

Bordeau Immigration Law, LLC
9303 W. 75th Street, Suite 210
Overland Park, Kansas 66204
913-432-9994

SUMMARY OF 3/6/2017 EXECUTIVE ORDER

On March 6, 2017, President Trump signed a new Executive Order affecting travel and entry of foreign nationals from certain countries. The Executive Order "*Protecting the National from Foreign Terrorist Entry Into the United States*" revokes and replaces the January, 27, 2016 Executive Order (EO 13769) that was suspended by the Ninth Circuit Court of Appeals. Highlights of the EO are below:

SCOPE:

- Prohibits entry of refugees for 120 days (not only refugees from Syria).
- Prohibits the entry of nationals of 6 countries: Iran, Libya, Somalia, Sudan, Syria and Yemen.
- Applies to individuals outside of the US on January 27, 2017 who did not have a valid visa as of January 27, 2017, and who do not have a valid visa on March 16, 2017.

EXCEPTIONS:

Unlike the January 27th Executive Order, this EO has clear exceptions described below, as well as some additional exceptions for diplomats and other less common scenarios:

- Does not apply to permanent residents of the United States;
- Does not apply to anyone who has a valid Advance Parole travel document, or other entry document that is not a visa;
- Does not apply to dual nationals of the six countries; as long as they are travelling on the passport of a different country;
- Does not apply to anyone already granted asylum, or to any refugees already admitted to the US.

CASE-BY-CASE WAIVERS:

In addition, the Consulate Officer or CBP Official may decide on a case-by-case basis to authorize a visa or permit entry if the individual can demonstrate it would cause undue hardship and that his or her entry would not pose a threat to the national security and would be in the national interest.

Appropriate consideration for case-by-case entry waivers include, but are not limited to the following: individuals with significant contacts to the US but who were outside of the US on 3/16/2017 for reasons such as work or education; individuals with significant US business or professional obligations that would be impaired if entry is denied; individuals intending to visit or reside with US citizens or permanent residents, provided that the individual can show that the denial of entry during the suspension period would cause undue hardship to the US citizen or permanent resident; infants, adoptees and certain individuals needing urgent medical care; current or prior US government employees and others with government related duties; individuals who are landed immigrants in Canada who apply for visas at a US consulate in Canada.

The information above is a high level summary only; it does not contain an exhaustive list of all matters addressed in the Executive Order, and is not intended to provide legal advice to any individual seeking admission to the United States.