



Town Hall on the Travel Ban

Penn State Law, Room 112

September 29, 2017

3:30-4:30pm



PennState Law

Center for Immigrants' Rights Clinic

Agenda

- About the Clinic
- Terminology
- How did we get here?
- Summary of Proclamation
- Remarks by Sirine Shebaya (Muslim Advocates)
- Questions and Answers



Disclaimer

This presentation and its content should not be a substitute for legal advice. Sensitive and individual information should not be raised. Please contact the Office of Global Programs, clinic or an immigration attorney for individual questions.

Views expressed by Professor Wadhia are in her own capacity and do not reflect views of the University.



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Terminology

- Immigrant
- Nonimmigrant
- Lawful Permanent Resident (green card holder)
- Executive Order
- Proclamation
- Immigration and Nationality Act
- Bona fide relationship



How did we get here?

- Statements by the President
- Executive Order (first travel ban); litigation
- Executive Order 2 (second travel ban); litigation
- Supreme Court reinstated the second travel ban for those who lack a “credible bona fide relationship to a person or entity”
- Presidential Proclamation (third travel ban)
- Supreme court cancels oral arguments in second travel ban case





Presidential Proclamation **Enhancing Vetting Capabilities and Processes for** **Detecting Attempted Entry into the United States by** **Terrorists or other Public-Safety Threats**

Signed September 24, 2017



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The New Travel Ban

- What is the scope of the ban?
- Which countries are covered?
- What are the restrictions?
- What are the exemptions?
- Is there a waiver for affected nationals who do not meet an exemption?
- When does the ban go into effect?
- What legal authorities were cited?
- What happens next?



What is the scope of the ban?

- Outside the United States on the applicable effective date
- Do not have a valid visa on the applicable effective date
- Do not qualify for a visa or other valid travel document (based on a visa revoked or cancelled visa due to the first Executive Order)



Which countries are covered?

- **Chad**
- Libya
- Iran
- **North Korea**
- Somalia
- Syria
- **Venezuela**
- Yemen



What are the restrictions? How long?

- **Chad, Libya and Yemen:** all immigrants and those entering as tourists or business travelers
- **Iran:** all immigrants and nonimmigrants, EXCEPT F, J and M visa holders (extra scrutiny)
- **North Korea and Syria:** all immigrants and nonimmigrants
- **Somalia:** immigrants (and nonimmigrants subject to extra scrutiny)
- **Venezuela:** certain government officials and their family members



What are the exemptions? (Sampling)

- Lawful Permanent Residents.
- Dual nationals.
- Those granted asylum, admitted as a refugee; or granted withholding of removal.
- Those traveling on a diplomatic or similar visa.
- Those in the U.S. on the effective date.
- Those who had a valid visa on the effective date.



Is there a waiver for affected nationals?

- Denying entry would cause the foreign national undue hardship
- Entry would not pose a threat to national security or public safety, AND
- Would be in the national interest

*10 Examples



When does the Ban Go Into Effect?

- Five countries covered by EO2 lacking a bona fide relationship with a person or entity (Sudan excluded): **3:30pm on September 24**
- Those covered by the NEW Proclamation (8 countries) (regardless of bona fide relationship): **12:01AM on October 18**



What Legal Authorities were cited?

- INA § 212(f)
- INA § 215(a)
- 3 USC § 301



What Happens Next?

- The Supreme Court has cancelled oral arguments in connection with the second ban
- The parties have to file papers by October 5 on the impact of the Proclamation on the Supreme Court case
- Uncertain how the Supreme Court will decide-
We need more crystal balls
- In the meantime, many questions from affected individuals



Remarks from Sirine Shebaya





Questions and Answers



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Resources

- Office of Global Programs, Penn State
- Center for Immigrants' Rights Clinic, Penn State Law
- Counseling And Psychological Services (CAPS), Penn State
- Muslim Advocates
- American-Arab Anti-Discrimination Committee
- American Immigration Lawyers Association



Thank you



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