

## The Latest on President Trump's Executive Order

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October 19, 2017

President Donald Trump issued his Presidential proclamation, "Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats," on Sept. 24, 2017. This order updated and expanded the preexisting immigration order signed on March 6, 2017. Absent this expansion, the order was set to expire on Sept. 24.

The entry restrictions for citizens from countries who were previously subject to the March 6, 2017, executive order went into effect immediately, while the restrictions for citizens from countries that are new to the list were set to go into effect on Oct. 18, 2017.

One day before the proclamation was set to take effect, on Oct. 17, 2017, a federal district court in Hawaii issued a nationwide temporary restraining order (TRO) that prohibits the Trump Administration from implementing many of the travel restrictions intended by the ban. The court stated that the ban on the entry to the United States by nationals of Chad, Iran, Libya, Somalia, Syria, and Yemen is illegal national origin discrimination. The court left travel restrictions on certain Venezuelan government officials and nationals of North Korea in place.

On Oct. 18, 2017, the day the proclamation was to take effect, a second federal district court in Maryland ruled that it would allow some of the administration's new restrictions to take effect but only for those who lack a credible claim of a bona fide relationship with a person or entity in the United States. This ruling is in line with the Supreme Court's June order narrowing the scope of prior injunctions.

It is anticipated that the Trump Administration will appeal the decisions. We will continue to monitor developments related to the executive order and will update you with any important developments.

Employers should work with their Miller Canfield immigration attorney to determine if any of their employees are impacted by the order. Foreign national employees who are from one of the listed countries should still refrain from international travel for the duration of the ban, or until further notice. As mentioned above, however, the immigration ban does not include lawful permanent residents.