

EXECUTIVE ORDER: “Protecting the Nation from Foreign Terrorist Entry into the United States”

What does the March 6, 2017 Executive Order state?

On March 6, 2017, President Trump signed a new Executive Order (EO) titled "[*Protecting the Nation from Terrorist Entry into the United States*](#)." The new EO rescinds the January 27, 2017 executive order. Among its provisions, the EO suspends the entry of nationals from six countries, including Iran, Libya, Somalia, Sudan, Syria, and Yemen for a period of 90 days beginning March 16, 2017. Iraq was removed from the list of restricted countries. The EO also suspends the admission of refugees from any country for 120 days. Lawful permanent residents, dual citizens with citizenship from a restricted country and a different non-restricted country, and individuals with a valid visa for entry into the U.S. are exempt from the travel ban.

When does the EO become effective?

The EO goes into effect on March 16, 2017 at 12:01 AM Eastern Standard Time. It will remain in place until June 14, 2017. The ban could be extended and additional countries added to the list.

Does the EO change the law or regulations?

The president of the United States has the authority to issue executive orders in many areas. The Immigration and Nationality Act gives the president the authority to suspend the entry of any “class of aliens” whose entry he deems to be “detrimental to the interests of the United States.” An executive order does not change, replace, or repeal existing statutes (laws) or regulations.

Does the travel ban include dual nationals? Is a person who was born in one of the six restricted countries, but is now a citizen of a non-restricted country (e.g., Canada) subject to the travel ban?

The EO exempts from its scope any dual national of one of the six countries when the individual is traveling on a passport issued by a different non-designated country.

Should international students, faculty, staff or scholars from the six restricted countries who are legally present in the U.S. on F-1, J-1, H-1B or another immigrant visa travel abroad?

OISS advises international students, scholars, faculty and staff from one of the six restricted countries, whose visa is valid for a single entry only, not to travel internationally at this time. Individuals with an expired visa or a visa that will expire during the ban are also advised against international travel. Individuals in the U.S. with a valid multiple entry visa on the effective date of the EO are eligible for travel to and from the U.S. provided the visa remains valid and the traveler is otherwise admissible.

Does the ban include lawful permanent residents (“green card” holders)?

Per the EO, the suspension of entry does not apply to lawful permanent residents of the U.S.

What happens to international students, exchange visitors or their dependents from the six countries, such as F, M or J visa holders if their visa expires while the EO is in place and they have to depart the country?

The EO does not affect F, M, or J visa holders if they currently have a valid visa on the effective date or held a valid visa on January 27, 2017 prior to the issuance of the EO. With that said, travelers must have a valid visa to travel to the U.S., regardless of the EO. Travelers whose visa expires after the effective date of the EO must obtain a new, valid visa to return to the U.S.

Does the travel ban apply to someone who has traveled recently to one of the six restricted countries?

The travel ban does not apply to someone who visited one of the six restricted countries, unless the person is a national of the restricted country without a valid visa. Travel to one of the six restricted countries, however, may increase the likelihood of being questioned by U.S. Customs and Border Protection (CBP) about the nature and purpose of the visit.

I am presently in the U.S. in possession of a valid multiple entry visa but am a national of one of the six affected countries, can I travel abroad and return to the United States?

Yes. Individuals within the U.S. with valid multiple entry visas on the effective date of the EO are eligible for travel to and from the U.S., provided the visa remains valid and the traveler is otherwise admissible. All foreign nationals traveling with a visa must satisfy all admissibility requirements for entry. Additional information on applying for admission to the United States is available on CBP.gov.

How will the EO affect applications pending before U.S. Citizenship and Immigration Services (USCIS)?

On February 3, 2017, USCIS issued a statement (<https://www.uscis.gov/news/alerts/uscis-implementation-jan-27-executive-order>) that it will continue to adjudicate applications for individuals in the U.S. regardless of their country of origin, and for lawful permanent residents outside of the U.S. USCIS will also adjudicate applications for individuals outside the U.S. whose approval does not directly confer travel authorization. Applications to adjust status also continue to be adjudicated for applicants who are nationals of one of the six restricted countries. There has been no indication that USCIS will change this policy in light of the new EO.

Should international students, faculty, staff and scholars from countries not included in the entry ban travel abroad?

International students, faculty, staff, and scholars from nations other than the six restricted countries listed in the EO are able to travel abroad. Prior to traveling abroad, you should ensure that your passport is valid for reentry, you hold the appropriate valid visa, and carry with you all required immigration documents (e.g., Form I-20, DS-2019, or H-1B approval notice). These individuals must also maintain their current visas or lawful permanent resident status in the U.S. and comply with established immigration law. Individuals who have questions or need to discuss any personal matter are encouraged to speak with an OISS advisor.

What does granting a waiver to the EO mean? What is the process to request a waiver?

Per the EO, the U.S. Department of Homeland Security and the U.S. Department of State can review individual cases and grant discretionary waivers of the entry ban on a case-by-case basis. A waiver applicant must show that his or her entry into the U.S. is in the national interest, will not pose a threat to national security, and denying entry during the suspension period will cause undue hardship.

The EO suggests that a waiver may be appropriate for certain foreign nationals, including Canadian landed immigrants applying for a visa in Canada, persons with significant business or professional obligations in the

U.S., and nonimmigrants previously admitted to the U.S. for a continuous period of work, study or another long-term activity who are seeking to resume that activity. Note that waivers may be difficult to obtain given the stringent criteria.

Are graduate and professional programs at MSU continuing to accept applications and admitting students from the six restricted countries for future semesters?

MSU continues to accept and admit students from the six restricted countries. All students are encouraged to proceed as usual with the application and admission processes until further notice.

What should students from the six restricted countries, who have been admitted to MSU, but not yet obtained a student visa, do?

Admitted students from the six restricted countries are always welcome at MSU. From March 16, 2017 through June 14, 2017, admitted students from the six restricted countries will be unable to obtain a visa unless granted a waiver. Such students should stay in contact with OISS to discuss the options available to them until the travel ban is lifted.

What should academic departments do with regard to recruiting and communicating with prospective international students from the six restricted countries?

Academic departments are encouraged to continue their usual recruiting efforts with prospective students subject to the travel ban. U.S. colleges or universities are under no restrictions on admitting such international students. MSU remains welcoming of students and scholars from around the world who come here to study, teach, and conduct research. Academic departments should contact OISS if there are immigration related questions specific to any affected international student, faculty, or scholar.

What are my rights?

The American Civil Liberties Union (ACLU) has a series of [Know Your Rights](#) resources available on various topics, including immigration status, being stopped by police, attending demonstrations/protests, and anti-Muslim discrimination. The Know Your Rights When Encountering Law Enforcement pamphlet offers specific advice about what to do at airports and ports of entry.

Where can undocumented students find support?

Information relevant to undocumented students can be found at the MSU College of Law's [Immigration Law Clinic](#) website. NAFSA's [Deferred Action for Childhood Arrivals](#) resource page provides detailed information tracking the current state of issues for DACA recipients.

OISS will provide additional information regarding the executive orders on immigration that impact the MSU community as it becomes available.

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