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**Alert**  
JUNE 29, 2017

## Important Announcement

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### Executive Order on Visas

On June 26, 2017, the United States Supreme Court issued an order agreeing to hear the Administration's appeals of the two adverse rulings by Federal Appeals Courts regarding Executive Order 13780 and partially granting the government's request to stay the lower courts' injunctions. We will keep those traveling to the United States and partners in the travel industry informed as we implement the order in a professional, organized, and timely way.

As of June 29, 2017, at 8:00 pm Eastern Daylight Time, we will begin implementing the Executive Order at our embassies and consulates abroad in compliance with the Supreme Court's decision and in accordance with the Presidential Memorandum issued on June 14, 2017. Our implementation will be in full compliance with the Supreme Court's decision.

We do not plan to cancel previously scheduled visa application appointments. In accordance with all applicable court orders, for nationals of the six designated countries, a consular officer will make a determination in the course of the interview whether an applicant otherwise eligible for a visa is exempt from the E.O. or, if not, is eligible for a waiver under the E.O., and may be issued a visa.

The E.O. provides specifically that no visas issued before its effective date will be revoked pursuant to the Executive Order, and the E.O. does not apply to nationals of affected countries who have valid visas on June 29, 2017.

The E.O. further instructs that any individual whose visa was marked revoked or cancelled solely as a result of the original E.O. issued on January 27, 2017 (E.O. 13769) will be entitled to a travel document permitting travel to the United States, so that the individual may seek entry. Any individual in this situation who seeks to travel to the United States should contact the closest U.S. embassy or consulate to request a travel document.

[FAQs on the Executive Order - Department of Homeland Security](#)

Frequently Asked Questions

#### **What does the Supreme Court's decision mean for applicants for U.S. visas?**

The Supreme Court's order specified that the suspension of entry provisions in section 2(c) of Executive Order 13780 may not be enforced against foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States. All other foreign nationals of the designated countries are subject to the provisions of the Executive Order, which will be implemented worldwide as of June 29, 2017, at 8:00 pm, EDT, taking into account the Supreme Court decision. The Executive Order prohibits the issuance of U.S. visas to nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen unless they are either exempt or are issued a waiver. Consular officers first determine whether the applicant qualifies for the visa class for which they are applying before considering whether an exemption to the executive order applies or whether the applicant qualifies for a discretionary waiver.

#### **What nonimmigrant visa classes are exempted from the Executive Order, based on the Supreme Court's order?**

The Supreme Court's order specified that the suspension of entry in section 2(c) of Executive Order 13780 (E.O.) may not be enforced against foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States. Applicants seeking B, C-1, C-3, D, or I visas will need to make a credible claim to a consular officer at their visa interview that they have a bona fide close familial relationship with a person in the United States or of a bona fide, formal, documented relationship with an entity in the United States that was formed in the ordinary course, rather than for the purpose of evading the E.O., for the visa applicant to be exempt from the E.O. based on the Supreme Court order. Alternatively, some applicants may qualify for an exemption, and others may qualify for a waiver, in accordance with the E.O. itself. Qualified applicants in nonimmigrant visa categories not listed above are considered exempt from the E.O., because a credible claim of a bona fide relationship with a person or entity in the United States is inherent in the requirements for the visa classification. In all visa adjudications, consular officers may seek additional information, as warranted, to ensure underlying relationships are bona fide, rather than being established for the purpose of unlawfully obtaining a visa, including by evading the E.O.

