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An analysis of President Trump's travel ban Proclamation

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On Sunday, the day that most of President Trump's March 6 revised travel ban expired, he issued a broader, more nuanced **Proclamation** as a travel ban. The Proclamation applies to eight nations - Iran, Libya, Somalia, Syria and Yemen, all of which were covered by the March 6 travel ban, plus Chad, North Korea and Venezuela. Sudan, which was included in the March 6 travel ban, has been removed from the list of restricted nations.

Different restrictions apply to each nation based on the security risk posed by nationals of that country and, unlike the prior travel bans, the Proclamation has no end date. The restrictions in the Proclamation, where applicable, extend to foreign nationals from designated countries even if they meet the current standards for entry applied provisionally by the U.S. Supreme Court - having a credible claim of a bona fide relationship with a person or entity in the United States.

The Proclamation was issued after the government determined which foreign nationals posed a risk to the United States and established "global requirements for information sharing in support of immigration screening and vetting." The eight nations covered by the Proclamation were found deficient with respect to their compliance with these standards and to pose a security risk.

Travel restrictions by country

Country	Suspension
North Korea and Syria	No entry as immigrants or nonimmigrants
Chad, Yemen, Libya	No entry as immigrants or nonimmigrants on business or tourist visas



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Country	Suspension
Somalia	No entry as immigrants; nonimmigrants subject to enhanced screening and vetting
Iran	No entry as immigrants or nonimmigrants except under valid student and exchange visitor visas; enhanced screening and vetting
Venezuela	No entry for certain government officials or their immediate family members as nonimmigrants on business or tourist visas

Exceptions and waivers

The Proclamation does not apply to entries to the United States by

- *any foreign national with a valid visa as of the effective date of the Proclamation
- *a lawful permanent resident of the United States
- *any person paroled into the United States
- *any person holding a valid travel document in effect on the effective date of the Proclamation
- *any dual nationals of a nation covered by the Proclamation when the individual is traveling on a passport issued by a nation that is not covered by the Proclamation
- *any person on a diplomatic visa or others, such as those granted asylum or already admitted to the United States as refugees.

Waivers of the Proclamation may be granted on a case-by-case basis if (1) denial of entry would cause clear hardship to the individual, (2) the individual did not pose a threat to the national security or public safety of the United States, and (3) entry would be in the national interest.

Effective date

In general, the Proclamation took effect at 3:30 p.m. EDT on Sunday (September 24, 2017) for

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foreign nationals subject to entry restrictions under the March 6 travel ban who did not meet the Supreme Court-imposed standard for entry to the United States – in other words, they lacked a credible claim of a bona fide relationship with a person or entity of the United States.

For foreign nationals of the new countries added by the Proclamation – Chad, North Korea, and Venezuela – and for other foreign nationals subject to the March 6 travel ban who had credible claims of a bona fide relationship with a person or entity of the United States, the restrictions will not take effect until 12:01 a.m. EDT Wednesday, October 18.

Impact on pending Supreme Court case

The U.S. Supreme Court was scheduled to hear oral argument on the cases challenging the March 6 travel ban on October 10. However, on Monday afternoon, **the Supreme Court cancelled the October 10 argument** “pending further order from the Court” and, instead, has directed the parties to submit briefs by October 5 on the following subjects:

- *Whether the Proclamation renders moot the cases challenging the March 6 travel ban
- *Whether the impending expiration of the refugee ban would render moot the challenges to those aspects of the March 6 travel ban.

The Trump Administration, it appears, would like for the Supreme Court to consider the pending cases moot and thereby avoid a Court decision.

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