**MLFA CLCMA ADVISORY RE: MUSLIM BAN**

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Temporarily suspends the entry of citizens from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen entry for 90 days. [[INA § 217(a)(12)](http://click.icptrack.com/icp/relay.php?r=60106047&msgid=673594&act=7IW4&c=557967&destination=https%3A%2F%2Fwww.uscis.gov%2Filink%2FdocView%2FSLB%2FHTML%2FSLB%2F0-0-0-1%2F0-0-0-29%2F0-0-0-4391.html), [8 USC § 1187(a)(12)](http://click.icptrack.com/icp/relay.php?r=60106047&msgid=673594&act=7IW4&c=557967&destination=https%3A%2F%2Fwww.gpo.gov%2Ffdsys%2Fgranule%2FUSCODE-2011-title8%2FUSCODE-2011-title8-chap12-subchapII-partII-sec1187);] 4. Within 60 days of the order, foreign nationals from countries refusing to provide requested information will be prohibited from entering the U.S.; and 5. Limits the number of refugees that will be admitted to 50,000.   **Effect of Order**  Pursuant to this order, on January 28, 2017, refugees and citizens from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen, who had valid visas and/or lawful status but were abroad when the order was issued, were not allowed to board flights to the United States. Those that had arrived in the United States were detained and subject to removal.  **Legal Response to Order**  On Saturday, January 28, a United States District Judge in New York granted an [Emergency Motion for Stay of Removal](http://click.icptrack.com/icp/relay.php?r=60106047&msgid=673594&act=7IW4&c=557967&destination=https%3A%2F%2Fwww.aclu.org%2Flegal-document%2Fdarweesh-v-trump-decision-and-order%3Fredirect%3Dlegal-document%2Fdarweesh-v-trump-order). The Court recognized that there will be “irreparable injury to refugees, visa-holders, and other individuals from nations subject to the January 27, 2017 Executive Order”. The Court therefore ordered an immediate stop to the removal of “individuals with refugee applications approved by U.S. Citizenship and Immigration Services as part of the U.S. Refugee Admissions Program, holders of valid immigrant and non-immigrant visas and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen legally authorized to enter the United States.”  Please take note that this order only specifies removal and does not address detention or admission into the United States. This order will remain in effect at least through February 21, 2017, when the government’s reply brief is due.  Also, on January 28th, a [United States District Judge in Boston issued an order effective for 7 days](http://click.icptrack.com/icp/relay.php?r=60106047&msgid=673594&act=7IW4&c=557967&destination=https%3A%2F%2Ftwitter.com%2Fsdooling%2Fstatus%2F825601265493241856), until Saturday, February 4, with substantially the same language as the order of the District Judge in New York, which critically added that the government shall not detain or remove those who “absent the Executive Order, would be legally authorized to enter the United States.” The Court further added that “Customs and Border Protection shall notify airlines that have flights arriving at Logan Airport of this Order and the fact that individuals on these flights shall not be detained or returned based solely on the basis of the Executive Order.”  A [U.S. District Judge in Virginia issued a temporary restraining order](http://click.icptrack.com/icp/relay.php?r=60106047&msgid=673594&act=7IW4&c=557967&destination=https%3A%2F%2Fwww.justice4all.org%2Fwp-content%2Fuploads%2F2017%2F01%2FTRO-order-signed.pdf), ordering that the Government “shall permit lawyers access to all lawful permanent residents being detained at Dulles International Airport,” further “forbid[ding the Government] from removing petitioners—lawful permanent residents at Dulles International Airport—for a period of 7 days from the issuance of this Order.”  **In light of the Executive Order and Federal Court Orders, CLCMA recommends the following:**  **Non-Citizen Abroad**  ***Citizens of Iran, Iraq, Libya, Somalia, Sudan, Syria or Yemen***  *Lawful Permanent Resident (Green Card Holder)*  If you are a citizen of Iran, Iraq, Libya, Somalia, Sudan, Syria, or Yemen ***and***a lawful permanent resident of the United States, we recommend that you return immediately. United States Federal Courts have issued orders temporarily restraining the government from preventing the re-entry of individuals from the listed countries who are lawful permanent residents.  The Trump administration initially issued statements that the restriction would be applied to lawful permanent residents who are citizens of Iran, Iraq, Libya, Somalia, Sudan, Syria, or Yemen. However, on Sunday morning, January 29, Reince Priebus, the White House chief of staff, announced that green card holders would not be prevented from returning to the United States. Given the fluid nature of the interpretation of the Executive Order and the temporary nature of the court orders, we recommend that lawful permanent residents return immediately.  