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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: 06/30/2017

### U.S. Supreme Court Partially Reinstates Travel Ban

June 26, 2017: On the final day of its term, the U.S. Supreme Court agreed to hear the Government's appeal of the President's revised Executive Order. The Court also reinstated parts of the travel ban, effective June 29, 2017, permitting citizens of the affected countries to travel to the U.S. *provided they could prove* a "bona fide relationship" with a U.S. person or entity. Per the Court's opinion, these relationships must be "formal, documented, and formed in the ordinary course" and include students, as well as workers who have accepted an offer of employment from an American company or a lecturer invited to address an American audience.

The qualifying "close familial relationships" were not defined in the Court's opinion. The U.S. Department of State subsequently issued guidance to the consular posts listing as eligible the following: parent (including parent-in-law), spouse, child, adult son or daughter, son/daughter-in-law, and sibling, whether whole or half; this includes step relationships.

Other exemptions to the travel ban may include individuals who have "previously established significant contacts" with the U.S., "significant business or professional obligations" or if they need urgent medical care, are travelling for business with a recognized international organization or U.S. government, or if they are a legal resident of Canada who applies for a visa in Canada.

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## Travel Guidance (6/30/2017)

Individuals with valid visas who are affected by the Executive Order should consider traveling to the United States immediately, and be prepared to show evidence of their bona fide relationship to a person or entity in the U. S.

Visa holders from the six 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.

Note the following:

**CBP:** Following the first court order, Customs and Border Protection (CBO) instructed officers to inspect travelers under standard policies and procedures. **Airlines** were notified to permit boarding of all passengers without regard to nationality.

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

**Visas:** The Department of State 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.

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## Brief History on the Executive Order's Travel Ban

The first Executive Order issued by President Trump on January 27, 2017 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 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. 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.

On 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.

On March 6, 2017, the President issued a revised Executive Order, removing Iraq from the list of affected countries, and confirming that lawful permanent residents of the U.S., as well as dual nationals, were not subject to the ban. Once again, the courts issued temporarily restraining orders restricting implementation of the order. A revised version of the travel ban was effectively blocked on March 15, 2017 by Federal District Courts in Hawaii and Maryland; these preliminary injunctions were upheld by the 4<sup>th</sup> U.S. Circuit Court of Appeals on May 25, 2017. The Administration then sought review by the U.S. Supreme Court.