



Travel Restrictions for Nationals of 7 Designated Countries Based on President Trump's Recent Executive Order

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On January 27, 2017, President Trump signed an Executive Order that restricts travel for individuals from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen (the 7 Designated Countries). The word from should be interpreted broadly to include passport holders, citizens, nationals, and dual-nationals. Specifically, the travel of individuals who are from one of the 7 Designated Countries to the United States has been restricted for 90 days, including for those individuals who hold valid non-immigrant visas and those individuals who hold dual-citizenship with one of the 7 Designated Countries and a non-designated country.

We believe it may be most helpful to explain how the Trump Administration Temporary Ban works by Frequently Asked Questions (FAQs).

The FAQs

1. Which countries are subject to the travel restrictions under the Executive Order?

Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen (the 7 Designated Countries)

2. Does the travel restriction impact people with green cards who visit these countries for work or pleasure?

No, Lawful Permanent Residents of the United States are no longer subject to these travel restrictions, even if they are from one of the 7 Designated Countries. The Department of Homeland Security has deemed entry of lawful permanent residents to be in the national interest. Absent significant derogatory information indicating a serious threat to public safety and welfare, lawful permanent resident status will be a dispositive factor in case-by-case determinations.

3. Does the travel restriction impact people with nonimmigrant visas, such as H-1B and L-1 visas, who visit these countries for work or pleasure?

Our view at this time is that no individual with a nonimmigrant visa, regardless of their nationality, should travel to one of the 7 Designated Countries and expect an easy return to the United States. Accordingly, it would be prudent not to travel to the 7 Designated Countries, even for individuals who are not from one of the 7 Designated Countries.

Please note that the travel restrictions apply to those individuals with H-1B and L-1, visitor, student, or other nonimmigrant visas who are from one of the 7 Designated Countries. Even with a valid nonimmigrant visa, these individuals will not be permitted to return to the United States if they are from one of the 7 Designated Countries.

4. Does the travel restriction apply to U.S. citizens who visit these countries?

While U.S. citizens are not subject to the travel restriction, they should be aware that travel to these countries for any purpose may be banned by those countries as a response to President Trump's Executive Order. Individuals who need to travel to one of the 7 Designated Countries should notify their company's HR department to ensure that there are no restrictions.

5. Does the travel restriction impact Muslims from countries outside this list?

From a legal perspective, the travel restriction will only impact Muslims from other countries if they hold dual citizenship or are from one of the 7 Designated Countries.

6. Are individuals still being stopped from boarding flights to the US?

At this time, individuals who are considered to be from one of the 7 Designated Countries and not Lawful Permanent Residents of the U.S. or U.S. Citizens holding a U.S. passport are being stopped from boarding flights to the U.S.

7. How long will these travel restrictions be in effect?

The Executive Order suspends travel from the 7 Designated Countries for 90 days; suspends all refugee admission for 120 days; and suspends all refugee admissions from Syria indefinitely.

8. Does the travel restriction alter the previously implemented restrictions on the Visa Waiver Program put into effect by the Obama Administration in January 2016?

No, at this time, the Obama Administration restrictions to the Visa Waiver Program are still in effect. Specifically, anyone who is a national of one of the 7 Designated Countries or who has traveled to one of the 7 Designated Countries is prohibited from traveling under the Visa Waiver Program and must obtain a visa from a U.S. Consulate abroad before traveling to the United States for business or pleasure. For example, a UK or Japanese national who holds dual nationality with one of the 7 Designated Countries or who has traveled to one of the 7 Designated Countries is prohibited from traveling under the Visa Waiver Program. Importantly, more than 16,000 ESTA Visa Waiver Program

registrations have been cancelled, and those visitors must now obtain B1/B2 visas. For more information, please see <http://www.williamsmullen.com/news/us-state-dept-advises-new-restrictions-business-travel-usa> and <http://www.williamsmullen.com/news/exceptions-restrictions-using-visa-waiver-program-vwp>.

9. Further Advice

We believe it would be prudent for persons holding nonimmigrant visas to weigh the pros and cons of traveling to any other Muslim-majority country, as we do not know and cannot predict if, how or when the list of the 7 Designated Countries may be expanded. Stay tuned for further developments.

For questions, please feel free to contact Eliot Norman at enorman@williamsmullen.com or 804.420.6482 or Hadeel Abouhasira at habouhasira@williamsmullen.com or 804.420.6452.

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