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# PIPS - Partners Office for International Professionals and Students

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## Memorandum

To: Hospital Staff  
From: Claire Ayer, Director  
Date: 02/10/2017

### Update on the Status of the Executive Order's Travel Ban

On February 9, 2017 the Ninth Circuit Court of Appeals refused to reinstate Executive Order 13769 from January 27, 2017. The Temporary Restraining Order that was issued on February 3, 2017 remains in place pending further review by the courts. This means that students and scholars from the seven countries (Libya, Syria, Iran, Iraq, Somalia, Sudan, Yemen) listed on the Executive Order should be able to be admitted into the U.S. and should be able to schedule appointments for visa interviews at U.S. Consulates. However, travelers should exercise caution.

### Travel Guidance

Individuals with valid visas who are affected by the Executive Order should consider traveling to the United States immediately.

Visa holders from the seven countries who are presently in the United States should remain if possible, as the legal landscape could change and prohibit return.

All visa applicants should anticipate extended processing times and additional scrutiny when seeking admission to the United States.

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Note the following:

**CBP:** Customs and Border Protection has instructed officers to immediately resume inspection of travelers under standard policies and procedures. Airlines have been notified to permit boarding of all passengers without regard to nationality.

Travelers are processed according to the travel document presented to CBP. Before the TRO was issued, CBP acknowledged that passports held by individuals with dual nationality in one of the seven countries were admitted under their non-restricted passport (i.e., French, UK, Canada, etc.)

**Visas:** The Department of State has confirmed that assuming there are no other issues in the case, provisionally revoked visas have been reversed and are once again valid for travel.

Individuals with visas physically cancelled pursuant to the Executive Order after arrival in the U.S. will not need to apply for a new visa and absent any other admissibility issues will receive an I-193 waiver (Application for Waiver of Passport and/or Visa) upon arrival to the U.S. For those traveling by air, airlines have been instructed to contact CBP to receive authorization to permit boarding.

ALL VISA HOLDERS should carry proof of lawful status in the U.S. Please continue to check the [PIPS website](#) for the most up-to-date facts and travel tips.

## Brief History

On Thursday evening February 9, 2017, the Ninth Circuit Court of Appeals denied the government's emergency motion for a stay on the District Court's temporary restraining order, which prevented government agencies from enforcing the 90-day travel ban included in the Executive Order issued on January 27, 2017.

The Executive Order issued by President Trump suspended travel to the United States by nationals of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen, for a 90-day period. Visas held by these nationals were provisionally revoked by the U.S. Department of State. U.S. Permanent

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Residents appeared to be subject to the travel ban as well, but subsequent clarification by the administration confirmed that they were not.

Multiple U.S. District Courts issued temporary restraining orders (TROs) that were time limited and specific to certain geographic areas and situations. However, a TRO issued by the U.S. District Court for the Western District of Washington on Friday, February 3, 2017 stayed execution nationwide of several provisions of the Executive Order.

### The U.S. Court of Appeals Order of February 9, 2017

Denial by the U.S. Court of Appeals of the government's emergency motion leaves in place the TRO issued by the U.S. District Court. The order of the U.S. Court of Appeals may be accessed [here](#).

The government is expected to file a motion with the U.S. Supreme Court (the highest U.S. court) to secure the right to put the Executive Order into effect. Timing of any future action is unpredictable and the circumstances permitting travel can change without notice.