

CA Press Guidance
January 28, 2017

**VISAS: Executive Order: “Protecting the Nation from
Terrorist Attacks by Foreign Nationals”**

- President Trump signed an Executive Order on January 27 temporarily suspending entry into the United States of foreign nationals from seven countries under section 212(f) of the Immigration and Nationality Act. This suspension provided for in the Executive Order will allow us to review current screening procedures, while protecting national security – our top priority when issuing visas.
- The U.S. government’s national security visitor screening and vetting procedures are constantly reviewed and refined to improve security and more effectively identify individuals who could pose a threat to the United States. We welcome every opportunity to continue to review and improve our systems and procedures.
- We are reviewing the Executive Order and working closely with the Department of Homeland Security to implement it immediately.

Q: How will the Executive Order be implemented?

A: Under the Executive Order, the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, will immediately conduct a review to ensure that the information available from a foreign country to be used in the processing of an application for a visa or other immigration benefit is adequate to uphold the integrity of the process.

To allow for proper review and establishment of standards to prevent terrorist or criminal infiltration by foreign nationals, the Executive Order imposes on nationals of certain designated countries a 90-day bar on entry into the United States. This bar also includes a 90-day prohibition on visa issuance. These countries, as designated by Congress or the Secretary of Homeland Security, are: Iraq, Syria, Sudan, Iran, Somalia, Libya, and Yemen.

We will announce any other changes affecting travelers to the United States as soon as that information is available.

Q: When will these changes take effect?

A: Beginning January 27, 2017, travelers who have nationality or dual nationality of one of these countries will not be permitted for 90 days to enter the United States or be issued an immigrant or nonimmigrant visa. Those nationals or dual nationals holding valid immigrant or nonimmigrant visas will not be permitted to enter the United States during this period. Visa interviews will generally not be scheduled for nationals of these countries during this period.

Q: Are there any exceptions to the temporary bar on entry?

A: The Department of Homeland Security and Department of State may, on a case-by-case basis, and when in the national interest, issue visas or allow entry to nationals of countries for which visas and entry are otherwise blocked under this Executive Order.

Q: What about changes to the Interview Waiver Program?

A: Also effective immediately, the Department of State will require visa interviews for all visa applicants except:

- Diplomatic and official visa applicants from foreign governments and international organizations (categories: A-1, A-2, G-1, G-2, G-3, G-4, NATO-1 through -6, C-2 and C-3);
- Applicants under the age of 14, or over the age of 79;
- Applicants who previously held a visa in the same category that expired less than 12 months prior to the new application.

Previously, applicants renewing their visas in the same category within 48 months of expiration were eligible for their interview to be waived, as were first-time Brazilian and Argentine applicants ages 14-15 and 66-79.

As always, a consular officer must require that any applicant appear for an in-person interview in any situation where information provided on the application or during the screening process indicates any reason for further questioning.

All visa applications, including those cases above, for which the visa interview is waived, are subject to the same rigorous security screening.

The Department of State is committed to facilitating legitimate travel while ensuring the security of U.S. borders and the American people. Additional information on the visa process can be found at travel.state.gov.

Q: How many visas were issued to nationals from these countries last year?

A: We refer you to our published visa issuance statistics on our website,

travel.state.gov, located here: <https://travel.state.gov/content/visas/en/law-and-policy/statistics.html>. Please note that these statistics do not reflect travelers who may hold more than one nationality.

Q: What about changes to the Visa Waiver Program/ESTA?

A: At this time, there are no changes to the Visa Waiver Program, administered by the Department of Homeland Security. We refer you to DHS for more information. A list of countries included in the Visa Waiver Program is available here: <https://travel.state.gov/content/visas/en/visit/visa-waiver-program.html>

IF ASKED Qs and As:

Q: Is the Executive Order permanently hindering foreign nationals from traveling to the United States?

A: The U.S. Government is committed to facilitating legitimate travel for international visitors while ensuring the security of U.S. borders. As explained in the Executive Order, the suspension is one component of the initiative to ensure that adequate standards are established to prevent infiltration of foreign terrorists and criminals. In order to best protect U.S. borders and the American people, the U.S. government must ensure that those admitted to the United States do not pose a security risk or intend to exploit U.S. immigration laws for malevolent purposes.

Q: Is the Department of State cancelling or revoking visas previously issued to these nationals?

A: Beginning January 27, 2017, travelers, who have nationality or dual nationality of one of these countries, will not be permitted for 90 days to enter the United States or be issued an immigrant or nonimmigrant visa. Those nationals or dual nationals holding valid immigrant or nonimmigrant visas will not be permitted to enter the United States during this period. Visa interviews will generally not be scheduled for nationals of these countries during this period. Additionally, as such travelers will not be admitted to the United States under the Executive Order, and at the request of the Department of Homeland Security, the Department of State is provisionally revoking valid visas previously issued to any affected nationals.

Q: How does this change affect Iranian-Americans? (Question and response is applicable to all the countries with obvious modification of country name.)

A: This Executive Order should not affect Iranian-Americans at all. U.S. citizens (although they might also have another nationality) are required to use

their U.S. passport when entering and departing the United States. They do not receive visas or enter the U.S. as a foreign national, so this Executive Order does not apply to them.

Q: Doesn't this new Executive Order discriminate against certain nationals and dual nationals? Why are certain nationals and dual nationals, who may hold valid visas and have previously traveled to the United States, being penalized?

A: We recognize that certain individuals may be inconvenienced by this temporary bar. The U.S. Government must temporarily enact this 90-day bar on entry into the United States and issuance of visas in order to facilitate proper review and establishment of standards to prevent terrorist or criminal infiltration of foreign nationals.

The Department of Homeland Security and Department of State may, on a case-by-case basis, and when in the national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked under this Executive Order.

Q: Is there an exemption in the Executive Order for foreign diplomats and officials?

A: Yes. The Executive Order does not prohibit entry of, or visa issuance to, foreign nationals traveling on diplomatic visas, NATO visas, C-2, and other certain diplomatic visas.

Q: Are Lawful Permanent Residents (green card holders) who are nationals of or hold dual nationality with a specified country also prohibited from entering the United States during this period? Or receiving a travel document issued by a U.S. embassy or consulate?

A: We defer to DHS regarding the entry of Lawful Permanent Residents.

Q: I am an [Iranian] national and have emergency travel. How do I qualify for an exception to be issued a visa and/or travel to the United States?

A: The Department of Homeland Security and Department of State may, on a case-by-case basis, and when in the national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked under this Executive Order.

We are working closely with the Department of Homeland Security to identify such cases in the national interest and will provide additional details as they are available.

