



Immigration Update

President Trump signs new executive order banning travel for nationals of six countries

March 10, 2017

On March 6, 2017, President Trump signed a new executive order, "Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States," which revokes the initial executive order signed on January 27, 2017 and provides for a 10-day period of time to coordinate implementation efforts before going into effect.

The new executive order departs from the initial executive order in that existing visa holders, including permanent residents (green card holders), are not implicated in the travel ban and Iraq has been removed from the list of seven countries whose citizens are barred from entering the United States.

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The executive order expressly declares that no immigrant or nonimmigrant visa issued before the effective date of the order (March 16, 2017) shall be revoked pursuant to the order. This is a change from the initial executive order which resulted in approximately 60,000 to 100,000 visas being marked revoked or marked cancelled. Individuals who were affected by the prior revocation or cancellation of their visa are entitled to a travel document and any prior cancellation or revocation of a visa as a result of the initial executive cannot be used as a basis for inadmissibility for future determinations related to entry or admissibility.

Effective date of order:

The order is effective as of 12:01 AM EST on March 16, 2017.

Summary of key provisions:

1. The new executive order imposes a temporary ban on the entry of nationals from Iran, Libya, Somalia, Sudan, Syria and Yemen for a period of 90 days from the effective date of the order, subject to certain limitations, waivers and exceptions.
2. The ban applies only to foreign nationals of the six designated countries who:
 - a. Are outside of the United States on the effective date of the order;
 - b. Did not have a valid visa at 5:00 PM EST on January 27, 2017;
AND
 - c. Do not have a valid visa on the effective date of this order.
3. The temporary ban does not apply to:
 - a. Any lawful permanent resident (green card holder) of the United States;
 - b. Any foreign national who is admitted to or paroled into the United States on or after the effective date of the order;
 - c. Any foreign national who has a document other than a visa (such as an advance parole document) valid on the effective date of the order or issued thereafter that permits him or her to travel to the United States and seek entry or admission;
 - d. Any dual national of one of the six designated countries who travels to the United States on a passport issued by a non-designated country;
 - e. Any foreign national traveling on a diplomatic or diplomatic-type visa, North Atlantic Treaty Organization visa, C-2 visa for travel to the United Nations, or G-1, G-2, G-3, or G-4 visa; OR
 - f. Any foreign national who has been granted asylum, any refugee who has already been admitted to the United States, or any individual granted withholding of removal, advance parole, or protection under the Convention Against Torture.
4. Waivers to authorize the issuance of a visa or grant entry at a port of entry will be decided on a case-by-case basis by the Department of State or Department of Homeland Security. The order outlines circumstances where the issuance of a waiver may be appropriate; for example, for landed Canadian immigrants who apply for a visa at a consulate in Canada.

5. The order suspends the travel of refugees into the United States under the US Refugee Admissions Program and suspends decisions on refugee applications for 120 days after the effective date of the order. The refugee suspension does not apply to refugee applicants who have been formally scheduled for transit by the Department of State before the effective date of the order.
6. The order suspends the Visa Interview Waiver Program and requires all individuals seeking a nonimmigrant visa to undergo an in-person interview, subject to certain specific statutory exceptions.

Have questions?

As always, if you have any questions or concerns, please contact your immigration lawyer at Guberman Garson LLP (416 363 1234).

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