Presidential Proclamation (Travel Ban): Update from the International Center

For summaries of the two executive orders that preceded this Presidential Proclamation, and for links to university and community resources, see Executive Order on Immigration: Information and Resources [1].

APRIL 25, 2018 UPDATE:

The U.S. Supreme Court heard oral argument in the Trump v. Hawaii travel ban case on Wednesday, April 25, 2018. The Court is expected to announce its decision by the end of June. Links to a written transcript and an audio recording of the oral argument are posted on the Supreme Court’s website:

- A written transcript of the oral argument [2]
- An audio recording of the oral argument [3]

APRIL 10, 2018 UPDATE:

A Presidential Proclamation of April 10, 2018 [4] removed Chad from the list of countries subject to the travel ban, effective April 13, 2018.

DECEMBER 4, 2017 UPDATE:

On December 4, 2017, the U.S. Supreme Court issued two orders, (available here [5] and here [6] on the SCOTUSblog website [7]), which allow full enforcement of the travel ban imposed by the September 24, 2017 Presidential Proclamation [8] as litigation continues in the lower courts. This proclamation restricts visa issuance and entry to the United States for citizens/nationals of eight countries: Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen.

Because of the Supreme Court orders, this proclamation is now fully in effect.

The following is based on our current understanding of the aspects of the Presidential Proclamation that most directly impact university community members. For the most part, the restrictions apply to the issuance of immigrant visas, (to permit initial entry to the U.S. as a permanent resident), and B1/B2
business/tourist visas, not to the F/J/H-1B etc. visas used by U-M’s students, scholars and employees.

Remember that the term “visa” refers to the visa stamp (or visa sticker) in your passport, and that it is only necessary to have a valid visa when you enter the United States. The Presidential Proclamation places restrictions on visa issuance and entry to the United States for citizens and nationals of the eight designated countries, but it does not include any statements about restrictions on change of status (from F-1 to H-1B, for example), within the United States. Of course, applications for changes of status within the United States must be approved by USCIS, and it is possible that there could be additional scrutiny of these applications in the future. The Proclamation also does not place any restrictions on citizens from the designated countries who already have a valid visa; they will still be able to enter the U.S. using that visa.

**Chad, Libya, Venezuela, and Yemen:** Students and scholars from Chad, Libya, Venezuela, and Yemen should still be able to apply for F or J visas, and employees from Chad, Libya, Venezuela, and Yemen should still be able to apply for employment-based visas such as H-1B.

**Iran:** Students and scholars from Iran should still be able to apply for F or J visas, although they may be subject to increased scrutiny (administrative processing). However, since all other visa categories are restricted for citizens/nationals of Iran, employees may not be able to apply for employment based visas such as H-1B or O-1, unless they are eligible for a waiver. The U.S. Department of State has not yet explained the waiver application procedure, but will presumably do so in the near future.

**North Korea and Syria:** Citizens/nationals of North Korea and Syria will not be issued nonimmigrant visas in any category. Students, scholars and employees from these countries will not be able to obtain a visa to enter the United States, unless they are eligible for a waiver.

**Somalia:** Although there are no specific restrictions on nonimmigrant visa issuance for citizens/nationals of Somalia, the Presidential Proclamation states they will face additional security clearances in the visa application process.

We are glad that you are here and are prepared to support you as we wait for the outcome of the ongoing litigation in the U.S. courts.

**NOVEMBER 21, 2017 UPDATE:**

The Department of State recently posted an announcement [9] regarding the implementation of the Presidential Proclamation at U.S. embassies and consulates pursuant to the decision by the Ninth Circuit Court.

**NOVEMBER 13, 2017 UPDATE:**

The Ninth Circuit Court of Appeals has issued an order [10] that allows the Presidential Proclamation (travel ban) to partially go into effect, because it overturns part of the preliminary injunction that blocked the travel ban [11]. However, the Presidential Proclamation restrictions on those with “a credible claim of a bona fide relationship with a person or entity in the United States” are still blocked. Based on our
current understanding of this court order, this means that for the time being, except for citizens of North Korea and certain citizens of Venezuela, U-M students, scholars, and employees should be able to travel to the United States as they could before the Sept. 24 travel restrictions were announced. Specific family members as described in the court order from the restricted countries should also be able to travel to the United States to visit. As soon as the U.S. Department of State posts information describing plans for implementing the court order, this announcement will be updated.

OCTOBER 18, 2017 UPDATE:

A Temporary Restraining Order issued by the U.S. District Court for the District of Hawaii on October 17 blocked enforcement of the Presidential Proclamation restrictions on the following countries: Chad, Iran, Libya, Syria, Yemen, and Somalia. A preliminary injunction issued by the U.S. District Court for the District of Maryland on October 18 also blocked parts of the Proclamation. Together, these rulings mean that for the time being, except for citizens of North Korea and certain citizens of Venezuela, foreign nationals can travel to the United States as they could before the Sept. 24 travel restrictions were announced. These rulings could of course still be reversed or limited by an appellate court. If that happens, the travel restrictions still could take effect in the coming days or weeks.

SEPTEMBER 24, 2017 ANNOUNCEMENT:

On September 24, 2017, the White House issued a Presidential Proclamation titled “Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or other Public-Safety Threats.” The proclamation restricts visa issuance and entry to the United States for citizens/nationals of eight countries: Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen. Citizens/nationals of Sudan are no longer subject to travel restrictions.

The following is based on our current understanding of the aspects of the Presidential Proclamation that most directly impact university community members and are described in the Proclamation, the Fact Sheet and FAQ issued by the White House, and the announcement on the Department of State website. There will be a phased implementation of the proclamation, with the provisions most likely to affect U-M community members taking effect on October 18, 2017.

For the most part, however, the restrictions apply to the issuance of immigrant visas, (to permit initial entry to the U.S. as a permanent resident), and B1/B2 business tourist visas, not to the F/J/H-1B etc visas used by U-M’s students, scholars and employees.

• Students and scholars from Chad, Libya, Venezuela, and Yemen should still be able to apply for F or J visas, and employees from Chad, Libya, Venezuela, and Yemen should still be able to apply for employment-based visas such as H-1B.
• Students and scholars from Iran should still be able to apply for F or J visas, although they may be subject to increased scrutiny (administrative processing). However, since all other visa categories are restricted for citizens/nationals of Iran, employees may not be able to apply for employment based visas such as H-1B, O-1, unless they are eligible for a waiver.
• Citizens/nationals of North Korea and Syria will not be issued nonimmigrant visa in any category. Students, scholars and employees from these countries will not be able to obtain a visa to
enter the United States, unless they are eligible for a waiver.

- Although there are no specific restrictions on nonimmigrant visa issuance for citizens/nationals of Somalia, the Presidential Proclamation states they will face additional security clearances in the visa application process.

Remember that the term “visa” refers to the visa stamp (or visa sticker) in your passport, and that it is only necessary to have a valid visa when you enter the United States. The Presidential Proclamation places restrictions on visa issuance and entry to the United States for citizens and nationals of the eight designated countries, but it does not include any statements about restrictions on change of status (from F-1 to H-1B, for example), within the United States. Of course, applications for changes of status within the United States must be approved by USCIS, and it is possible that there could be additional scrutiny of these applications in the future.

We are glad that you are here and are prepared to support you as we learn more about the implications of the Presidential Proclamation. We encourage you to contact the International Center, should you have any questions or concerns.

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Links