**What immigrant visa classes are exempted from the Executive Order, based on the Supreme Court's order?**

Qualified applicants in the immediate-relative and family-based immigrant visa categories are exempt from the E.O. under the Supreme Court's order, because having a credible claim of a bona fide close familial relationship is inherent in the requirements for the visa. Likewise, qualified employment-based immigrant visa applicants generally are exempt from the E.O., because they have a credible claim of a bona fide, formal, documented relationship with an entity in the United States formed in the ordinary course. Unlike other employment-based immigrant visa applicants, certain self-petitioning employment-based first preference applicants with no job offer in the United States and special immigrant visas under INA section 101(a)(27) may be subject to the E.O., unless they have a credible claim of a bona fide close familial relationship with a person in the United States or of a bona fide, formal, documented relationship with an entity in the United States that was formed in the ordinary course, rather than for the purpose of evading the E.O. Applicants not exempted based on the Supreme Court's order still may qualify for an exemption, or may qualify for a waiver, in accordance with the E.O. itself. Likewise, diversity visa applicants will need a credible claim of a bona fide close familial relationship with a person in the United States or of a bona fide, formal, documented relationship with an entity in the United States that was formed in the ordinary course, to be exempted under the provisions of the E.O., or qualify for a waiver, before they can be issued a visa during the suspension, because a relationship with a person or entity in the United States is not required for such visas.

**If a principal visa applicant qualifies for an exemption or a waiver under the E.O., does a qualified derivative also get the benefit of the exemption or waiver?**

Yes, eligible derivatives of these classifications are also exempt.

**Does this Order apply to dual nationals?**

This Executive Order does not restrict the travel of dual nationals, so long as they are traveling on the passport of an unrestricted country and, if needed, hold a valid U.S. visa.

Our embassies and consulates around the world will process visa applications and issue nonimmigrant and immigrant visas to otherwise eligible visa applicants who apply with a passport from an unrestricted country, even if they hold dual nationality from one of the six restricted countries.

**Does this apply to U.S. Lawful Permanent Residents?**

No. As stated in the Order, lawful permanent residents of the United States are not affected by the Executive Order.

**Are there special rules for permanent residents of Canada?**

Permanent residents of Canada who hold passports of a restricted country can apply for an immigrant or nonimmigrant visa to the United States if the individual presents that passport, and proof of permanent resident status, to a consular officer. These applications must be made at a U.S. consular section in Canada. A consular officer will carefully review each case to determine whether the applicant is affected by the E.O. and, if so, whether the case qualifies for a waiver.

**Will you process waivers for those affected by the E.O.? How do I qualify for a waiver to be issued a visa?**

As specified in the Executive Order, consular officers may issue visas to nationals of countries identified in the E.O. on a case-by-case basis, when they determine: that issuance is in the national interest, the applicant poses no national security threat to the United States, and denial of the visa would cause undue hardship.

**What is a close familial relationship for the purposes of determining if someone is subject to the E.O. per the Supreme Court decision?**

A close familial relationship is defined as a parent (including parent-in-law), spouse, fiancé, child, adult son or daughter, son-in-law, daughter-in-law, sibling, whether whole or half, and including step relationships. "Close family" does not include grandparents, grandchildren, aunts, uncles, nieces, nephews, cousins, brothers-in-law and sisters-in-law, and any other "extended" family members.

**I sponsored my family member for an immigrant visa, and his interview appointment is after the effective date of the Order. Will he still be able to receive a visa?**

The Supreme Court's order specified that section 2(c) of the Executive Order may not be enforced against foreign nationals who have a credible claim of a bona fide close familial relationship with a person or a formal, documented relationship with an entity in the United States that was "formed in the ordinary course, rather than for the purpose of evading [the Executive Order]." One example cited in the Supreme Court's decision was a foreign national who wishes to enter the United States to live with or visit a family member, thereby demonstrating a bona fide relationship with a person in the United States. Applicants for immigrant visas based on family relationships are excluded from the E.O. under the Supreme Court's decision if they otherwise qualify for the visa.

**Can those needing urgent medical care in the United States still qualify for a visa?**

The Executive Order provides several examples of categories of cases that may qualify for a waiver; to be considered on a case-by-case basis when in the national interest, when entry would not threaten national security, and denial would cause undue hardship. Among the examples provided, a foreign national who seeks to enter the United States for urgent medical care may be considered for a waiver.

