
Update Regarding the January Executive Order on Immigration

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In light of the January 27, 2017 Executive Order ("EO") titled "Protecting the Nation from Foreign Terrorist Entry into the United States," which is summarized in the last [Clark Hill Immigration Update](#), we are providing this update regarding developments that have occurred this week.

Green Card Holders

On February 1, 2017, [the Counsel to the President confirmed](#) that lawful permanent residents ("green card holders") are not subject to the EO. This immigration status is given many additional protections under U.S. law, and as a result, it was determined by the White House that this class of foreign nationals should not be included.

Dual Citizens

As we confirmed previously, the Department of Homeland Security ("DHS") issued guidance on January 29, 2017 stating that individuals traveling on passports from Iran, Iraq, Libya, Somalia, Syria, Sudan and Yemen (the "designated countries") will be temporarily suspended from entry into the U.S. However, U.S. Customs and Border Protection ("CBP") [confirmed on their webpage](#) that CBP will process individuals based on how they present themselves (i.e., in accordance with the travel document they present) at primary inspection. As a result, a person with valid entry documents who is a citizen or national of one of the designated countries and a citizen or national of a non-designated country, would not be prohibited from entering the U.S. on the basis of the EO. He or she will likely be subjected to enhanced screening by CBP. For example, a dual Syrian and French national with valid entry documents should be permitted to enter the U.S.

Visa Processing and Revocation

The U.S. Department of State's ("DOS") National Visa Center has [confirmed on its website](#) that all pending green card applications for persons from the designated countries are being put on hold and all scheduled interviews are being cancelled. On January 27, 2017, in conjunction with the EO, [the DOS issued a memorandum](#) revoking all valid nonimmigrant visas of individuals from the designated countries. Persons from the designated countries, who are in the U.S. in a nonimmigrant status with a [valid I-94 card](#), are allowed to remain in the U.S. However, if a person from a designated country does need to travel internationally, then a new U.S. visa will need to be obtained to return to the U.S. No new nonimmigrant visa applications will be approved for persons from the designated countries until after the 90 day period, at the earliest. While there continues to be litigation around who can enter the U.S., the restraining orders issued by the U.S. courts, to date, grant relief only to green card holders. Accordingly, we continue to advise citizens or nationals of designated countries who hold temporary nonimmigrant visas, and who are NOT also citizens of a non-designated country, to avoid all international travel to the extent possible.

USCIS Processing

Clark Hill has received reports that N-400 Application for Naturalization processing with the U.S. Citizenship and Immigration Services ("USCIS") for persons from the designated countries will continue to be processed. However, almost all other applications filed with USCIS by persons from designated countries are expected to be on hold during the 90 day period.

Travel Advisory

We have learned that additional countries are NOT scheduled to be added to the list of designated countries banned from U.S. entry in the near future. We advise each individual to consider their travel plans based on the current U.S. diplomatic relationship with their country. We will provide additional information as soon as it becomes available.

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