



## Immigration update

### US Supreme Court upholds travel ban in *Trump v. Hawaii* for nationals of seven countries

June 29, 2018

On June 26, 2018, in a 5–4 decision, the Supreme Court upheld the Executive Proclamation (Proclamation No. 9645), *Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats (Proclamation)*. The Proclamation was originally issued on September 24, 2017 and restricted entry into the United States by nationals of seven countries: Iran, Iraq, Libya, North Korea, Syria, Venezuela and Yemen.<sup>1</sup> The Proclamation placed

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<sup>1</sup> Chad was originally on the list but it was recently removed after having met baseline security requirements. The ruling does not apply to nationals of Chad.

entry restrictions on the nationals of the above-listed countries whose systems for managing and sharing information about their nationals were deemed inadequate.

The Supreme Court's majority opinion decision held "The Proclamation is squarely within the scope of Presidential authority," which allows the Executive Branch to restrict the entry of individuals into the United States whenever that entry is deemed "detrimental to the interests of the United States." 8 U.S.C. §1182(f).

The Supreme Court's decision re-affirmed that the restrictions do not result in illegally favoring one religion over another, nor does it result in discrimination on account of national origin. The decision points to the Executive Branch's power to determine who may enter the United States.

## **Impact to you or your business**

The Supreme Court's decision means that the country-specific restrictions listed below will remain in effect (unless otherwise exempt or granted a waiver). If you are from one of the countries covered by the travel ban, there may be an effect on you individually or your business operations. Please reach out to us to determine the extent of the impact and next steps.

## **Existing travel restrictions**

- **Iran:** Restricts nonimmigrant visas except F/M student visas and J exchange visitor visas; restricts immigrant or diversity lottery visas.
- **Libya:** Restricts B-1, B-2 or B-1/B-2 visitor visas; restricts immigrant or diversity lottery visas.
- **North Korea:** Restricts nonimmigrant, immigrant or diversity lottery visas.
- **Somalia:** Nonimmigrant visa applicants subject to heightened scrutiny; restricts immigrant or diversity visas.
- **Syria:** Restricts nonimmigrant, immigrant or diversity lottery visas.
- **Venezuela:** Restricts B-1, B-2 or B-1/B-2 visas for officials of designated Venezuelan government agencies. Other visa holders are subject to verification of traveler information. No restrictions on immigrant or diversity lottery visas.
- **Yemen:** Restricts B-1, B-2 or B-1/B-2 visitor visas; restricts immigrant or diversity lottery visas.

## **Further information**

If you have any questions regarding this update, please speak to your Guberman Garson contact or one of the contacts below.

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