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DHS AND DOS IMPLEMENTATION OF EXECUTIVE ORDER IMPOSING TRAVEL AND REFUGEE BAN

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On Tuesday, October 17, 2017, U.S. District Court Judge Derrick Watson of Hawaii issued a nationwide temporary restraining order (TRO) in the case Hawaii v. Trump, blocking the majority of the travel restrictions set forth in President Trump's September 24, 2017 proclamation. The TRO temporarily enjoins the implementation and enforcement of sections 2(a), (b), (c), (e), (g), and (h) of the proclamation and applies to nationals from six of the eight designated countries: Iran, Libya, Syria, Yemen, Somalia and Chad. The TRO does not, however, enjoin the proclamation's travel restrictions on nationals from North Korea and Venezuela as the plaintiffs in Hawaii v. Trump did not seek to enjoin the travel ban with respect to these two countries.

Also on October 17, U.S. District Court Judge Theodore Chuang of Maryland issued a nationwide preliminary injunction in the case IRAP v. Trump1 prohibiting the enforcement of section 2 of the President's proclamation, except with regard to (1) nationals of North Korea and Venezuela and (2) individuals lacking a credible claim of a bona fide relationship with a person or entity in the United States.

In light of these rulings, nationals of Iran, Libya, Syria, Yemen, Somalia and Chad will not be restricted from traveling to the United States. On the other hand, all immigrants and nonimmigrants from North Korea and certain government officials and their family members from Venezuela traveling on business or tourist visas (B-1/B-2) will continue to be restricted from travel to the U.S. pursuant to the presidential proclamation.

Memorandum Opinion Maryland

Maryland Order

Hawaii v. Trump

For more information on this topic, please contact the author, Adriana Kostencki, on the firm's Government and Regulatory Team.

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