Please contact CLCMA or an immigration attorney prior to departure with your expected time of arrival and destination airport. If possible, we recommend that you re-enter the United States through Logan Airport in Boston, Dulles Airport in Washington D.C., or John F. Kennedy Airport in New York.  *Immigrant Visa* (IR1, CR1, K-3, K-1, IR3, IH3, IR4, IH4, F2A, F2B, E1, E2, E3, EW3, C5, T5, R5, I5, SD, SR, SI, SQ, DV, SB)  If you are in possession of a valid immigrant visa and a citizen of Iran, Iraq, Libya, Somalia, Sudan, Syria, or Yemen, we recommend that you return immediately. The Federal Court order is applicable to those in possession of valid immigrant visas. The Court order is temporary.  Please contact CLCMA or an immigration attorney prior to departure with your expected time of arrival and destination airport. If possible, we recommend that you re-enter the United States through Logan Airport in Boston, Dulles Airport in Washington D.C., or John F. Kennedy Airport in New York.  *Non-Immigrant Visa* (B-1/B-2, J, O, L, H-1B, F, U, T, V)  If you are in possession of a valid non- immigrant visa and a citizen of Iran, Iraq, Libya, Somalia, Sudan, Syria, or Yemen, we recommend that you return immediately. The Federal Court order is applicable to those in possession of valid non- immigrant visas. The Court order is temporary.  Please contact CLCMA or an immigration attorney prior to departure with your expected time of arrival and destination airport. If possible, we recommend that you re-enter the United States through Logan Airport in Boston, Dulles Airport in Washington D.C., or John F. Kennedy Airport in New York.  ***Citizens of Non-Listed Countries***  If you are a citizen of a foreign country not included in the Executive Order, we recommend that you consult with an immigration attorney and follow the situation closely. The list of countries is subject to expansion, particularly within 60 days from January 27th. [Executive Order Sec. 3, subsection (e).].  Please be aware that Border agents have “discretionary authority” to determine the validity of your status at ports of entry. This discretionary authority existed prior to the Executive Order and, given the current climate, may be exercised more often. The Department of Homeland Security has stated that, “No foreign national in a foreign land, without ties to the United States, has any unfettered right to demand entry into the United States or to demand immigration benefits in the United States.”  **Non-Citizen in the United States**  ***Citizens of Iran, Iraq, Libya, Somalia, Sudan, Syria, or Yemen***  If you are a citizen of a country listed in the Executive Order and are in the United States, we recommend that you ***not***travel internationally at this time, regardless of your status. It is further recommended that you consult with an immigration attorney and follow the situation closely for changes following the Executive Order and Judicial Orders.  ***Citizens of Non-Listed Countries***  If you are **not**an American citizen and are currently in the United States, then you should consult an immigration attorney before making any plans to travel internationally. A non-citizen risks not being allowed to re-enter the United States, even if they are not a citizen of the seven countries included in President Trump’s Executive order.  **General Advice for International Travel**  All international travelers, regardless of citizenship, should be aware that their belongings, including cellphones and laptops are subject to search. Border agents have “discretionary authority” to question travelers, whom they deem suspicious.  Border agents have been asking for voluntary disclosure of social media passwords. The failure to comply with these requests at this time is not a valid basis for detention. The Trump administration has suggested that disclosure may be made mandatory in the future. CLCMA anticipates a challenge to any such change in policy. *Travelers should be aware they may be subject to extended questioning if they refuse to disclose passwords.*  **Please**[**contact CLCMA**](http://click.icptrack.com/icp/relay.php?r=60106047&msgid=673594&act=7IW4&c=557967&destination=https%3A%2F%2Fwww.clcma.org%2Fcontact)**with your specific questions as the law is in flux and information is constantly changing.**   |  |  |  | | --- | --- | --- | | [WEB VERSION](http://click.icptrack.com/icp/relay.php?r=60106047&msgid=673594&act=7IW4&c=557967&destination=https%3A%2F%2Fwww.clcma.org%2Fpresident-trumps-executive-order-restricting-immigration-muslim-majority-countries) |  | [DONATE NOW!](http://click.icptrack.com/icp/relay.php?r=60106047&msgid=673594&act=7IW4&c=557967&destination=https%3A%2F%2Fwww.mlfa.org%2Fwall%2F%3Futm_source%3Demail%26utm_medium%3Dclcma%26utm_campaign%3Dmuslimban) |     Constitutional Law Center for Muslims in America (CLCMA) is a nonprofit law center funded through a generous grant from Muslim Legal Fund of America (MLFA). | | | |

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