President Trump Promises Revised Entry Ban Order Next Week

Summary
A forthcoming executive order is expected to impose a new entry ban on foreign nationals from designated countries of concern, and could also address employment-based immigration. Foreign nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen should exercise extreme caution before traveling to or departing from the United States in light of the President's announcement today.

In a presidential press conference and a legal brief filed with the Ninth Circuit Court of Appeals, the Trump Administration said today that it would issue a new and "comprehensive" immigration executive order as early as next week. The order is expected to put into place a new entry ban against nationals of countries of concern, and could also set forth the Administration's plans for employment-based immigration.

In ongoing litigation against the entry ban, the Administration today asked the Ninth Circuit to wait for the President's forthcoming executive order before ruling on whether to reconsider a decision to allow a temporary restraining order (TRO) against the January 27 entry ban to remain in place. In its brief to the court, the Administration advised of its plans to replace the earlier entry ban with a new executive order that purportedly eliminates a three-judge panel's constitutional objections to the January 27 order. The brief also asks the court to vacate the panel's decision once the new executive order is issued. The January 27 executive order has been suspended under the TRO since February 3.

The scope of the forthcoming travel ban order is not yet known, and the ability to travel under the present TRO will be determined by the court's reaction to the new order.

Separately, President Trump said today that his forthcoming immigration order would "[go] along one path" and "comprehensively protect our country [and] our people." His remarks suggest that the forthcoming order could include directives on employment-based immigration, as well as a revised entry ban.

An executive order on employment-based immigration has been expected, after a draft was leaked to press outlets several weeks ago. That draft suggests that the Administration plans to take steps to review and potentially restrict the B-1, H-1B, L-1, parole and F-1 practical training programs, as well as expand the Department of Homeland Security's worksite inspection programs. The forthcoming executive order may differ from the leaked draft.

Travel Precautions for Foreign Nationals from Countries of Concern

The specifics of the President's forthcoming executive order and how it will be received by the court are not yet known. Because circumstances could change quickly, foreign nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen must continue to exercise extreme caution before traveling to or departing from the United States.

- If you are currently outside the United States, be aware that, given the President's plans for a new entry ban, the window to travel to the United States may be very brief.
- If you are currently in the United States, traveling internationally remains risky. If you elect to depart and a new entry ban is issued while you are abroad, you may be unable to return to the United States for the duration of the ban.
- If you are a U.S. lawful permanent resident from one of the seven countries of concern, you should be able to travel without restriction.
• If you are a dual national and hold a passport from an unrestricted country containing a valid U.S. visa, you should be able to enter the United States.

We are closely monitoring the Administration’s executive orders and immigration policies, and will provide additional information as developments occur.