

Community Guidance: Revised Executive Order Restricting Muslim Entry to the U.S.

Updated March 6, 2017

On January 27, 2017, President Trump announced his first step towards a “Muslim Ban” by issuing Executive Order 13769 (“First Executive Order”) suspending entry to the United States for all refugees, and immigrant and nonimmigrant individuals from seven Muslim-majority countries for a period of time. On March 6, 2017, President Trump revoked the First Executive Order, effective March 16, 2017, and signed a new Executive Order with the same title, “Protecting The Nation From Foreign Terrorist Entry To The United States” (“Revised Executive Order”). The purpose of this document is to provide information about how the Revised Executive Order may impact you, as well as steps you can take to protect your rights. This document is not a substitute for legal advice, and we strongly encourage you to consult with an immigration attorney. Muslim Advocates will continue to release information and resources as more details about the Revised Executive Order become available.

Ban on Entry to the U.S.

The Revised Executive Order, effective March 16, 2017, suspends entry to the U.S. for **immigrants and nonimmigrants from Iran, Libya, Somalia, Sudan, Syria and Yemen for at least 90 days**. The Revised Executive Order no longer includes Iraq on the list of banned countries. The Revised Executive Order also suspends entry to the U.S. for all refugees for 120 days. There is no longer an indefinite suspension of refugees from Syria. **Important Note:** The federal government can expand the list of banned countries.

Exceptions to Ban on Entry for Noncitizens and Refugees

There are also a number of exceptions to the ban. For example, lawful permanent residents of the United States and dual nationals of a non-designated country are not subject to the ban on entry.

The Revised Executive Order allows a consular officer or the United States Customs and Border Protection Commissioner the discretion to **issue visas** to, or **permit the entry** of, nationals of the six banned countries on a “case-by-case basis” if the individual meets the following criteria:

1. Denial of entry would cause “undue hardship”;
2. His or her entry would “not pose a threat to national security”; **and**
3. His or her entry is in the “national interest.”

For refugees, the Revised Executive Order allows the Secretary of State and Secretary of Homeland Security to **admit refugees** on a “case-by-case basis” if the individual meets the following criteria:

1. Entry is in the national interest; **and**
2. Entry would “not pose a threat to the security and welfare” of the U.S.

HOW WILL THIS ORDER AFFECT ME?

I am a U.S. Citizen	I am a Legal Permanent Resident (i.e., I have a Green Card)	I am undocumented and living in the U.S.
<p>You cannot be deported, or “banned” from re-entry if you leave the U.S.</p> <p>As a U.S. citizen you are guaranteed the full protections afforded by the Constitution.</p> <p>This is <i>not true</i> for non-citizens with pending citizenship applications (i.e., those without a valid green card).</p>	<p>You cannot be denied re-entry if you leave the United States.</p> <p>The ban does not apply to lawful permanent residents of the United States.</p> <p>If you are not a green card holder, we strongly suggest you speak with an immigration lawyer.</p>	<p>We strongly recommend you consult with an immigration attorney and have a plan.</p> <p>An immigration lawyer will be able to advise you on your options based on your specific circumstances, as well as any potential risks. It is also smart to have a plan in case deportations begin to occur. Make sure your documents are available and secure; compile a list of contact information of trusted friends, colleagues, and loved ones; and, have someone in place to take care of children/elderly family members in case of detention or deportation.</p>

FOR INDIVIDUALS WITH STUDENT, SCHOLAR, WORK, OR VISITOR VISAS

<p>I am a student/scholar/worker and my visa is sponsored by my institution/organization/company OR I am a visitor travelling on a tourist visa</p> 	<p>My visa requires that I leave and re-enter the U.S. to renew my visa</p> 	<p>The Revised Executive Order gives a consular officer or a Customs and Border Protection (CBP) official discretion to issue a case-by-case waiver that could allow you to re-enter the U.S.*</p> <p>** Check with an immigration attorney to determine whether you can apply for a waiver **</p>
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*** All nationals from Iran, Libya, Somalia, Sudan, Syria, and Yemen who are outside of the U.S. on the effective date of the Revised Executive Order (March 16, 2017), do not have a valid visa as of the effective date of the Revised Executive Order, and did not have a valid visa on Jan. 27, 2017, are prohibited from entering the U.S. during the 90-day ban.**

The information contained in this fact sheet is provided for educational purposes only and not as part of an attorney-client relationship. It is not a substitute for expert legal, tax, or other professional advice tailored to your specific circumstances. We recommend you consult with an immigration attorney.

