

## Executive Orders, January 2017 – December 2020

On **June 22, 2020**, the Trump administration issued a [new Presidential Proclamation](#) that suspends the entry of foreign nationals seeking to enter in specific nonimmigrant visa status until December 31, 2020. This proclamation goes into effect at 12:01 a.m. on June 24, 2020. **The proclamation does not currently impact students in F-1 or J-1 status; it does not currently include J-1 Exchange Visitors in Research Scholar, Short-term Scholar, or Professor categories.** Though this proclamation does not impact individuals in F-1 or J-1 status at Notre Dame, the proclamation updated May 24, which suspends the entry of individuals who have been located in China, Iran, the European Schengen Area, the United Kingdom, the Republic of Ireland, and Brazil in the 14 days prior to entering the U.S., is still in effect.

General Counsel sent [a message to H-1B visa holders and their department sponsors](#). It included [this summary explaining the impact](#).

On **May 29, 2020**, the Trump administration issued a [new Presidential Proclamation](#), that suspends entry of certain students and researchers from China. This proclamation goes into effect at 12:00pm on June 1, 2020.

Though the proclamation will impact some individuals entering in non-immigrant F-1 and J-1 status, it will only apply to those graduate students and researchers who are entering to study or conduct research in a field involving information that would contribute to the PRC's military-civil fusion strategy; those fields of study have not yet been identified by the U.S. government. This proclamation does not apply to undergraduate students in F or J status.

According to the Proclamation, groups for whom this proclamation does not apply include:

- any lawful permanent resident of the United States;
- any alien who is the spouse of a United States citizen or lawful permanent resident;
- any alien who is a member of the United States Armed Forces and any alien who is a spouse or child of a member of the United States Armed Forces;
- any alien whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement or who would otherwise be allowed entry into the United States pursuant to United States obligations under applicable international agreements;
- any alien who is studying or conducting research in a field involving information that *would not contribute* to the PRC's military-civil fusion strategy, as determined by the Secretary of State and the Secretary of Homeland Security, in consultation with the appropriate executive departments and agencies (agencies);
- any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee; or

- any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees.

Beyond these groups named in the Proclamation, the Secretaries of State and Homeland Security have 60 days to announce what students and fields of study will be impacted by this proclamation.

ISSA is monitoring the status of this proclamation and will post updates here. If you have any questions, please contact ISSA at [issa@nd.edu](mailto:issa@nd.edu).

On **May 24, 2020**, the Trump Administration updated their Presidential Proclamation that suspends entry of any immigrant or nonimmigrant who has been in any of the following countries or regions within the 14 days prior: China, Iran, the European Schengen Area (Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Monaco, San Marino, Vatican City), the United Kingdom (England, Scotland, Wales, Northern Ireland), the Republic of Ireland, and Brazil.

On **April 22, 2020**, the Trump administration issued a new Presidential Proclamation, that suspends entry for 60 days of certain new immigrants who do not have an approved immigrant visa. This proclamation goes into effect at 11:59pm on April 23, 2020. **The proclamation does not currently impact individuals in non-immigrant status, including F-1 students and J-1 exchange visitors.**

On **January 31, 2020**, the Trump administration issued a new Presidential Proclamation, which expands entry restrictions and limitations to nationals from six countries: Eritrea, Kyrgyzstan, (Burma) Myanmar, Nigeria, Sudan, and Tanzania. This proclamation's restrictions, which are effective at 12:01AM EST on February 21, 2020, are country specific and category specific.

This new proclamation does not contain restrictions on the issuance of non-immigrant visas or admitting individuals in non-immigrant status, including F-1 students and J-1 exchange visitors.

Generally, the restrictions are as follows:

- Eritrea: (entry as Immigrant, except as Special Immigrant whose eligibility is based on having provided assistance to the US government is suspended)
- Kyrgyzstan: (entry as Immigrant, except as Special Immigrant whose eligibility is based on having provided assistance to the US government is suspended) (Burma)
- Myanmar: (entry as Immigrant, except as Special Immigrant whose eligibility is based on having provided assistance to the US government is suspended)
- Nigeria: (entry as Immigrant, except as Special Immigrant whose eligibility is based on having provided assistance to the US government is suspended)
- Sudan (entry as Diversity Immigrant is suspended)
- Tanzania (entry as Diversity immigrant is suspended)

These limitations shall apply to foreign nationals of these countries who: (1) are outside of the U.S. on the effective date of this proclamation; (2) do not have a valid visa on the effective date of this proclamation; and (3) do not qualify for a visa or other valid travel document under section 6(d) of Proclamation 9645.

