

OUR INSIGHTS

Supreme Court Allows Full Enforcement of President Trump's Most Recent Travel Ban

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Published Date: December 5, 2017

On December 4, 2017, the Supreme Court of the United States approved the Trump administration's request to allow full enforcement of its most recent travel ban while challenges against it continue within the federal judicial system. The travel ban at issue in this decision was imposed through a [Presidential Proclamation on September 24, 2017](#). That proclamation replaced the president's previous [revised travel ban issued on March 6, 2017](#), through Executive Order 13780, which in turn had replaced the [president's original travel ban](#) issued on January 27, 2017.

President Trump's September 24 proclamation placed updated restrictions of varying severity on foreign nationals from eight countries: Chad, Iran, Libya, North Korea, Syria, Venezuela, Yemen, and Somalia. These restrictions were subsequently challenged in two federal district courts in Hawaii and Maryland. Judges in both of these districts [blocked major parts of the restrictions](#) while the government's appeals to the cases proceeded through the federal judiciary.

The Supreme Court's [order](#) on Monday was not a decision on the merits of the case. Rather, the order lifted the temporary blocks on enforcement imposed by the district courts, allowing the entirety of the new ban to take effect until the legal challenges to it have ultimately been resolved by the federal appeals court system.

Who Is Affected?

Following the Supreme Court's order, the travel restrictions imposed by the September 24 proclamation went into effect immediately. As a result, foreign nationals of the following countries will be impacted as follows per [Proclamation No. 9645](#).

- **Chad, Libya, and Yemen:** The proclamation suspends entry into the United States as immigrants or nonimmigrants on business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas for foreign nationals of Chad, Libya, and Yemen.
- **North Korea and Syria:** The proclamation suspends all entry into the United States as immigrants or nonimmigrants for foreign nationals of North Korea and Syria.
- **Iran:** The proclamation suspends travel for nationals of Iran as immigrants and as nonimmigrants but permits entry by such nationals under valid student (F and M) and exchange visitor (J) visas.

- **Somalia:** The proclamation suspends entry into the United States as immigrants for nationals of Somalia. Entry as nonimmigrants is subject to additional scrutiny for these foreign nationals.
- **Venezuela:** The proclamation suspends travel of certain government officials and their family members as nonimmigrants on business (B-1), tourist (B-2) and business/tourist (B-1/B-2) visas. The proclamation subjects other visa holders to additional scrutiny.

Who Is Not Affected?

Any foreign national from the designated countries in the proclamation who possessed a valid visa on September 24, 2017, will not be subject to visa revocation.

How Long Will the Restrictions Last?

The Presidential Proclamation did not set an end date for these restrictions. Therefore, the restrictions may be enforced indefinitely, unless a federal court of appeals or the Supreme Court rules that the ban, on its merits, is unlawful.

Alternatively, the proclamation allows the secretary of homeland security to recommend to the president the removal of a country from the travel restrictions if the administration determines that the country has implemented proper vetting and screening standards that meet the security interests of the United States.

Ogletree Deakins' [Immigration Practice Group](#) will continue to monitor developments with respect to any travel restrictions that the administration issues and will report information as it becomes available.

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