

Harter Secrest & Emery LLP

ATTORNEYS AND COUNSELORS

IMMIGRATION

PRESIDENT TRUMP'S REVISED TRAVEL BAN

Please advise all foreign nationals born in or holding a passport from the following countries to avoid departing the U.S. for any reason without first seeking legal counsel: Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen.

By Proclamation dated September 24, 2017, President Trump issued revised travel restrictions affecting eight countries deemed to have insufficient visa screening and information sharing practices. The Proclamation imposes country-specific restrictions for immigrant (permanent residence/green card) visas and nonimmigrant (temporary) visas.

Who is Affected:

The Proclamation lays out the following specific restrictions:

- Suspends immigrant visa processing (i.e., first-time entry to the U.S. as a permanent resident) for nationals of the following countries: Chad, Iran, Libya, North Korea, Somalia, Syria, and Yemen. The Proclamation does not address whether nationals of these countries remain eligible to apply from within the U.S. to adjust status to permanent residence.
- Suspends all temporary nonimmigrant visa processing for nationals of North Korea and Syria (e.g., H, L, and O employment-based visas and F student visas).
- Suspends all temporary nonimmigrant visa processing for nationals of Iran, other than student (F and M) and exchange visitor (J) visas.
- Suspends temporary business visitor (B-1) and tourist (B-2) visa processing for nationals of Chad, Libya, and Yemen. Other temporary nonimmigrant visa categories remain available for these foreign nationals.
- Suspends certain visa processing for Venezuelan government officials and their family members.

Exceptions and Waivers:

The restrictions apply only to foreign nationals outside the U.S. who lack a valid visa or other travel document on the applicable effective date. Even if not subject to the travel restrictions, foreign nationals of the listed countries may experience significant delays in visa processing and should consult legal counsel before departing the U.S.

The restrictions do not apply to U.S. permanent residents, dual nationals of the listed countries who present an alternate passport, or to permanent residents of Canada applying at a U.S. consulate in Canada. The Proclamation also includes a case-by-case waiver application process, listing several circumstances where a waiver may be appropriate. For example, foreign nationals seeking U.S. entry to resume prior employment or study, to visit close family members, to seek medical treatment, or to carry out business and professional obligations, may be eligible for a waiver.

Timing:

The renewed travel restrictions take full effect on October 18, 2017, although the restrictions apply immediately to many foreign nationals subject to the prior travel ban.

Harter Secrest & Emery's Immigration Practice Group will continue to monitor the situation, and provide updates as they become available. If you have questions regarding this LEGALcurrents®, please contact any member of the group at (585) 232-6500 or visit www.hsela.com.

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