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# **PRESIDENT TRUMP'S TRAVEL BAN FOR REFUGEES AND NATIONALS OF CERTAIN PREDOMINANTLY MUSLIM COUNTRIES**

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On June 26, 2017, the U.S. Supreme Court issued its decision in Trump v. IRAP, partially lifting the injunction that had been staying implementation of President Donald Trump's March 6, 2017 Executive Order banning travel by refugees and nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen.

- Pursuant to a June 14, 2017 Presidential Memorandum, implementation of the Executive Order will be stayed until Thursday, June 29, 2017, which is 72 hours after the Supreme Court issued its decision.
- The ban will not be applied against individuals who have a *bona fide* (good faith) relationship with a person or entity in the United States.
  - It is unclear how *bona fide* relationships will be determined, and unclear which persons or entities will be recognized.
  - If the relationship was created primarily to evade the ban, it will not be considered *bona fide*.
- Student visas and employment-based visas are related to particular educational or business entities, so individuals from one of the six named countries who hold those types of visas should not be barred from entry.
- Tourist or visitor visa holders from one of the six named countries might be barred if they cannot demonstrate a *bona fide* relationship with a person or entity in the U.S.
- Refugees who already have relationships with U.S.-based refugee resettlement agencies should not be subject to the ban or to the numerical cap of 50,000 refugees annually, since they have a *bona fide* relationship with an entity in the U.S.

## **What Does the Travel Ban Say?**

Among other things, the March 6, 2017 Executive Order on travel directs the federal government to:

- Ban entry for 90 days by all nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen who are outside the U.S. on the effective date of the order (now June 26, 2017), who did not have a valid visa at 5:00 p.m. Eastern Standard Time on January 27, 2017, and who

- do not have a valid visa on the effective date of the order.
- Iraq is no longer on the banned list.
  - Not apply the ban to permanent residents, those who are admitted or paroled into the U.S. on or after the effective date of the order, including pursuant to advance parole; dual nationals traveling on the non-designated country's passport; certain diplomatic visa holders; asylees, refugees, those granted withholding of removal or protection under the Convention Against Torture.
  - Allow waivers of the travel ban on a case-by-case basis, pursuant to various criteria.
  - Not apply the travel ban to Iraqi nationals, who will instead be subject to thorough review.
  - Stop all refugee admissions for at least 120 days.
    - Does not apply to refugees formally scheduled for transit before the effective date of the order, now June 26, 2017.
    - Exceptions to refugee ban may be made on a case-by-case basis.
  - Reduce refugee admissions for FY2017 to 50,000, from President Obama's goal of 110,000.
  - Expedite completion of a biometric entry-exit system.
  - Suspend the Visa Interview Waiver Program, and require all visa applicants to attend an interview unless not required by statute.
    - This does not affect the Visa Waiver Program, which waives the requirement of obtaining a visitor visa.
  - Consider ending all waivers of terrorism-related inadmissibility grounds, regardless of how immaterial or insubstantial the individual's support of a purported "terrorist organization" may have been.

**If you have any questions or need assistance, please call our Immigration Hotline at 844-955-3425.**