

ALERTS

Executive Order Impacting Immigration

01.2017

President Donald Trump has signed an Executive Order that immediately suspends entry into the United States for nationals of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen from entering the U.S. for a period of 90 days.

Travel Ban for Nationals of Certain Countries

The ban applies to immigrants and nonimmigrants, including those who have dual citizenship. The ban does not apply to U.S. citizens. If one of the countries of interest considers a person to be a national of that country, it is expected that the U.S. will suspend the entry of that person. The Executive Order provides that other countries may be added to the travel ban in the future.

The ban will remain in effect for 90 days. It is unclear whether or for how long the entry ban will continue after April 27, 2017. The Secretary of Homeland Security and Secretary of State may, on a case-by-case basis and when in the national interest, issue visas or other immigrant benefits to nationals of the countries of concern.

On Sunday, January 29, USDHS deemed the entry of lawful permanent residents (aka "green card holders") to be in the national interest. Therefore, lawful permanent resident status will be a dispositive factor in case-by-case determinations.

The order does not say how an individual may apply for an exception or what the standards will be for an exception. Should an officer receive significant derogatory information indicating a serious threat to public safety and welfare, any individual applying for entry to the U.S. (green card holder or not) can be refused entry.

Next Steps for Employers and Foreign Nationals

Identifying any employees who may be subject to the travel ban is a top priority, including foreign nationals currently in the United States, as well as overseas employees who may have been planning travel to the United States. Dual citizens - individuals who hold a passport from one of the listed countries but also hold a passport from another country not on the list - may be deemed subject to the ban.

Nonimmigrant visa holders, adjustment applicants or lawful permanent residents currently in the U.S. should avoid international travel for the duration of the ban. Those who depart the United States should expect to be denied reentry while the ban is in effect.

Nonimmigrant visa holders and adjustment applicants currently outside the U.S. should be prepared not to enter the U.S. until April 27, 2017. For lawful permanent residents, USDHS has deemed entry within the national interest, however entry will still be determined on a case-by-case basis and these individuals should

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prepare for delays upon entry. Those planning future trips to the United States should be prepared for the possibility of an extension of the travel ban beyond April 27, 2017 and a resulting delay in their travel.

Additional Impact

Due to increased scrutiny at U.S. ports-of entry, all foreign national travelers should expect delays upon entry to the U.S. while the travel ban is in effect.

Furthermore additional provisions in President Trump's Executive Order call for increased visa interview security, specifically the immediate suspension of program allowing certain visa applicants to waive their visa interview at the U.S. Consulate. This primarily impacts individuals who renew visas in the same classification within their home country.

President Trump has also directed the Secretaries of State, Homeland Security, the Director of National Intelligence, and the Director of the FBI to implement uniform screening standards and procedures for those seeking any immigration benefit. This could include more in-person interviews for immigration benefits (such as adjustment of status) and amended application forms designed to elicit information regarding the applicant's "likelihood of becoming a positive contributing member of society," among other things.

We urge any company representative seeking guidance or foreign national concerned about their ability to travel to immediately contact an MVA team member.