An individual who wishes to apply for a waiver should apply for a visa and disclose during the visa interview any information that might qualify the individual for a waiver. A consular officer will carefully review each case to determine whether the applicant is affected by the E.O. and, if so, whether the case qualifies for a waiver.

**I'm a student or short-term employee that was temporarily outside of the United States when the Executive Order went into effect. Can I return to school/work?**

If you have a valid, unexpired visa, the Executive Order does not apply to your return travel.

If you do not have a valid, unexpired visa, the Supreme Court's decision specified that section 2(c) of the Executive Order may not be enforced against foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States. One example cited in the Supreme Court's decision was a student from a designated country who had been admitted to U.S. university, thereby demonstrating a credible claim of a bona fide relationship with an entity in the United States.

An individual who wishes to apply for a nonimmigrant visa should apply for a visa and disclose during the visa interview any information that might demonstrate that he or she is exempt from section 2(c) of the Executive Order. A consular officer will carefully review each case to determine whether the applicant is affected by the E.O. and, if so, whether the case qualifies for a waiver.

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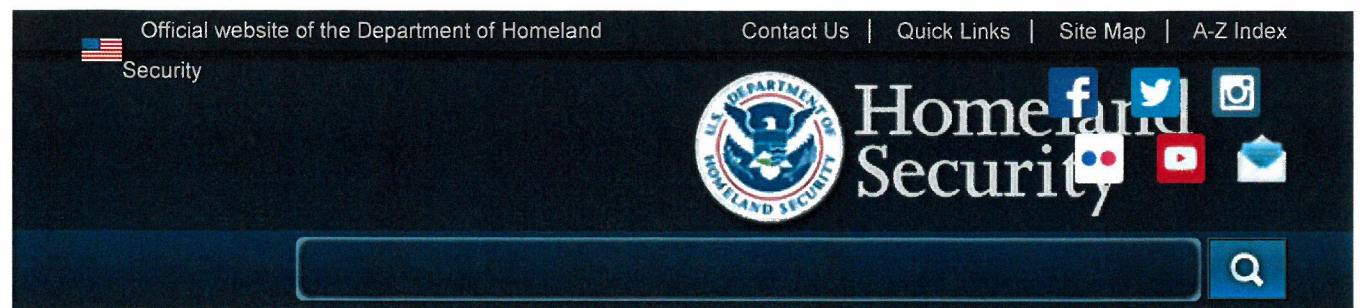
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# Frequently Asked Questions on Protecting the Nation from Foreign Terrorist Entry into the United States



**Release Date:** June 29, 2017

## Q1. Who is subject to the suspension of entry under the Executive Order?

Per the Executive Order and the June 14 Presidential Memorandum, the temporary suspension of entry applies, with limited exceptions, only to foreign nationals from Sudan, Syria, Iran, Libya, Somalia, and Yemen, who are outside the United States as of June 26,

2017, who did not have a valid visa at 5 p.m. EST on January 27, 2017, and who do not have a valid visa as on 8:00 p.m. EDT on June 29, 2017. Further, the Executive Order does not bar entry for individuals who are excluded from the suspension provision under the terms of the Executive Order, who obtain a waiver from the Department of State or U.S. Customs and Border Protection, or who demonstrate to the Department of State that they have a bona fide relationship with a person or entity in the United States pursuant to the Supreme Court's Order of June 26, 2017.

## Q2. How will this impact commercial air carriers?

DHS anticipates no operational impact to commercial carriers. Passengers are still required to present a valid visa or other entry document to travel to the United States. Passengers who present a valid visa or other entry document are presumed to be either outside the scope of the Executive Order, to have received a waiver from the travel restrictions, or to be covered by court injunctions. Passengers in possession of a valid visa or other entry document, irrespective of the date of issuance, should be boarded pursuant to the same operational procedures which were in place prior to the Supreme Court decision.