Though decisions as to visa issuance, entry, or re-entry to the United States are at the discretion of consular officers and Customs and Border Protection officers at ports of entry, and there are no guarantees regarding visa issuance or entry into the U.S., these expanded restrictions do not impact F-1 and J-1 students and scholars who are nationals of these countries who are currently in the U.S. or those that plan to apply for F-1 and J-1 visas and enter the U.S. in the future.

On **June 26, 2018**, the U.S. Supreme Court upheld the Trump administration's September 24, 2017 Executive Order, but this does not affect those students currently in the U.S. or those entering the U.S. in the F or J nonimmigrant category, unless they are from Syria or North Korea. See our notes below from September 24, 2017, for further information.

On **December 5, 2017**, the U.S. Supreme Court ruled that the an earlier travel ban could be fully implemented until further ruling in lower courts. This does not affect those students and scholars currently within the U.S. F-1 and J-1 students and scholars sponsored by the University of Notre Dame have a bona fide relationship as required by the proclamation. More information can be found [here](#). If you have any questions about traveling over the break, please contact as [issa@nd.edu](mailto:issa@nd.edu) or visit us during walk-in hours.

Note that decisions as to entry or re-entry may be up to the discretion of consular officers and Customs and Border Protection officers at ports of entry so there are no guarantees regarding visa issuance or entry into the U.S.

ENHANCING VETTING CAPABILITIES AND PROCESSES FOR DETECTING ATTEMPTED ENTRY INTO THE UNITED STATES BY TERRORISTS OR OTHER PUBLIC-SAFETY THREATS was released. It suspends visa issuance and entry for citizens/nationals of countries of identified concern, including Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen. Citizens/nationals of Sudan are no longer subject to travel restrictions. This proclamation does not affect students and scholars already in the U.S. It also does not affect the travel and reentry plans for most students or scholars applying for or entering F-1 or J-1 visas. Three exceptions are Syrian, North Korean, and Iranian citizens. The entry of all nationals from Syria and North Korea, both immigrant and non-immigrant, has been suspended at this time. We do not advise travel outside the U.S. for those students. Also affected are Iranian student and scholars, who will be subjected to enhanced screening. Again, this proclamation does not affect students currently in the U.S.

On **June 26, 2017**, the U.S. Supreme Court allowed certain provisions of the government's 90-day travel ban for citizens of six countries (Iran, Libya, Syria, Sudan, Somalia and Yemen) to be enforced while the Court prepares for a full review of the Travel Ban this Fall.

However, the Court's order states that entry to the U.S. cannot be blocked to those individuals from the affected countries "who have a credible claim of a bona fide relationship with a person or entity in the United States." This bona fide relationship is said to include students admitted to a U.S. school and workers who accept an offer of employment from a U.S. employer, among others.

Based on examples provided in the Court's order, students and scholars who are nationals of the affected countries and are admitted or officially invited to Notre Dame can apply for a visa and if granted a visa, should be able to travel to the US. Additionally, an international student, scholar, or employee from one of the affected countries should be able to leave the U.S. during the summer and return with a valid visa to continue their studies, official visits, or employment at Notre Dame.

On **May 25, 2017**, a U.S. Court of Appeals for the 4th Circuit ruling maintained the freeze of the revised entry ban. This ruling means the government is still prevented from enforcing travel restrictions announced earlier this year. Please contact ISSA with any questions.

On **April 18, 2017**, the Presidential Executive Order on Buy American and Hire American was signed. The full text of this EO can be found at the [Press Office site](#). As it affects international F-1 and J- visa holders who may want to pursue a work visa, this EO currently requires only a review of the existing rules around H-1B visas; there are no proposed changes at this time. We will update this page as proposed changes are announced.

On **March 15, 2017**, the U.S. District Court in Hawaii issued a nationwide temporary restraining order on the revised entry ban, preventing the government from enforcing the travel restrictions. This means the ban which was to go into effect on March 16, 2017, is currently stayed. Please contact ISSA with any questions you may have in relation to any of the Executive Orders.

