# **Immigration Executive Order**

# On Friday, January 27, 2017, President Trump signed an Executive Order entitled, “Protecting the Nation from Foreign Terrorist Entry into the United States.” In the week that followed much confusion and complication have ensued for international travels. Matters are still in flux, including temporary court orders and legislative bills introduced in both the Senate and the House of Representatives that would ban the enforcement of the Executive Order. Below are highlights of the Executive Order and some practical implications in regards to international travel.

# *Highlights of the Executive Order*

# Suspend issuance of visas and immigration benefits to nationals of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen (hereinafter “the seven countries”)

# Suspend entry of immigrants and nonimmigrants of individuals from the seven countries for 90 days, excluding those with diplomatic visas, NATO visas, C-2 visas to travel to the United Nations, and G-1, G-2, G-3, and G-4 visas

# Review existing system to determine what information is needed to verify identity of a visa/immigration applicant and whether such an individual is a security or public safety threat

# Produce a report regarding the above necessary information within 30 days of the Executive Order

# Request all foreign governments to provide the determined information as a result of the above report and ban entry of individuals from those governments which fail to comply within 60 days of the report until compliance

# Make an exception on a case-by-case basis for those of “national interest”

# Reevaluate U.S. Refugee Admissions Program

# Suspend entry of refugees for 120 days

# Once refugee admission is resumed, may prioritize refugee claims made by individuals on the basis of religious-based persecution provided that the religion of the individual is a minority religion in the individual’s country

# Suspend entry of Syrian refugees all together

# Admit no more than 50,000 refugees

# Expedite completion of a biometrics entry-exit tracking system for all foreign nationals

# Suspend current visa interview waiver program whereby requiring in-person interviews for all visa applications

# Ensure reciprocity of terms between U.S. visas and those issued by foreign governments to U.S. citizens

# *Practical Implications*

# Term “immigrants” has been clarified by the White House not to include those who hold U.S. green cards

# Dual citizens, i.e., those who have a passport of one of the seven countries and of another country, should travel using the passport of the other country

# Keep in mind that underlying concern of the Executive Order is national security threatened by those “from” the seven countries. It is not clear what the term “from” means and therefore, even if an individual is not a citizen of the seven countries, please be mindful of international travel where the individual has connections – political, commercial, or social – to any of those seven countries

# Also keep in mind that despite court orders and subsequent policy clarifications, practically, individuals have been denied boarding airplanes because of miscommunication/misunderstanding of the latest state of affairs by airlines

# On Friday, February 3, 2017, a federal court in Washington state issued a temporary order which prohibits the enforcement of certain provisions of the Executive Order: refusal of entry of individuals from the seven countries; refusal of admission of refugees, including those from Syria; and allowing for prioritizing refugee claims based on certain religion

# On Tuesday, February 7, 2017, an appeals court heard arguments from both sides as to whether to uphold this ban; a ruling is expected sometime this week

# Therefore, according to the temporary order, individuals from the seven countries with immigrant or nonimmigrant visas and refugees, including those from Syria, may enter the United States while the temporary order is valid

# Please note that the above information has been provided for educational purposes only and is current as of February 7, 2017 and is subject to change. Please consult Clark Lau LLC regarding your particulars and the latest in developments before making any travel plans.