3/6/2017: Protecting the Nation from Terrorist Entry into the United States

Dear International Student, Scholar, Faculty or Staff Member,

On March 6, 2017, President Trump signed a new executive order entitled "Protecting the Nation from Terrorist Entry into the United States."[1] The new order revokes and replaces Executive Order 13769[2] that was issued on January 27, 2017. This new Executive Order includes a revised entry ban on nationals of six countries - Iran, Libya, Somalia, Sudan, Syria, and Yemen - and is effective on March 16, 2017. The following is based on our current understanding of the aspects of the Executive Order that most directly impact university community members and are described in the Executive Order, the Department of Homeland Security’s supplemental Fact Sheet[3] and FAQ[4], and on the Department of State website[5].

For at least 90 days beginning on March 16, 2017, citizens ("nationals") of Iran, Libya, Somalia, Sudan, Syria and Yemen will not be issued visas and will not be able to enter the U.S. if they are currently not in possession of a valid visa. Citizens or nationals of Iraq, who were included in the previous Executive Order, are not included in the travel ban imposed by the new Executive Order.

The revised Executive Order provides that the 90 day visa issuance suspension and entry ban does not apply to certain individuals including citizens or nationals of one of the six countries if they are:

- U.S. lawful permanent residents (green card holders);
- Have a valid visa (unexpired, with at least one remaining valid entry) that either was approved prior to 5:00 p.m. eastern standard time on January 27, 2017, or is valid as of March 6, 2017;
- Dual citizens of one of the six countries and the United States (since such individuals are always considered U.S. citizens);
- Dual citizens of one of the six countries and another country not on the list of the six restricted countries, as long as they enter the United States based on a valid passport issued by an unrestricted country. This assumes that the U.S. visa stamp is in the unrestricted country’s passport and that other required documents are valid.

The revised Executive Order does allow for case by case exceptions (waivers) that would allow individuals from the six restricted countries to be granted a visa to travel to the U.S. during the 90-day suspension period. For example, “waivers could be appropriate in circumstances such as . . . the foreign national has previously been admitted to the United States for a continuous period of work, study, or other long-term activity, is outside the United States on the effective date of this order, seeks to reenter the United States to resume that activity, and the denial of reentry during the suspension period would
impair that activity”. At this point, details on what the waiver application process will involve are not available.

Other Provisions

- Other countries may be added to the restricted country list in the future. Countries currently on the restricted list may be removed after the 90-day suspension period (March 16 – June 14, 2017.)
- In-person visa application interviews will be required more often than in the past, which will likely result in longer waits for visa processing.
- Currently valid visas issued before March 16, 2017 will not be revoked including visas issued to citizens or nationals of the six countries covered by the new Executive Order.

International Center Recommendations:

- If you are from one of the six countries, please consult with an International Center advisor before planning any international travel as we continue to monitor this situation.
- From now until March 16, all foreign nationals with valid visas should continue to be able to enter the U.S. under the rules that were in place before the initial Executive Order was signed.
- Remember that a valid visa is only required to enter the United States. Once you are in the United States, it is not a problem if your visa expires, as long as your other documents are unexpired. For example, your F-1 visa stamp may have expired, but you are in legal status as long as your I-20 form is valid and unexpired. As always, continue to maintain your immigration status and to follow the advice you receive from the IC.
- We are still processing applications for non-immigrant benefits (e.g.: OPT, CPT, H-1B extensions) for citizens and nationals from the six countries.

As with the previous Executive Order, we anticipate that there may be litigation (court cases); however, the impact of on-going and future litigation is not yet known.

We will continue to update the Executive Order Resource page on the IC website as we learn more. On March 10th, we will host another Friday Forum at the International Center. These forums are scheduled through the end of the semester.

We are glad you are here and are prepared to support you as you plan for the end of the semester and summer.

International Center

Source URL: https://internationalcenter.umich.edu/362017-protecting-nation-terrorist-entry-united-states

Links