

## **PRELIMINARY GUIDANCE ON THE REVISED EXECUTIVE ORDER RESTRICTING TRAVEL AND ENTRY INTO THE UNITED STATES BY INDIVIDUALS FROM DESIGNATED COUNTRIES**

On Monday, March 6, 2017, President Donald Trump issued a new executive order that restricts entry into the United States for 90 days for individuals from six countries – Iran, Libya, Somalia, Sudan, Syria, and Yemen. It revokes the previous executive order issued in January governing travel and entry to the United States, and makes several significant changes to the previous order’s restrictions on travel and entry into the United States which are outlined below. The new executive order becomes effective on March 16, 2017.

The new executive order applies to foreign nationals of the designated countries who:

- Are outside of the United States on March 16, 2017;
- Did not have a valid United States visa at 5:00 pm EST on January 27, 2017; and
- Do not have a valid United States visa on March 16, 2017.

Significantly, the new executive order does not apply to:

- Lawful permanent residents of the U.S. (those with “green cards”);
- A dual national of a country identified above who is traveling on a passport from a non-designated country;
- A foreign national who has a document other than a visa, valid on March 16, 2017, that permits him/her to travel to the United States and seek entry or admission (such as an advance parole document);
- Foreign nationals from designated countries who have been granted asylum or have already been admitted to the U.S. as refugees or granted withholding of removal, advance parole or protection under the Convention Against Torture; and
- Foreign nationals from Iraq.

It also does not revoke visas issued before March 16, 2017. Any individual whose visa was marked revoked or canceled as a result of the previous executive order is now entitled to a travel document confirming that the individual is permitted to travel to the U.S. and seek entry.

The temporary suspension for the six countries may ultimately become permanent with respect to any one of the identified countries or, in light of the review of all countries that President Trump has directed be conducted, additional countries.

The new executive order also authorizes a case-by-case waiver process after it goes into effect, which may be relevant to individuals seeking to study, research, or work at UC. One basis for a waiver is for a foreign national who had previously been admitted for work or study and seeks to reenter the U.S. to resume the activity. Another basis is for a foreign national who seeks to enter the U.S. for significant business or professional obligations. Yet another basis is the need for urgent medical care or to visit or live with a close family member who is a U.S. citizen, permanent resident or other lawfully admitted non-immigrant. These bases for waiver do not provide any guarantee that an individual with these circumstances will be admitted to the U.S. once the executive order goes into effect on March 16, 2017.

We continue to analyze the new executive order and its impact on our students, faculty, scholars, employees, and other community members. At this time, we recommend that:

- Individuals from the six designated countries who are currently in the United States and who may continue to face future challenges to re-entering the United States during and/or after the temporary suspension, should consult with their immigration counsel before leaving the country.
- The Executive Order may provide an opportunity for individuals (including students; family members; and faculty, scholars, and researchers whom UC faculty, scholars, and research work with) from the designated countries to seek entry to the United States between now and March 16, 2017, that could be unavailable after that date, either temporarily or permanently. Individuals who fall into these categories should also consult with their immigration counsel.

We will continue to monitor and analyze the impact of the executive order and will issue additional guidance as soon as possible, including recommendations related to prospective students, postdoctoral fellows, and trainees from the affected countries who would presently be scheduled to obtain a visa after March 16.

Until then, if you have any questions, please contact the International Students and Scholars Office on your campus.

Additional details can be found at:

Link to DHS Fact Sheet: <https://www.dhs.gov/news/2017/03/06/fact-sheet-protecting-nation-foreign-terrorist-entry-united-states>

Link to DHS Q&A: <https://www.dhs.gov/news/2017/03/06/qa-protecting-nation-foreign-terrorist-entry-united-states>