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Immigration Briefing: What You Need to Know Now

Given the recently issued Executive Orders from the new administration and various changes being implemented by the Department of Homeland Security ("DHS") and the Department of State ("DOS"), and in efforts to provide the most accurate and updated information, Wiggin and Dana's Immigration and Nationality Law and Compliance Practice Group will be distributing a series of immigration briefings. These briefings do not constitute legal advice and are meant to serve as a resource for consolidated information. Clients should contact our legal team to review specific situations and concerns. Additionally, immigration policy and procedure is continuously changing as stakeholders address the implementation of the Executive Orders. We will provide updates as they become available.

As you read the following briefing, please remember that DHS includes the U.S. Citizenship and Immigration Services ("USCIS"), U.S. Customs and Border Protection ("CBP"), and U.S. Immigration and Customs Enforcement ("ICE"), and DOS includes U.S. Embassies and Consulates world-wide.

- NAJIA S. KHALID and PETER J. LEFEBER, *Practice Co-Chairs*

IMMIGRATION BRIEFING

90-DAY TRAVEL BAN ON ENTRY INTO U.S. FOR INDIVIDUALS FROM IRAQ, SYRIA, SUDAN, IRAN, SOMALIA, LIBYA, AND YEMEN

Individuals traveling on passports from **Iraq, Syria, Sudan, Iran, Somalia, Libya, and Yemen** will be temporarily banned from entering the U.S. for the next 90 days to allow for "proper review and establishment of standards to prevent terrorist or criminal infiltration by foreign nationals." U.S. Citizens who are dual nationals of the designated seven countries, and Lawful Permanent Residents of the U.S. (commonly known as "green card" holders) who are originally from the designated seven

countries, should still be permitted to travel into the U.S.

Lawful Permanent Residents may be evaluated at U.S. points of entry on a case-by-case basis in the interest of national security. It is important for these individuals to know their rights and not automatically surrender their green cards if asked to do so by CBP. Our legal team can advise individuals with concerns, as needed.

Over the next month, DHS is expected to expand the list of countries included in the travel ban, as the agency will conduct a review of all countries world-wide

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to assess the adequacy of information provided when citizens of each country apply for a U.S. visa or immigration benefit. If the U.S. government requests updates or improvements as to the quality of information supplied from a particular country, then that country will have 60 days to comply with the request. Individuals from such countries may be impacted with U.S. entry restrictions.

It is advisable for all individuals who must travel internationally in the near future to exercise caution, be prepared for CBP delays, and carefully review DHS and DOS guidelines.

On a related note, until further notice, the DOS has ordered all U.S. Embassies and Consular posts to immediately suspend and/or cancel the issuance of U.S. visas and immigration benefits to nationals of the designated seven countries (exceptions apply to diplomatic visas).

Click [**HERE**](#) and [**HERE**](#) to see DHS press releases.

BRIEF SUMMARY OF THE EXECUTIVE ORDER ISSUED ON FRIDAY, JANUARY, 27, 2017: "PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES"

Provided below are key points from the January 27th immigration-related Executive Order. Provisions are under judicial review. Detailed guidance with respect to logistics and implementation is expected shortly.

■ **90-Day Travel Ban on Entry to U.S. for Individuals from Iraq, Syria, Sudan, Iran,**

Somalia, Libya, and Yemen: As noted, the Executive Order bars entry of individuals from the seven designated countries into the U.S.; the ban does not expire if those countries refuse to accept repatriation of their nationals from the U.S.; other countries are expected to be added in the next 30 days; adjudications of immigration benefits for those from the designated countries are being impacted; at this time the **ban does not apply** to naturalized U.S. citizens who are dual nationals of the designated countries (nor to nationals of Saudi Arabia, Bahrain, Oman, Qatar, UAE, Bangladesh, Egypt, Indonesia, Morocco, Pakistan, or Turkey).

- **Screening for All U.S. Immigration Benefits and Visa Issuance:** Adds requirements to screenings and procedures for all immigration benefits to identify fraud, detect intent to do harm, and evaluate likelihood of individual becoming a positively contributing member of society/his or her ability to make contributions to the national interest.
- **Biometric Entry-Exit System:** Directs government agencies to expedite completion and implementation of biometric entry-exit system for all travelers.
- **Visa Interview Waiver Program:** Suspends visa interview waiver program and requires all U.S. visa applicants to attend in-person interviews unless not required by statute; cancels visa interview-waiver programs for repeat applicants previously issued the same type of visa at the same consular post.

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- **Refugees:** For at least 120 days, the Executive Order halts the entry into the U.S. for those who have been approved with refugee status (this is a discretionary form of protection granted to those who are unable or unwilling to return to their home country because they fear serious harm; refugees must undergo a review process conducted while they remain outside of the U.S. and meet explicit criteria); exceptions will be permitted on a case-by-case basis and for those fleeing religious persecution if their religion is a minority in their country of nationality; reduces annual quota of refugees allowed into U.S. by more than half, to 50,000, from President Obama's goal of 110,000; requires additional "extreme vetting" of all refugees; allows DHS to involve state and local authorities in refugee placement; removes all exemptions for "terrorism related inadmissibility grounds;" and includes indefinite ban on Syrian refugees.

As the above provisions are implemented, it is expected that DHS, DOS, and CBP case processing times will be impacted as will entry into the U.S. Note that other immigration-related Executive Orders have been issued and will be summarized in later briefings from our legal team. Additional Executive Orders are anticipated with proposed changes to employment-based visas and immigration benefits.

The full text of the Executive Order can be found [HERE](#).

TEMPORARY JUDICIAL BAN ON PARTS OF EXECUTIVE ORDER

Following efforts by attorneys and activists, federal judges in New York, Massachusetts, Washington, and Virginia have granted a nation-wide stay for at least the next week, barring the removal of individuals with valid visas and approved refugee applications from the U.S. who are affected by the travel ban provision of last Friday's Executive Order, barring federal officials from detaining or removing individuals subject to the travel ban, and ordering federal officials to provide lawyers access to Lawful Permanent Residents of the U.S. who are being detained (specifically at Dulles International Airport). Attorneys are following up with the courts to clarify the outstanding orders. DHS Secretary Kelly has issued a statement noting that DHS will "comply with judicial orders."

To see the related DHS press release, click [HERE](#).

Wiggin and Dana's Immigration and Nationality Law and Compliance Practice Group will be providing additional briefings on this topic in the near future. In the meantime, please contact Najia Khalid at 203.498.4314 or nkhalid@wiggin.com if you have any questions.

This publication is a summary of legal principles. Nothing in this article constitutes legal advice, which can only be obtained as a result of a personal consultation with an attorney. The information published here is believed accurate at the time of publication, but is subject to change and does not purport to be a complete statement of all relevant issues.