## Q3. What about dual citizens?

Travelers will be processed according to the travel document they present. For example, if the traveler

presents a Canadian passport, the Canadian passport will be used to process that traveler for entry.

#### Q4. What about refugees who are considered to be “in transit?”

The Executive Order does not apply to refugees who were formally scheduled for transit prior to 8:00 p.m. EDT on Thursday, June 29, 2017. For refugees who are considered to be “in transit,” for whom application of the Executive Order remains enjoined, or for whom a waiver has been granted, the Secretaries of State and Homeland Security have coordinated on the travel of these individuals.

#### Q5. I am a national from one of the six affected countries currently overseas and in possession of a valid visa, but I have no prior travel to the United States. Can I travel to the United States?

Foreign nationals from Sudan, Syria, Iran, Libya, Somalia, and Yemen who have valid visas will not be affected by this Executive Order. No visas will be revoked based on the Executive Order. But visas may be revoked,



or admission may be denied, based on legal requirements independent of the Executive Order.

**Q6. I am presently in the United States in possession of a valid single entry visa but I am a national of one of the six impacted countries. Can I travel abroad and return to the United States?**

Regardless of the Executive Order, you may not travel abroad and return to the United States on the same visa unless your visa is valid for multiple entries into the United States. While the Executive Order does not apply to those within the United States and your travel abroad is not limited, a valid visa or other document permitting you to travel to and seek admission to the United States is still required for any subsequent entry to the United States. If you were present in the United States on June 26, 2017, the Executive Order will not apply to you when you apply for a subsequent visa. Please contact the Department of State for additional information pertaining to applying for a new visa.

**Q7. I am presently in the United States 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 United States with valid multiple entry visas on June 26, 2017 are eligible for travel to and from the United States, 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 at [CBP.gov](http://CBP.gov).

Q8. I am from one of the six countries, currently in the United States in possession of a valid visa and have planned overseas travel. My visa will expire while I am overseas, can I return to the United States?

Travelers must have a valid visa to travel to the United States, regardless of the Executive Order. Travelers who do not have a valid visa due to its expiration while abroad must obtain a new valid visa prior to returning to

the United States. If you were present in the United States on June 26, 2017, the Executive Order will not apply to you when you apply for a subsequent visa. Please contact the Department of State for additional information pertaining to applying for a new visa.

## Q9. Will the Department of Homeland Security (DHS) and the Department of State (DOS) be revoking the visas of persons ineligible to travel under the revised Executive Order?

No. Visas will not be revoked based on the Executive Order. Visas may be revoked based on legal requirements independent of the Executive Order. The Department of State has broad authority under Section 221(i) of the Immigration and Nationality Act to revoke visas.

## Q10. What is the process for overseas travelers affected by the Executive Order to request a waiver?

Waivers for overseas travelers who are affected by the EO will, if appropriate, be adjudicated by the

Department of State. Please contact the Department of State for additional information.

## Q11. How are returning refugees and asylees affected by the Executive Order?

Returning refugees and asylees, i.e., individuals who have already been granted asylum or refugee status in the United States, are explicitly excluded from this Executive Order. As such, they may continue to travel abroad and return to the United States consistent with existing requirements.

## Q12. Are first-time arrival refugees with valid travel documents allowed to travel to the United States?

Yes, but only refugees, regardless of nationality, whose travel was already formally scheduled by the Department of State, or for whom the Department of State has determined that a waiver is warranted under the Executive Order, or for whom the Executive Order remains enjoined pursuant to the Supreme Court's order, are permitted to travel to the United States and seek admission. The Department of State will have additional information.



## Q13. Will unaccompanied minors within the scope of the Executive Order be denied boarding and or denied entry into the United States?

The Executive Order applies to those who do not have valid visas and are not otherwise exempt. Any individuals, including children, who seek entry to the United States must have a valid visa (or other approved travel document) before travel to the United States. The Department of State will determine whether the Executive Order is enjoined with respect to a particular individual and, if appropriate, may issue a waiver on a case-by-case basis when in the national interest of the United States notwithstanding the suspension of entry under the Executive Order.

