

## **THE U.S. SUPREME COURT ALLOWS PRESIDENT TRUMP’S TRAVEL BAN TO TAKE EFFECT**

On December 4, 2017, the U.S. Supreme Court issued two orders staying lower courts’ (Maryland & Hawaii) preliminary injunctions of President Trump’s September 24, 2017 presidential proclamation/travel ban. Accordingly, President Trump’s most recent travel ban will go into effect while the appeals are pending. The Supreme Court encouraged the appeals courts to quickly decide whether the most recent travel ban was lawful. The court’s orders mean that the administration can fully enforce its new restrictions on travel from eight nations, six of them predominantly Muslim. For now, most citizens of Iran, Libya, Syria, Yemen, Somalia, Chad and North Korea will be barred from entering the United States, along with some groups of people from Venezuela.

The District Court injunctions did not affect implementation of entry restrictions against nationals from North Korea and Venezuela. Those individuals remain subject to the restrictions and limitations listed in the Presidential Proclamation, which went into effect at 12:01 a.m. eastern time on Wednesday, October 18, 2017, with respect to nationals of those countries.

Nationals of the eight countries are subject to various travel restrictions contained in the Proclamation, as outlined in the following table, subject to exceptions and waivers set forth in the Proclamation.

<b>Country</b>	<b>Nonimmigrant Visas</b>	<b>Immigrant and Diversity Visas</b>
Chad	No B-1, B-2, and B-1/B-2 visas	No immigrant or diversity visas
Iran	No nonimmigrant visas except F, M, and J visas	No immigrant or diversity visas
Libya	No B-1, B-2, and B-1/B-2 visas	No immigrant or diversity visas
North Korea	No nonimmigrant visas	No immigrant or diversity visas
Somalia		No immigrant or diversity visas
Syria	No nonimmigrant visas	No immigrant or diversity visas

Venezuela	No B-1, B-2 or B-1/B-2 visas of any kind for officials of the following government agencies Ministry of Interior, Justice, and Peace; the Administrative Service of Identification, Migration, and Immigration; the Corps of Scientific Investigations, Judicial and Criminal; the Bolivarian Intelligence Service; and the People's Power Ministry of Foreign Affairs, and their immediate family members.	
Yemen	No B-1, B-2, and B-1/B-2 visas	No immigrant or diversity visas

Department of State (DOS) also mentioned that they will not cancel previously scheduled visa application appointments. In accordance with the Presidential Proclamation, for nationals of the eight designated countries, a consular officer will make a determination whether an applicant otherwise eligible for a visa is exempt from the Proclamation or, if not, may be eligible for a waiver under the Proclamation and therefore issued a visa.

No visas will be revoked pursuant to the Proclamation. Individuals subject to the Proclamation who possess a valid visa or valid travel document generally will be permitted to travel to the United States, irrespective of when the visa was issued.

***Exceptions in the Proclamation***

The following exceptions apply to nationals from all eight countries and will not be subject to any travel restrictions listed in the Proclamation:

- a) Any national who was in the United States on the applicable effective date described in Section 7 of the Proclamation for that national, regardless of immigration status;
- b) Any national who had a valid visa on the applicable effective date in Section 7 of the Proclamation for that national;
- c) Any national who qualifies for a visa or other valid travel document under section 6(d) of the Proclamation;
- d) Any lawful permanent resident (LPR) of the United States;
- e) Any national who is admitted to or paroled into the United States on or after the applicable effective date in Section 7 of the Proclamation for that national;
- f) Any applicant who has a document other than a visa, valid on the applicable effective date in Section 7 of the Proclamation for that applicant or issued on any date thereafter, that permits him or her to travel to the United States and seek entry or admission, such as advance parole;

g) Any dual national of a country designated under the Proclamation when traveling on a passport issued by a non-designated country;

h) Any applicant traveling on a diplomatic (A-1 or A-2) or diplomatic-type visa (of any classification), NATO-1 -6 visas, C-2 visa for travel to the United Nations, or G-1, G-2, G-3, or G-4 visa; except certain Venezuelan government officials and their family members traveling on a diplomatic-type B-1, B-2, or B1/B2 visas

i) Any applicant who has been granted asylum; admitted to the United States as a refugee; or has been granted withholding of removal, advance parole, or protection under the Convention Against Torture.

Exceptions and waivers listed in the Proclamation are applicable for qualified applicants. In all visa adjudications, consular officers may seek additional information, as warranted, to determine whether an exception or a waiver is available.

If you should have any questions or need more information about the way that the U.S. immigration and nationality laws may impact you, your family, your friends or your colleagues, please contact the U.S. immigration and nationality lawyers at the NPZ Law Group - [VISASERVE - U.S. Immigration and Nationality Lawyers](#) by e-mailing us at [info@visaserve.com](mailto:info@visaserve.com) or by calling us at [201-670-0006](tel:201-670-0006) (x107) or by visiting our Law Firm's website at [www.visaserve.com](http://www.visaserve.com)