

**NEWS ALERT****IMMIGRATION****President Trump Signs New Travel Ban Executive Order**

By Dana R. Bucin and Michael J. Bonsignore | March 7, 2017

*On March 6, 2017, President Trump signed a new Executive Order (EO) that is very much in the same vein as his previous order restricting the admission of certain nationals and refugees seeking entry to the United States. While the prior EO got tied up in the courts, this new order, in the view of the administration, has more of a chance of surviving court challenges as well as including other clarifications and exceptions that were left out of the previous order.*

Specifically, the new order has the following provisions:

- This order takes effect at 12:01am on March 16, 2017. The previous order took effect the second it was signed—this caused confusion for mid-air travelers and others who were in the process of traveling to the United States on that particular Friday afternoon. The administration hopes the express delineation of a date and time upon which this will take effect will allow for those who might possibly be affected to take any appropriate measures.
- This order only applies to foreign nationals outside the United States who are not already in possession of valid travel documents (such as a visa or green card) when the order takes effect. The previous order seemingly applied to visa and green card holders (although DHS later came out and officially exempted green card holders from its scope); however, this new order expressly exempts travelers who are in possession of valid travel documents prior to the order's effective date. This further means that no visas are being revoked at this time, as current valid visa-holders will still be allowed entry regardless of national origin. This order is purely prospective and will halt the issuance of new visas to nationals affected for 90-120 days.
- Dual nationals are also exempted. So, for example, if an individual has a passport from Iran and Germany, that individual would be allowed to travel to the United States as long as he or she used their German passport in order to do so.
- Iraq is no longer on the list of banned countries. This new order applies only to nationals from Iran, Somalia, Syria, Sudan, Libya, and Yemen.

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- All refugee admissions are barred for 120 days. Language suspending the Syrian refugee program indefinitely, which was included in the prior order, is absent from the current one.
- Waivers on a “case-by-case basis” are authorized. More so, there is no language in this order to prioritize refugees based on religious affiliation or minority status, as was present in the old order.

The administration hopes that the new clarifications will fend off future lawsuits and court challenges, or at least make them more amenable to favorable court decisions. The order is clearly responsive to the 9th Circuit’s decision to halt the implementation of the previous travel ban EO; however, with the charged political climate and controversy surrounding this policy, there are likely to be more court challenges ahead even for this amended order. All international travelers should expect delays at airports and plan accordingly.

*If you have any questions regarding the information included in this bulletin, please contact:*

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