggested that while the administration does plan to issue a new executive order on immigration, it would leave the original order in place, confident it would prevail in the courts.

A Justice spokeswoman declined to comment on Mr. Spicer's remarks or the White House's plans for the next executive order. However, this could leave the department in an awkward position, since it told a federal court in writing that the administration planned to pursue

one path, and now the government may take a different path, the sort of misstep that has angered judges in the past.

It also could lead to some confusion in the numerous cases challenging the executive order, since courts would have to consider the legality of one order while another has already been issued that could supersede parts of the earlier version.

President Trump has previously suggested that rescinding and replacing the order would be the best way to address the courts' concerns and implement changes to the immigration system quickly.

It isn't clear when a new order would be issued. Mr. Trump signaled earlier this month that a new order could come down last week, but no order emerged. Mr. Spicer said Tuesday that work on the order was continuing within the administration but didn't give a timeline for its release.