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Executive Order - Protecting the Nation from Foreign Terrorist Entry into the United States: March 6, 2017

FAQs

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1. Does the order impact international students who are citizens of countries not on the list of 6 countries?

ANSWER: Citizens of other countries are not impacted by the ban on entry, unless you are a dual citizen of one of the 6 listed countries, you were born in one of those countries, or you have traveled to one of those countries.

2. I am a citizen of one of the 6 listed countries and I am already in the United States in a nonimmigrant status (F-1, J-1, H-4, etc.). Does the Executive Order affect my status in the United States?

ANSWER: If you are already in the United States, your current status is not affected by the Executive Order. You can remain in the U.S. for as long as your status allows. You should not depart the US without consulting an immigration attorney or your foreign student advisor.

3. I am a citizen of a country not on the list of 6, but I have dual citizenship with one of those countries. Can I travel out of the U.S. and reenter using my non-immigrant visa (F-1, J-1, H-4, etc.)?

ANSWER: If you are a dual citizen, you are permitted to travel using passports of a country OTHER than one of the list of 6 countries. You should expect additional screening upon your return to the US. If your nonimmigrant visa is in the passport of one of the listed countries, you should not travel outside the U.S. unless you are prepared to apply for a visa in your other passport.

4. I am a citizen of a country not on the list of 6 countries, and I am not a dual citizen of any of those countries.

ANSWER: The Executive Order does not restrict travel by citizens of countries other than those on the list of 6 countries. However, if you have traveled to one of the 6 listed countries in the past, you should expect additional screening.

5. I am a citizen of one of the listed countries, but I am a Canadian Landed Immigrant. Can I travel out of the U.S. and reenter using my non-immigrant visa (F-1, J-1, H-4, etc.)?

ANSWER: You can travel if you have a valid visa. If you need to obtain a new visa, you will need to qualify for a “waiver” on the grounds stated in the EO. The procedure for requesting a

waiver has not been released, but will likely cause delays in processing. Approval is not guaranteed. Applicants for waivers should plan for extended time outside the U.S. for waiver processing.

6. I am not a citizen of one of those countries, but I traveled to one of those countries in the past. Can I travel out of the U.S. and reenter using my non-immigrant visa (F-1, J-1, H-4, etc.)?

ANSWER: You can travel outside the U.S. and reenter, but you should expect additional screening upon reentry to the U.S.

7. I am a naturalized U.S. citizen, but I was born in or a citizen of one of the 6 listed countries. Can I travel out of the U.S. and reenter?

ANSWER: You can travel outside the U.S. and reenter, but you should expect additional screening upon reentry to the U.S. You should travel only using your U.S. passport.

8. I am a naturalized U.S. citizen not born in one of the 6 listed countries. Can I travel out of the U.S. and reenter?

ANSWER: You can travel outside the US and reenter.

9. I am a U.S. citizen but I visited one of the 6 listed countries in the past. Can I travel out of the U.S. and reenter?

ANSWER: You can travel outside the U.S. and reenter, but you should expect additional screening upon reentry to the U.S.

10. I am a legal permanent resident (green card holder) of the United States, but I was born in or a citizen of one of the listed 6 countries. Can I travel out of the U.S. and reenter?

ANSWER: You can travel outside the U.S. and reenter. You should expect additional screening upon reentry to the U.S.

11. I am a legal permanent resident (green card holder) of the United States. I was not born in or a citizen of one of the 6 listed countries, and I have never visited any of the 6 listed countries. Can I travel out of the U.S. and reenter?

ANSWER: You can travel outside the U.S. and reenter.

12. Is there anything in the order that impacts foreign nationals who do NOT have ties to the 6 countries?

ANSWER: Yes. The EO eliminated the ability for certain people renewing a nonimmigrant visa to skip the interview process. In the past, some applicants for nonimmigrant visas were able to skip an in person interview at the Consulate if they were applying to extend an existing

visa. Under the EO, the circumstances under which a waiver of the interview may be granted are now more limited. However, the State Department has confirmed that the interview waiver program still applies to applicants aged 14 and under and 79 and older. They have also confirmed that it still applies to applicants who were issued visas that expired less than 12 months ago in the same category as they are currently seeking. Individual consulates always reserve the ability to require an interview, even for individuals otherwise eligible for a waiver of the interview. Travel plans should be made accordingly.

13. I want to apply for H-1B after I graduate, and I am a citizen of one of the listed countries. Can my employer file an H-1B petition on my behalf?

ANSWER: Your employer can apply for H-1B on your behalf.

14. I want to apply for H-1B and I am a dual citizen of one of the listed countries. Can my employer file an H-1B petition on my behalf?

ANSWER: Your employer can apply for H-1B on your behalf.

15. I want to apply for H-1B after I graduate and I am not a citizen (or dual citizen) of one of those countries.

ANSWER: Your employer can apply for H-1B on your behalf.

16. I am an F-1 student from one of the listed countries. Can I apply for Curricular Practical Training (CPT)?

ANSWER: You can apply for CPT. This is authorized by the school. There is no indication that the US CIS will suspend immigration benefits pursuant to this Executive Order.

17. I am an F-1 student from one of the listed countries. Can I apply for Optional Practical Training?

ANSWER: You can apply for OPT. Applications for the OPT employment authorization document (EAD) are filed with the US CIS. There is no indication that the US CIS will suspend processing of immigration benefits pursuant to this EO.

18. I have heard that the new president will revoke the STEM extension of Optional Practical Training (OPT) for F-1 students. If I do not have any ties to any of the 6 countries, will my STEM extension be delayed?

ANSWER: STEM extensions of OPT are still available and were not part of any signed Executive Orders.