



# GMS Flash Alert

2017-051 | March 16, 2017



## United States – Judge in Hawaii Blocks Entry into Force of New Travel Ban

On March 15, 2017, a federal judge in Hawaii temporarily blocked U.S. President Donald Trump's revised Executive Order banning travel to the United States for nationals from Sudan, Syria, Libya, Somalia, Iran, and Yemen hours before it was to come into effect.

After hearing arguments from both sides, U.S. District Judge Derrick Watson issued his ruling in favor of Hawaii's request for a temporary restraining order.<sup>1</sup>

---

### WHY THIS MATTERS

1. The temporary restraining order, which applies nationwide, blocks the Trump administration from enforcing sections 2 and 6 of the new Executive Order — the travel and refugee portions of the order.
2. Under the Executive Order, as of 12:00 am on March 16, foreign nationals from Sudan, Syria, Libya, Somalia, Iran, and Yemen would not have been permitted entry to the U.S. unless they had a visa valid on January 27, 2017 (prior to 5:00 pm) or they held a valid visa on the effective date of the Executive Order – March 16, 2017.
3. **With the new temporary restraining order in place, foreign nationals from the six affected countries may continue to apply for visas and travel to the U.S. without restriction.**

---

### From Executive Order to U.S. District Judge's Decision

A revised Executive Order entitled "[Protecting the Nation from Foreign Terrorist Entry Into the United States](#)" was signed by President Trump on March 6, 2017, impacting travel to the United States for nationals of Sudan, Syria, Libya, Somalia, Iran, and Yemen (it did not include Iraq as had been the case with the Executive Order issued on January 27).

© 2017 KPMG Law LLP, a tax and immigration law firm affiliated with KPMG LLP, each of which is a Canadian limited liability partnership. KPMG LLP is a Canadian limited liability partnership and a member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative ("KPMG International"), a Swiss entity. All rights reserved. Printed in the U.S.A. NDPPS 530159

2017-051 | March 16, 2017

The new Executive Order was to be effective 12:01 am EST on March 16, 2017. (For prior coverage, see GMS [Flash Alert 2017-045](#), March 7, 2017.)

Several states, including Hawaii, Maryland, and Washington were pursuing suspension of the Executive Order in the courts.

Hawaii argued that the ban discriminates on the basis of nationality and, furthermore, its residents would be harmed by the ban as it would prevent them from receiving visits from relatives in the six countries covered under the Executive Order. Also a case was made that the Executive Order would harm the state's ability to attract students and that tourism would be harmed.

U.S. District Judge Derrick Watson with the U.S. District Court, District of Hawaii, was the first out with his decision putting a hold on implementation of the Executive Order.

The judge stated that he will not grant a stay of the order even if an emergency appeal is filed by the Trump administration.

---

## KPMG NOTE

Individuals from the six affected countries who are currently in the United States, and do not have a valid visa to return, are advised to remain in the United States until this matter is ultimately resolved. If travel is essential, consultation with qualified U.S. immigration counsel prior to travel is advised.

Individuals from the affected countries outside the U.S. should seek immediate advice from their qualified U.S. immigration counsel to determine eligibility to obtain a visa to enter the United States.

KPMG Law LLP will continue to provide updates regarding the impact of this temporary restraining order and the fate of the new Executive Order as and when they become available.

---

## FOOTNOTE:

1 See the case and the decision on the United States District Court District of Hawaii [website](#).

\* \* \* \*

## Contact us

For additional information or assistance, please contact your local GMS or People Services professional\* or the following professional with the KPMG International member firm in Canada:

### Charlene Quincey

U.S. Immigration Practice Leader  
KPMG Law LLP – Tax + Immigration, Canada  
Tel. +1-416-943-0288 x266  
[cquincey@kpmglaw.ca](mailto:cquincey@kpmglaw.ca)

*\* Please note that KPMG LLP (U.S.) does not provide any immigration services. However, KPMG LLP Law in Canada can assist clients with U.S. immigration matters.*

**The information contained in this newsletter was submitted by the KPMG International member firm in Canada.**

© 2017 KPMG Law LLP, a tax and immigration law firm affiliated with KPMG LLP, each of which is a Canadian limited liability partnership. KPMG LLP is a Canadian limited liability partnership and a member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative ("KPMG International"), a Swiss entity. All rights reserved.

[www.kpmg.com](http://www.kpmg.com)

[kpmg.com/socialmedia](http://kpmg.com/socialmedia)



The KPMG name and logo are registered trademarks or trademarks of KPMG International.

The KPMG logo and name are trademarks of KPMG International. KPMG International is a Swiss cooperative that serves as a coordinating entity for a network of independent member firms. KPMG International provides no audit or other client services. Such services are provided solely by member firms in their respective geographic areas. KPMG International and its member firms are legally distinct and separate entities. They are not and nothing contained herein shall be construed to place these entities in the relationship of parents, subsidiaries, agents, partners, or joint venturers. No member firm has any authority (actual, apparent, implied or otherwise) to obligate or bind KPMG International or any member firm in any manner whatsoever. The information contained in herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

*Flash Alert* is a GMS publication of KPMG LLP's Washington National Tax practice. To view this publication or recent prior issues online, please click [here](#). To learn more about our GMS practice, please visit us on the Internet: click [here](#) or go to <http://www.kpmg.com>.

© 2017 KPMG LLP, a Delaware limited liability partnership and the U.S. member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative ("KPMG International"), a Swiss entity. All rights reserved. Printed in the U.S.A. NDPPS 530159