

# ALERTS

## Judicial Action Pending on Entry/Travel Ban

02.2017

On Tuesday, February 7th, the 9th Circuit Court of Appeals heard oral arguments on whether to restore several of President Donald J. Trump's executive actions on immigration that were temporarily halted by a U.S. Federal District Court decision late last week. A decision from the appeals court is expected this week.

The executive order, signed on January 27th, enacted a 90-day travel ban for nonimmigrants and immigrants from Iran, Iraq, Syria, Sudan, Libya, Yemen and Somalia. However on February 3rd, the U.S. Federal District Court in Seattle, Washington issued a temporary restraining order (TRO) invalidating key portions of the executive order, including:

- \* Section 3(c), suspending entry into the United States by persons - including both immigrants and nonimmigrants - from the listed seven countries for 90 days from the date of the order;
- \* Section 5(a), suspending the US Refugee Admissions Program (USRAP) for 120 days, effectively refusing refugees from any of those seven countries;
- \* Section 5(b), prioritizing refugee claims made by individuals on the basis of religious-based persecution where the individual is in the minority religion in the country of nationality;
- \* Section 5(c), suspending entry of nationals of Syria in particular as refugees; and
- \* Section 5(e), to the extent that it purports to prioritize refugee claims of certain religious minorities.

Based on the TRO, enforcement of these provisions has stopped and the travel ban has temporarily been lifted. The Department of State, which provisionally revoked all valid visas of nationals of the seven affected countries, has confirmed those visas are now valid for travel to the US, as long as the visa holder is otherwise eligible for admission. Individuals who had their visas physically cancelled as a result of the executive order must apply for a new visa at a US consulate.

In response to this judicial action, the Department of Justice immediately appealed, requesting an emergency stay of the TRO. The DOJ's request for stay was denied by the 9th Circuit Court of Appeals on February 5th.

The TRO did not address the provision in the executive order calling for the suspension of the Visa Interview Waiver Program for individuals of all nationalities. This program (also known as the "dropbox" program) is used by many U.S. Consulates, particularly for individuals who are renewing work visas such as H-1Bs and L-1s. Any applicant who intended to use this program should reconfirm their visa processing options with the designated Consulate and anticipate delays in visa issuance.

## JUDICIAL ACTION PENDING ON ENTRY/TRAVEL BAN

---

We urge any company representative or foreign national seeking guidance on these matters to to immediately contact an [MVA team member](#).