

ALERTS

Update on U.S. Entry Travel Ban

02.2017

On January 31st, DHS Secretary John Kelly held a press conference to clarify that legal permanent residents ("green card holders") from Iran, Iraq, Syria, Sudan, Libya, Yemen and Somalia would be allowed to board planes and would be processed for a Waiver at U.S. Customs and Border Patrol (CBP).

This clarification from Secretary Kelly came in response to the January 27th executive order signed by President Trump, prohibiting foreign nationals from those seven countries from entering the United States for 90 days.

Sec. Kelly also clarified dual nationals are not subject to the ban and foreign nationals would be assessed for admission based on the passport they present to CBP upon entry. To clarify, that includes U.S. citizens who hold a U.S. passport and a passport from one of the listed countries. It also includes foreign nationals holding passports from one of the listed countries but traveling on a passport from a country not listed.

It has been reported that some permanent residents, upon entry, were advised by CBP to sign Form I-407 "Record of Abandonment of Lawful Permanent Resident Status". This is not advisable nor required with respect to the travel ban.

As a reminder, the January 27th executive order also suspended the Visa Interview Waiver Program for individuals of all nationalities. This program is used by many U.S. Consulates when processing nonimmigrant visas, particularly those who are renewing work visas such as H-1Bs and L-1s. Some U.S. Consulates have been advising applicants with visas in process that they will now have to appear at the Consulate for a visa interview. Any applicant who intended to use this program should reconfirm their visa processing options with the designated Consulate and anticipate delays in visa issuance.

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