## Q14. Is DHS complying with all court orders?

DHS is complying, and will continue to comply, with all court orders in effect.

## Q15. When will the Executive Order be implemented?

The Executive Order indicated an effective date of 12:01 A.M., Eastern Daylight Time, on March 16, 2017. Before



the Order took effect, however, the travel restrictions in Sections 2 and 6 were enjoined by Federal courts in Hawaii and Maryland. Those injunctions were partially stayed by the Supreme Court. Accordingly, pursuant to the June 14, 2017 Presidential Memorandum, agencies will begin to implement the travel restrictions found in the Executive Order at 8:00 p.m. EDT on June 29, 2017.

## Q16. Will the Executive Order impact Trusted Traveler Program membership?

No. Currently, CBP does not have reciprocal agreements for a Trusted Traveler Program with any of the countries designated in the Executive Order. Additionally, citizens of one of the designated countries who hold lawful permanent resident status and who are Trusted Traveler Program members will not have their membership revoked as a result of the Executive Order.

## Q17. When will CBP issue guidance to both the field and airlines regarding the Executive Order?

CBP will issue guidance and contact stakeholders to ensure timely implementation consistent with the terms of the Executive Order.

Q18. If I receive a valid immigrant visa from the Department of State and I am a first-time arrival, will I be allowed to travel to the U.S.?

Yes. Individuals holding valid immigrant visas do not fall within the scope of the Executive Order. You will, however, be subject to all laws and regulations governing entry into the U.S.

Q19. Does this affect travelers at all ports of entry?

Yes, this Executive Order applies to travelers who are applying for entry into the United States at any port of entry—air, land, or sea. Additionally, the Executive Order will be applied to processing travelers at preclearance locations.

Q20. What does granting a waiver to the Executive Order mean? How are

## waivers applied to individual cases?

Per the Executive Order, the Commissioner of U.S. Customs and Border Protection, as delegated, and the Department of State can review individual cases and grant waivers on a case-by-case basis if a foreign national demonstrates that his or her entry into the United States is in the national interest, will not pose a threat to national security, and that denying entry during the suspension period will cause undue hardship.

## Q21. Does “from one of the six countries” mean citizen, national, or born in?

The Executive Order applies to both nationals and citizens of the six countries.

## Q22. Will nationals of the six countries with valid green cards (lawful permanent residents of the United States) be allowed to return to the United States?

Per the Executive Order, the suspension of entry does not apply to lawful permanent residents of the United States.

## Q23. Can a dual national who holds nationality with one of the six designated countries traveling with a passport from an unrestricted country travel to the United States?

The Executive Order exempts from the entry suspension any dual national of one of the six countries when the individual is traveling on a passport issued by a non-designated country. Can a dual national who holds nationality with one of the six designated countries and is currently overseas, apply for an immigrant or nonimmigrant visa to the United States? Please contact the Department of State for information about how the Executive Order applies to visa applicants.

## Q24. Will landed immigrants of Canada affected by the Executive Order be eligible for entry to the United States?

Landed immigrants of Canada who hold passports from one of the six countries are eligible to apply for a visa, and coordinate a waiver, at a location within Canada.



## Q25. Has CBP issued clear guidance to CBP officers at ports of entry regarding the Executive Order?

CBP has issued and will continue to issue any needed guidance to the field with respect to this Executive Order.

## Q26. What coordination is being done between CBP and the carriers?

CBP has been and will remain in continuous communication with the airlines through CBP regional carrier liaisons. In addition, CBP will hold executive level calls with airlines in order to provide guidance, answer questions, and address concerns.

## Q27. What additional screening will nationals of restricted countries (as well as any visa applications) undergo as a result of the Executive Order?

In making admission and visa eligibility determinations, DHS and DOS will continue to apply all appropriate security vetting procedures.

