

Travel Alert

by Ieva Aubin

As expected, on January 27, 2017, President Donald Trump issued an Executive Order entitled "Protecting the Nation from Terrorist Attacks by Foreign Nationals".

In addition to temporarily suspending all refugees' admission for 120 days, **the Executive Order suspends the entry of nationals from certain designated countries, which are currently Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen, for 90 days.** Unless these countries "cooperate" with the United States by providing certain requested information within 60 days, the travel ban for persons from these designated countries could become indefinite. In other words, after 90 days, the right to travel to the United States is not automatically reinstated. It is also possible that other designated countries could be added to this list.

The order does not define what it means to be "from" a designated country. Accordingly at this time, in an abundance of caution, the term should be interpreted broadly to include citizenship, birth place, and dual nationality of a designated country with another foreign country. The Executive Order does not apply to people who merely traveled to designated countries, however. The affected people include US permanent residents, non-immigrant visa holders, immigrant visa holders, refugees, and derivative asylees. Some limited discretion is allowed to admit lawful permanent residents on a case-by-case basis.

The Executive Order has caused confusion at the nations' airports where affected people were detained as they arrived in the US, and this led to numerous lawsuits. This includes a federal court granting temporary nationwide stay of removal of people who have valid visas and approved refugee status. Attorney Generals of 15 states also issued a joint statement and condemned the "unlawful" executive orders. Many issues remain to be clarified by the federal courts and the government.

The situation noted above is fluid and may change at any time. Meanwhile we recommend to the affected individuals who are currently in the United States to refrain

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from traveling outside of the United States. If the affected individuals are currently outside of the US and their travel to or return to the US is imminent, they may seek legal advice to see if they may be admitted on a discretionary basis due to their special circumstance.

Additionally, because in-person interviews are generally required for all individuals seeking a nonimmigrant or immigrant visa to the U.S., waiting time for interviews at U.S. consulates abroad is expected to increase. Accordingly even for individuals who are not directly affected by the executive order, it is our recommendation to complete the visa application process and schedule an interview as early as possible to prevent delays.

Our attorneys are available 24/7 to assist you. Please contact Saiko McIvor, Rebecca Bernhard, or Ieva Aubin, for further information.