

IMMIGRATION ALERT

3/13/17

Second Time's a Charm?

President Trump's Second Attempt at an Immigration Executive Order

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Last Monday, President Trump signed a new Executive Order (Order) banning citizens of six predominantly Muslim countries from entering the United States. This ban includes citizens from Sudan, Syria, Iran, Libya, Somalia, and Yemen. The new Order goes into effect on March 16, 2017, and will replace the previous order, signed on January 27, 2017, which was blocked by the Ninth Circuit Court of Appeals.

Is this Order any different?

Yes, the Order is different. The following revisions have occurred:

1. **Iraq excluded from the list of targeted countries:** According to administration officials, this occurred per the request of Defense Secretary Jim Mattis, who feared it would hamper coordination to defeat the Islamic State, as Iraqis would be reluctant to assist military personnel in the future.
2. **Less ambiguous:** Further, under the previous order, it was unclear whether the ban applied to permanent residents and current visa holders. The Order clarifies this question, and exempts permanent residents and current visa holders, as long as they held a visa on January 27, 2017.
3. **Equal treatment of Syrian immigrants:** The Order states that refugees from any country are banned from entering the United States for 120 days. This language reverses the indefinite ban on refugees from Syria included in the previous order.
4. **No religious minority language:** The Order also removed language, which gave preference to individuals from a "minority religion."

Legal Updates

Since signing the Order, the Justice Department has filed numerous notices in federal courts, alerting judges of the new Order and asserting its changes.

On Wednesday, Hawaii was the first to challenge the new Order. Hawaii filed a request asking a federal judge to issue a temporary restraining order blocking implementation of the new Order.

The judge has agreed to a hearing on March 15, just one day before the new Order is set to go into effect. One day later, the states of Washington and Minnesota asked Federal Judge Robart to apply the temporary injunction he issued last month on the previous order to the new Order. Oregon has joined Washington and Minnesota, while other states like New York, Massachusetts, and Maryland, still seek to formally join.

Please contact one of the listed Roetzel attorneys should you have any questions regarding this issue and to stay up-to-date on immigration laws as they are quickly changing.

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