

FREQUENTLY ASKED QUESTIONS REGARDING JANUARY 27 EXECUTIVE ORDER RESTRICTING ENTRY TO THE U.S. OF NATIONALS OF CERTAIN COUNTRIES

On January 27, 2017, the White House issued an Executive Order which suspends "entry into the United States" for 90 days (and possibly longer) by nationals from the following countries:

Iran
Iraq
Libya
Somalia
Sudan
Syria
Yemen

The following is a series of Frequently Asked Questions regarding this Executive Order, and answers based on current information:

1. Does the order impact international students who are citizens of countries not on the list of 7 countries?

ANSWER: Citizens of other countries are not impacted by the ban on entry, unless you are a dual citizen of one of the 7 listed countries, you were born in one of those countries, or you have traveled to one of those countries.

2. I am a citizen of one of the 7 listed countries and I am already in the United States in a nonimmigrant status (F-1, J-1, H-4, etc). Does the Executive Order affect my status in the United States?

ANSWER: If you are already in the United States, your current status is not affected by the Executive Order. You can remain in the US for as long as your status allows. Please note that the Department of State has released a cable that purports to cancel existing visas in passports from the 7 named countries, so you should not travel

expecting to use the visa to return. You should not depart the US without consulting an immigration attorney or your foreign student advisor.

3. I am a citizen of a country not on the list of 7, but I have dual citizenship with one of those countries. Can I travel out of the U.S. and reenter using my non-immigrant visa (F-1, J-1, H-4, etc)?

ANSWER: The administration has stated that dual citizens are permitted to travel using passports of a country OTHER than one of the list of 7 countries. You should expect additional screening upon your return to the US. If your nonimmigrant visa is in the passport of one of the listed countries, you should not travel outside the US.

4. I am a citizen of a country not on the list of 7 countries, and I am not a dual citizen of any of those countries.

ANSWER: The Executive Order does not restrict travel by citizens of countries other than those on the list of 7 countries. However, if you have traveled to one of the 7 listed countries in the past, you should expect additional screening.

5. I am a citizen of one of the listed countries, but I am a Canadian Landed Immigrant (not gained as a refugee). Can I travel out of the U.S. and reenter using my non-immigrant visa (F-1, J-1, H-4, etc)?

ANSWER: You can travel outside the US and reenter, but you should expect additional screening upon reentry to the US.

6. I am not a citizen of one of those countries, but I traveled to one of those countries in the past. Can I travel out of the U.S. and reenter using my non-immigrant visa (F-1, J-1, H-4, etc)?

ANSWER: You can travel outside the US and reenter, but you should expect additional screening upon reentry to the US.

7. I am a naturalized U.S. citizen, but I was born in or a citizen of one of the 7 listed countries. Can I travel out of the U.S. and reenter?

ANSWER: You can travel outside the US and reenter, but you should expect additional screening upon reentry to the US. You should travel only using your US passport.

8. I am a naturalized U.S. citizen not born in one of the 7 listed countries. Can I travel out of the U.S. and reenter?

ANSWER: You can travel outside the US and reenter.

9. I am a U.S. citizen but I visited one of the 7 listed countries in the past. Can I travel out of the U.S. and reenter?

ANSWER: You can travel outside the US and reenter, but you should expect additional screening upon reentry to the US.

10. I am a legal permanent resident (green card holder) of the United States, but I was born in or a citizen of one of the listed 7 countries. Can I travel out of the U.S. and reenter?

ANSWER: You can travel outside the US and reenter. You should expect additional screening upon reentry to the US.

11. I am a legal permanent resident (green card holder) of the United States and I was not born in or a citizen of one of the 7 listed countries. Can I travel out of the U.S. and reenter?

ANSWER: You can travel outside the US and reenter.

12. Is there anything in the order that impacts foreign nationals who do NOT have ties to the 7 countries?

ANSWER: Yes. The executive order eliminated the ability for certain people renewing a nonimmigrant visa to skip the interview process. In the past, some applicants for nonimmigrant visas were able to skip an in person interview at the Consulate if they were applying to extend an existing visa. Under the Executive Order, the circumstances under which a waiver of the interview may be granted are now more limited. However, the State Department has confirmed that the interview waiver program still applies to applicants aged 14 and under and 79 and older. They have also confirmed that it still applies to applicants who were issued visas that expired less than 12 months ago in the same category as they are currently seeking. Individual consulates always reserve the ability to require an interview, even for individuals otherwise eligible for a waiver of the interview. Travel plans should be made accordingly.

13. I want to apply for H1B after I graduate, and I am a citizen of one of the listed countries. Can my employer file an H1B petition on my behalf?

ANSWER: Your employer can apply for H1B on your behalf. However, there have been reports that the US Citizenship & Immigration Services (USCIS) has suspended adjudication of petitions for immigration benefits filed nationals or citizens of the 7 listed countries. Accordingly, it is possible that processing of the petition could be delayed. We will circulate more information as it becomes available.

14. I want to apply for H1B and I am a dual citizen of one of the listed countries. Can my employer file an H1B petition on my behalf?

ANSWER: Your employer can apply for H1B on your behalf. However, there have been reports that the US Citizenship & Immigration Services (USCIS) has suspended adjudication of petitions for immigration benefits filed nationals or citizens of the 7 listed countries. Accordingly, it is possible that processing of the petition

could be delayed. We will circulate more information as it becomes available.

15. I want to apply for H1B after I graduate and I am not a citizen (or dual citizen) of one of those countries.

ANSWER: Your employer can apply for H1B on your behalf.

16. I am an F-1 student from one of the listed countries. Can I apply for Curricular Practical Training (CPT)?

ANSWER: You can apply for CPT. This is authorized by the school. We are not aware of reports of CPT being delayed.

17. I am an F-1 student from one of the listed countries. Can I apply for Optional Practical Training?

ANSWER: You can apply for OPT. Applications for the OPT employment authorization document (EAD) are filed with the USCIS. There have been reports that the USCIS has suspended adjudication of applications for immigration benefits filed nationals or citizens of the 7 listed countries. Accordingly, it is possible that processing of the application could be delayed. We will circulate more information as it becomes available.

18. I have heard that the new president will revoke the STEM extension of Optional Practical Training (OPT) for F-1 students. If I do not have any ties to any of the 7 countries, will my STEM extension be delayed?

ANSWER: STEM extensions of OPT are still available and were not part of any signed Executive Orders. If you do not have any ties to the 7 listed countries, your STEM OPT extension should continue to be processed as they have been before the order. If you are from one of the listed countries, your application for the STEM extension could be delay, as explained above.