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

On March 6, 2017, an updated version of the Protecting the Nation from Foreign Terrorist Entry into the United States Executive Order was signed, which revokes Executive Order 13769. The full text of this updated EO can be found on the [whitehouse.gov](http://whitehouse.gov) site at [Press Office: Executive Order Protecting Nation](#). A fact sheet of the order can be found on the [Department of Homeland Security site](#) and a summary can be found at [AILA's site](#). Answers to [frequently asked questions can be found here](#).

This EO affects foreign nationals from Iran, Libya, Somalia, Sudan, Syria, and Yemen who are outside the U.S. on the effective date of order, do not currently have a valid visa on the effective date of this order and did not have a valid visa at 5:00 p.m. EST on January 27, 2017. They are not eligible to travel to the United States during the 90-day period. It is important to note that current F and J visa holders are eligible to travel in and out of the U.S., as long as the visa is valid.

This order does not apply to U.S. permanent residents, those with advance parole documents, dual nationals of the designated countries if they are traveling on a passport issued by a non-designated country, those with diplomatic visas, those already granted asylum or those refugees already admitted to the U.S. There are other exceptions, which can be reviewed in the "Waivers" section of the E.O.

This new order maintains the suspension of the visa interview waiver program, as noted below. It is highly likely that visa applicants will have to go in to the consulate for an interview, so be sure to give yourself time when applying for the visa and planning for travel to the U.S.

### **Federal Judge Blocks Parts of Executive Order**

On February 9, 2017, the Ninth Circuit Court of Appeals [denied the federal government's motion for an emergency stay](#), which means that the determination on February 2 that the restrictions on travel were illegal is still being upheld.

On February 2, 2017, [a judge in western Washington ruled](#) that the restrictions on travel into the U.S. by citizens from the 7 countries (Iran, Iraq, Libya, Somalia, Sudan, Syria, Yemen) was illegal. **Despite this court order, ISSA still continues to advise extreme caution and no travel from the U.S. for those from the 7 countries as the situation could change again.** The Executive Order and its implications are described in more detail below.

### **Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States signed January 27, 2017**

The full text of this executive order can be found on the [whitehouse.gov](http://whitehouse.gov) site at [U.S. Presidential Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States](#). A summary by the American Immigration Lawyers Association (AILA) can be found at [Summary of Executive Order](#).

**This Executive Order addresses a number of issues that have an impact on international students and scholars.**

### **Visa Application - Interview Waiver**

All visa applicants will now go to the consulate for an in-person appointment to apply for a new visa or renew a visa. **This applies to all international students and scholars, regardless of country of origin.** Though a court order was issued on February 3, its contents did not pertain to this section of the Executive Order. As of February 6, the suspension of the visa interview waiver program is still in effect. If you are planning a trip outside of the U.S. and will need to renew your visa, check with your local U.S. consulate as processes may have changed and wait times may be longer.

### **Entry Restrictions for Citizens of 7 Countries**

Individuals from the following countries are impacted by the executive order, even if the traveler possesses a valid visa: Iran, Iraq, Libya, Somalia, Sudan, Syria, Yemen. Individuals from these countries cannot enter the U.S. for a period of 90 days from day of signing. Despite the court challenge of February 2, which suspends this section of the order, **ISSA strongly continues to advise that individuals from the 7 listed countries not travel out of the U.S. during this time, as the ban could be reinstated and affect reentry to the U.S.**

### **Clarifications of the Executive Order: Permanent Residents, Dual Nationals, and Applications/Petitions from Citizens of 7 Affected Countries**

- On February 1, 2017, a memo was released confirming that the entry of legal U.S. permanent residents (green card holders) from the 7 listed countries was deemed to be of national interest.
- On February 1, another memo was released confirming that the executive order "does not restrict the travel of dual nationals from any country with a valid U.S. visa in a passport of an unrestricted country."
- On February 3, a clarification was issued by USCIS in their Implementation of Executive Order that they would continue to adjudicate applications and process petitions for nationals of the 7 affected countries whose "approval does not directly confer travel authorization."

Customs and Border Patrol released information at Statement and FAQs. AILA also has a summary of the Implementation of Executive Order, including the impact of the most recent court order.

### **Community Support**

Statement regarding Executive Order from Rev. John I. Jenkins, C.S.C., President

Statement from Dr. Michael E. Pippenger, Vice President and Associate Provost for Internationalization

Notre Dame Observer Editorial Board: "Rescind this Order"

Notre Dame Observer Staff Report: "University and College respond to executive order"

"ND community members demonstrate in South Bend against Trump executive order" - The Observer

"South Bend protestors march in solidarity" - South Bend Tribune