

## Travel Alert Under President Trump's Immigration Executive Order

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On January 27, 2017, President Trump signed an Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry Into the United States" relating to visa issuance, screening procedures, and refugees coming to the U.S. The implementation of this Order in the first 48 hours caused confusion at airports across the country. It was understood that Section 3 of the Order **"suspends" for 90 days the admission of both permanent resident green card holders and nonimmigrant temporary visa holders** (H-1B, L-1, F-1, J-1, O-1, and other non-immigrant visa holders) of citizens of certain designated countries including Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. Last evening, January 29, 2017, the Department of Homeland Security (DHS) provided revised clarification stating "entry of lawful permanent residents to be in the national interest." It further stated that "absent the receipt of significant derogatory information indicating a serious threat to public safety and welfare" **lawful permanent residents** will be admitted to the U.S.

### Current Implementation of Ban

DHS is currently implementing the travel ban under the Order as well as the four Judicial Orders (from New York, Boston, Virginia, and Washington State). The Boston Federal Judicial action orders DHS not "by any manner or means, detain or remove individuals" with refugee status, holders of valid immigrant and non-immigrant visas, and lawful permanent residents from the designated countries who are arriving at Boston Logan Airport. That means those foreign nationals from the designated countries will be able to travel back to the U.S. as long as they are arriving at Boston Logan Airport this week. We continue to seek clarification as it is unclear whether this Decision will be expanded to cover other ports of entry. Media reports from the weekend indicate that many travelers had been detained, denied admission and unable to board their return flights. As the weekend progressed, many of these travelers were ultimately admitted while some were deported. As of last night, it appears that very few were still detained.

### 90-day Ban

It is understood, that during the 90-day ban of these designated foreign nationals, the DHS and the State Department will work on developing new "vetting" procedures, including requiring the designated countries to provide "needed information." After 90 days, travel will not be automatically reinstated. Instead, DHS is required to report whether countries have provided the necessary information requested by our government. If the specific country has not cooperated, the country would have 60 days to comply or the travel ban would become indefinite.

In light of the Orders, **we are cautioning nonimmigrant visa holders who are citizens of the designated countries to not travel.** Moreover, nonimmigrants who are citizens of the designated countries who happened to be outside of the U.S. when the Order was issued may not be able to gain readmission unless they attempt to travel to Boston Logan Airport this week or further judicial actions clarify the current orders. Our understanding is that there will be a full hearing evaluating the merits and the constitutionality of the Order later this week. We also believe that even after the 90-day period expires, travel for nationals of the designated countries is expected to be more difficult. We will keep you advised of further developments.

This practice alert is not legal advice. Attorneys and clients should discuss and make decisions based on their individual circumstances. If you have questions please call 617-832-1000.

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