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Executive Order on Visas - Important Announcement

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MARCH 6, 2017

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Executive Order on Visas

On March 6, 2017, President Trump signed a new Executive Order on Protecting the Nation from Foreign Terrorist Entry into the United States which directs us to review current screening procedures, while protecting national security – our top priority when issuing visas.

We are working closely with the Departments of Homeland Security and Justice to ensure that we implement the Executive Order in accordance with its terms, in an orderly fashion, and consistent with any applicable court orders, with the objective of maximizing national security.

The Executive Order becomes effective 12:01 a.m. Eastern Time on March 16, 2017, providing time to make orderly operational adjustments. We will keep the public informed about changes affecting travelers to the United States.

We do not plan to cancel any previously scheduled visa appointments. After the new Executive Order goes into effect, any individual who believes he or she is eligible for a waiver or exemption should apply for a visa and disclose during the visa interview any information that might qualify the individual for a waiver/exemption. A consular officer will carefully review each case to determine whether the applicant is affected by the Executive Order, and, if so, whether the applicant qualifies.

The Executive Order provides specifically that no visas issued before the effective date of the Executive Order will be revoked pursuant to the Executive Order, and it does not apply to nationals of affected countries who have valid visas on the date it becomes effective.

The order further instructs that any individual whose visa was marked revoked or cancelled solely as a result of the original Executive Order issued on January 27, 2017, (E.O. 13769) will be entitled to a travel document permitting travel to the United States, so that the individual may seek entry. Any individual in this situation who seeks to travel to the United States should contact the closest U.S. embassy or consulate to request a travel document.

[FAQs on the Executive Order - Department of Homeland Security](#)

Frequently Asked Questions

Q: Does this Order apply to dual nationals?

This Executive Order does not restrict the travel of dual nationals, so long as they are traveling on the passport of an unrestricted country and, if needed, hold a valid U.S. visa.

Our embassies and consulates around the world will process visa applications and issue nonimmigrant and immigrant visas to otherwise eligible visa applicants who apply with a passport from an unrestricted country, even if they hold dual nationality from one of the six restricted countries.

Exhibit B

Q: Does this apply to U.S. Lawful Permanent Residents?

No. As stated in the Order, lawful permanent residents of the United States are not affected by the Executive Order.

Q: Are there special rules for legal residents of Canada?

Legal residents of Canada who hold passports of a restricted country can apply for an immigrant or nonimmigrant visa to the United States if the individual presents that passport, and proof of legal resident status, to a consular officer. These applications must be made at a U.S. consular section in Canada. A consular officer will carefully review each case to determine whether the applicant is affected by the E.O. and, if so, whether the case qualifies for a waiver.

Q: Will you process waivers for those affected by the E.O.? How do I qualify for a waiver to be issued a visa?

As specified in the Executive Order, consular officers may issue visas to nationals of countries identified in the E.O. on a case-by-case basis, when they determine: that issuance is in the national interest, the applicant poses no national security threat to the United States, and denial of the visa would cause undue hardship.

An individual who wishes to apply for a waiver should apply for a visa and disclose during the visa interview any information that might qualify the individual for a waiver. A consular officer will review each case to determine if the applicant is affected by the E.O. and, if so, whether the case qualifies for a waiver.

Waiver decisions will be made by the consular officer abroad at the time of adjudication.

Q: I sponsored my family member for an immigrant visa, and his interview appointment is after the effective date of the Order. Will he still be able to receive a visa?

The Executive Order provides several examples of categories of cases that may qualify for a discretionary waiver, to be considered on a case-by-case basis, if in the national interest entry would not threaten national security, and denial would cause undue hardship. Among the examples provided, a foreign national who seeks to enter the United States to reside with a close family member who is a U.S. citizen or lawful permanent resident (e.g., a spouse, child, or parent) may be considered for a waiver if the denial of entry during the suspension period would cause undue hardship.

An individual who wishes to apply for a waiver should apply for a visa and disclose during the visa interview any information that might qualify the individual for a waiver. A consular officer will carefully review each case to determine whether the applicant is affected by the E.O. and, if so, whether the case qualifies for a waiver.

Q: Can those needing urgent medical care in the United States still qualify for a visa?

The Executive Order provides several examples of categories of cases that may qualify for a waiver, to be considered on a case-by-case basis when in the national interest, when entry would not threaten national security, and denial would cause undue hardship. Among the examples provided, a foreign national who seeks to enter the United States for urgent medical care may be considered for a waiver.

An individual who wishes to apply for a waiver should apply for a visa and disclose during the visa interview any information that might qualify the individual for a waiver. A consular officer will carefully review each case to determine whether the applicant is affected by the E.O. and, if so, whether the case qualifies for a waiver.

Q: I'm a student or short-term employee that was temporarily outside of the United States when the Executive Order went into effect. Can I return to school/work?

If you have a valid, unexpired visa, the Executive Order does not apply to your return travel.

If you do not have a valid, unexpired visa, the Executive Order provides several examples of categories of cases that may qualify for a discretionary waiver. These waivers will be considered, on a case-by-case basis, to determine if the traveler's entry would be in the national interest, would not threaten national security, and if denial would impose undue hardship. Among the examples provided, a foreign national who has previously been admitted to the United States for a continuous period of work, study, or other long-term activity, who is outside the United States on the effective date of the Order, may be considered for a waiver if they seek to reenter the United States to resume that activity and the denial of reentry during the suspension period would impair the activity.

An individual who wishes to apply for a waiver should apply for a visa and disclose during the visa interview any information that might qualify the individual for a waiver. A consular officer will carefully review each case to determine whether the applicant is affected by the E.O. and, if so, whether the case qualifies for a waiver.

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