

# CLIENT ALERTS

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## Supreme Court Upholds Travel Ban

6.28.2018

In a 5-4 decision, issued on June 26, 2018, the U.S. Supreme Court upheld President Trump's latest Travel Ban of September 2017. The Court found that the Travel Ban was within the President's broad statutory authority to limit the entry of nationals of certain countries in the interest of national security. Citizens of the below countries are subject to the following travel restrictions:

- **Iran** - The entry of immigrants and all nonimmigrants is suspended, except foreign nationals with F (student), M (vocational student) or J (exchange visitor) visas.
- **Libya** - The entry of immigrants and nonimmigrants on business or tourist visas (B-1/B-2) is suspended.
- **North Korea** - The entry of all immigrants and nonimmigrants is suspended.
- **Somalia** - The entry of immigrants is suspended.
- **Syria** - The entry of all immigrants and nonimmigrants is suspended.
- **Venezuela** - The entry of certain government officials and their family members on business or tourist visas (B-1/B-2) is suspended.
- **Yemen** - The entry of immigrants and nonimmigrants on business or tourist visas (B-1/B-2) is suspended.

The Travel Ban applies to foreign nationals of the designated countries who:

1. Are outside the U.S;
2. Do not have a valid visa;
3. Do not qualify for a reinstated visa or other travel document that was revoked under Presidential Executive Order 13769; or
4. Do not qualify for an exemption or a waiver.

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The Travel Ban does not apply to the following individuals:

- Any foreign national who is in the United States regardless of immigration status;
- Any foreign national who has a valid visa;
- Any foreign national who qualifies for a visa or other valid travel document under section 6(d) of the Proclamation (visas that were erroneously canceled or revoked due to the January 2017 Travel Ban);
- Any lawful permanent resident (LPR) of the United States;
- Any foreign national who is admitted to or paroled into the United States;
- Any foreign national who has a document other than a visa that permits him or her to travel to the United States and seek entry or admission, such as advance parole;
- Any dual national of a country designated under the Travel Ban when traveling on a passport issued by a non-designated country;
- Any foreign national traveling on a diplomatic (A-1 or A-2) or diplomatic-type visa (of any classification), NATO visas, C-2 visa for travel to the United Nations, or G-1, G-2, G-3, or G-4 visa; except certain Venezuelan government officials and their family members traveling on a diplomatic-type B-1, B-2, or B1/B2 visas; or
- Any foreign national who has been granted asylum; admitted to the United States as a refugee; or has been granted withholding of removal, advance parole, or protection under the Convention Against Torture.

If a foreign national is subject to the Travel Ban, they may be able to enter the country through the waiver process. A waiver may be granted if denying entry would cause the foreign national: 1) Undue hardship; 2) Entry would not pose a threat to national security or public safety; and 3) Entry would be in the national interest. Waivers may also be granted on a case-by-case basis depending on individual circumstances.

This alert is not legal advice. We recommend that you contact any of the following attorneys in our Firm's Immigration Department to discuss specific concerns:

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