FOR INDIVIDUALS FROM IRAQ

Although Iraq has been removed from the list of the banned countries, the Revised Executive Order states that “[d]ecisions about the issuance of visas or granting admission to Iraqi nationals should be subjected to additional scrutiny.” *Sec. 1(g)*. Accordingly, the Revised Executive Order calls for extreme vetting and “additional inquiries” into applications by any Iraqi national for a visa, admission, or other immigration benefit, which may include questioning to determine whether the national has any connections with ISIS or other terrorist organizations or could pose a threat to the national security or public safety of the United States. **Given the lack of clarity on these new procedures, Iraqi nationals are strongly advised to speak with an immigration attorney before traveling to or from the U.S.**

TIMELINE OF IMPORTANT DATES

March 16, 2017 - Date the revised travel ban goes into effect. Beginning on March 16th:

<p><i>There will be a 90-day ban on entry into the U.S. for nationals from the six banned countries.</i></p>	<p>20-day review period</p> <p>In the first 20 days, the Department of Homeland Security (“DHS”) will review the visa procedures of the six banned countries.</p> 	<p>50-day compliance period</p> <p>Within the following 50 days, the six countries must update their immigration procedures to meet the U.S. government’s standards.</p>
<p><i>There will be a 120-day suspension of the United States Refugee Admissions Program (USRAP).</i></p>	<p>Review period</p> <p>During the 120-day period, the Secretaries of State and Homeland Security, in consultation with the Director of National Intelligence, will review the application and adjudication processes to determine what additional procedures should be used to ensure that individuals seeking admission as refugees do not pose a threat to the “security and welfare” of the U.S., and will implement these procedures.</p>	

WHAT SHOULD I DO NOW?

The most important thing right now is to **be prepared** and to **consult with an immigration attorney**.

- Regardless of your immigration status, it is important to gather and secure personal documents such as birth certificates, residency and visa papers, passports, property records, car titles, and medical information.
- If you are from Iraq, you should speak with an immigration attorney to discuss the additional procedures you may be subjected to before entering the U.S.
- If you are from Iran, Libya, Somalia, Sudan, Syria, and Yemen, you should consult with an immigration attorney on you or your loved ones' immigration/citizenship.
- If you are currently abroad and a U.S. visa holder from Iran, Libya, Somalia, Sudan, Syria and Yemen, you should consult an immigration attorney if you are planning a trip to the U.S. Once you decide to travel to the U.S., you should make sure to have the contact information for an immigration attorney with you, as this can help facilitate your re-entry into the country.
- If you are not currently a United States citizen and are from a country that is not on the list above, you should still consult with an immigration attorney if you are planning on traveling internationally in the near future.
- Due to religious travel to Iran for many Muslims, we strongly suggest that prior to any travel to Iran that you consult with an immigration attorney, as reciprocal bans may be put in place and/or entry into the U.S. may be an issue for certain visa holders.
- Due to heightened screening at the border, we strongly suggest that you review materials to learn about your rights.

HOW TO FIND AN IMMIGRATION ATTORNEY

American Immigration Lawyers Association: Lawyer search <http://www.aialawyer.org/>

Immigration Legal Directory (available in multiple languages):
<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

Immigration Advocates Network: <https://www.immigrationlawhelp.org>

National Immigration Project of the National Lawyers Guild's online find-a-lawyer tool:
<https://www.nationalimmigrationproject.org/find.html>

National Immigrant Justice Center: Schedule a legal consultation by phone (312-660-1370) or email
immigrantlegaldefense@heartlandalliance.org

The immigration courts' list of lawyers and organizations that provide free legal services:
<http://www.justice.gov/eoir/list-pro-bono-legalservice-providers-map>

Immigrant Legal Resource Center has a comprehensive online client intake form:
<https://www.ilrc.org/screening-immigrationrelief-client-intake-form-and-notes>
