

Trump's Immigration EO - What Employers Need to Know

By: Zoraida Vale on February 3, 2017 on graydon.law

On January 27, 2017, President Donald Trump issued an Executive Order, entitled "Protecting the Nation from Foreign Terrorist Entry Into the United States." This Executive Order suspends entry by individuals into the United States who are from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen for 90 days, and indefinitely suspends the entry of Syrian refugees. Developments regarding the interpretation and implementation of the Executive Order are ongoing, but employers should be aware of how the Executive Order may impact their employees' visas and ability to travel outside of the United States.

The following are some key effects stemming from the Executive Order on employers and their employees from one of the seven designated countries:

- An Individual who is currently outside the United States and seeks to enter on a nonimmigrant visa is currently not permitted to enter the United States.
- An individual who is currently inside the United States on a nonimmigrant visa should not travel outside the United States during their authorized stay period. The Department of State has revoked visas from these individuals, and they will not be permitted re-entry if they leave the United States.
- Dual citizens who hold passports from a designated country, as well as a non-designated country, will be processed based on the passport they present at the border. For example, if an individual holds a passport from the United Kingdom and Iran, the individual will be permitted entry if he/she presents his/her United Kingdom passport.
- Legal Permanent Residents will be permitted entry to the United States.
- Individuals who are overseas waiting for their immigrant visas are not permitted to attend their visa appointment or schedule an appointment or pay any visa fees.
- The U.S. Citizenship and Immigration Services has stated that it will not stop adjudicating applications for individuals who currently reside in the United States with pending applications for adjustment of status, however, they will not approve the applications during the effective period of the Executive Order.

Since the Executive Order came into effect, various lawsuits have been filed challenging its legality and reports indicate that each airport is enforcing the Executive Order differently. It

has yet to be determined whether the Executive Order will survive scrutiny, but, in the meantime, employers should proceed with caution when scheduling any travel outside of the United States for their employees who are subject to the Executive Order.