

GUBERMAN GARSON LLP IMMIGRATION LAW

Breaking News: Recent developments following Trump's Executive Order on Immigration



In an effort to clarify and understand the effect of the executive order signed by President Trump on Friday January 27 we will outline what we know as of 9 am EST Sunday January 29th. We must caution that the situation is continually changing and the Trump administration is being judicially and politically challenged which may influence outcomes.

1. President Trump signed an executive order on Friday January 27th curbing travel to the USA for citizens of seven countries: Iraq, Iran, Syria, Libya, Somalia, Sudan and Yemen. This is in effect for 90 days. The executive order also suspends entry of all refugees to the United States for 90 days and bars Syrian refugees indefinitely.
2. Nationals or dual nationals of these countries holding valid immigrant or non immigrant visas are not permitted to enter the USA during this period. Please note that this will possibly effect Green Card holders who happen to be outside of the United States and wish to travel back. These applicants will be adjudicated on a case by case basis when they reach the port of entry.
3. National Security Advisor Flynn has advised the office of the Prime Minister of Canada that dual nationals of Canada WILL be able to enter the United States. It is unclear whether this extends to dual nationals of other countries. For example if a person holds the citizenship of the UK and Yemen, we do not know if that individual will be allowed to travel to the United States. At first blush this does not seem to be the case.
4. A federal judge in New York ruled that travelers with valid visas, approved refugee applications and "other individuals...legally authorized to enter the United States" who are in the US cannot be removed. Further those that are in transit with valid visas should not be detained when arriving.
5. If any of the above effects yourself, your company or your employees, please contact us BEFORE TRAVEL OCCURS. The application of the executive order is at this time unpredictable and non-citizens who leave the leave must be mindful that they will be subject to inspection and will be required to reapply for admission at the time they return.

In addition please determine who among your employees may hold dual nationality with any of the seven countries or who may have one the following statues in the US: Asylee, refugee, temporary protected status or DACA. Individuals who are affected by the above

and who are in the US should not leave and should consult with a lawyer. It is critical for these individuals to check their I-94 and maintain their status.
If you have employees travelling into the US please make sure they are met at the airport in case assistance is necessary. As stated this situation can change extremely quickly and legal advice may be necessary.

This is obviously a seismic shift in US immigration policy. President Trump was very clear in his campaign that he would be very tough on terror and was very focused on Immigration. Early in his campaign he made statements contemplating a ban but towards the end of the campaign he seemed to be walking this back. In the administrations view, this partial temporary curb may be a compromise position.

There has been a tremendous amount of confusion regarding the interpretation and implementation of the order. Several people have been sent back including those that should have been granted entry. The lawsuit referred to above was filed by the American Civil Liberties Union who represented travelers stranded at JFK airport who maintained valid visas. Commentary has suggested that this court order does not mean that all those in detention will be released. However they will not be removed for the time being.

As always, if you have questions or concerns, please contact your immigration lawyer at Guberman Garson LLP Immigration Law (416 363 1234).

This document is for general information only and should not be construed as specific legal advice.

Additional Information

Please contact your lawyer at:
Guberman Garson LLP Immigration Law
An independent law firm allied with Deloitte

Tel: (416) 363-1234
immilaw@ggilaw.com