## Q28. Is USCIS continuing to interview refugee applicants for admission?

Yes. However, USCIS officers have been instructed that they should not approve a refugee application unless the officer is satisfied that the applicant's relationship complies with the requirement to have a bona fide relationship with a person or entity in the United States and was not formed for the purpose of evading the Executive Order. Alternatively and until the 50,000 ceiling has been met, Section 6(c) permits the Secretaries of Homeland Security and State to jointly determine that refugee applicants can be interviewed and considered for admission if the entry is in the national interest and does not pose a threat to the security or welfare of the United States.

## Q29. How is USCIS determining whether a refugee applicant has a relationship to a person in the United States?

The Supreme Court explained, "For individuals, a close familial relationship is required. . . ." A "close family" relationship includes: a parent (including parent-in-law),

spouse, child, adult son or daughter, fiancé(e), son-in-law, daughter-in-law, and sibling, whether whole or half. This includes step relationships. However, “close family” does not include grandparents, grandchildren, aunts, uncles, nieces, nephews, cousins, brothers-in-law and sisters-in-law and any other “extended” family members.

A refugee will be considered to have a credible claim to a bona fide relationship with a person in the United States upon presentation of sufficient documentation or other verifiable information supporting that claim.

### Q30. How is USCIS determining whether a refugee applicant has a relationship to an entity in the United States?

The Supreme Court explained, “As for entities, the relationship must be formal, documented, and formed in the ordinary course, rather than for the purpose of evading [the Executive Order].” A refugee who has a relationship with an entity in the United States that is formal, documented, and formed in the ordinary course will be considered to have a credible claim to a bona fide relationship with that entity upon presentation of sufficient documentation or other verifiable information supporting that claim.

### Q31. Are only refugees from one of the six countries

affected prevented from traveling if they do not have a bona fide relationship to a person or entity in the United States?

No. Under the Executive Order as limited by the Supreme Court's decision, any refugee, regardless of nationality, is prevented from admission to the United States unless he or she (1) demonstrates a bona fide relationship with a person or entity in the United States or (2) obtains a national interest waiver from the Department of State or CBP.

Q32. How long will the refugee suspension be in place?

The Executive Order provides for a 120 day suspension of refugee admissions.

Q33. Nearly 50,000 refugees have already been admitted to the United States this fiscal year. Will refugees with a bona fide relationship



to a person or entity in the United States be allowed to be admitted even if the 50,000 ceiling has been reached?

Yes. In its June 26, 2017 opinion, the Supreme Court decided that the injunction with respect to Section 6(b) was stayed in part. The 50,000 ceiling for FY 2017 cannot be enforced against “an individual seeking admission as a refugee who can credibly claim a bona fide relationship with a person or entity in the United States.”

Q34. Will family members planning to join refugees and asylees be permitted to travel?

Family members planning to join refugees or asylees are only approved for travel if a bona fide relationship to a spouse or parent in the United States exists. Therefore, if the relationship were confirmed, the travel suspension would not apply.

Q35. What is the status of the provision of the Executive Order that directs

the Secretaries of State and Homeland Security to review the USRAP application and adjudication processes to determine what additional procedures should be used to ensure that individuals seeking admission as refugees do not pose a threat to the security and welfare of the United States?

This review is underway and DHS, in concert with DOS, law enforcement agencies, and the intelligence community are working together to identify enhanced vetting procedures to ensure program integrity and national security.

Q36. Can certain categories of refugee cases be considered to have a bona fide relationship with a person in the United States?

Yes, certain categories of refugee cases require relationships with close family members in the United States, specifically "Priority 3" cases, Form I-730 (following-to-join) cases and Iraqi and Syrian Priority 2 cases where access is based on an approved Form I-130 (family based petition). Therefore, because the relationship has been confirmed in order to fall within the categories listed above, the refugee will be determined to have a credible claim to a bona fide relationship to a person in the United States.

Last Published Date: July 10, 2017