



GMS Flash Alert

Immigration Edition

2017-097 | June 2, 2017



United States – Federal Appeals Court Upholds Block on Trump's Travel Ban

On May 25, 2017, the U.S. Court of Appeals for the 4th Circuit in Richmond, Virginia upheld a lower court's decision to block President Trump's revised Executive Order which bans travel to the United States for nationals from Sudan, Syria, Libya, Somalia, Iran, and Yemen.¹

In a 10-3 decision, the U.S. Court of Appeals refused to re-instate President Trump's revised Executive Order and upheld the lower court's injunction on enforcement of the Order.

(For related coverage, see GMS [Flash Alert 2017-051](#), March 16, 2017.)

WHY THIS MATTERS

Under the revised 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.

With the injunction maintained, foreign nationals from the six affected countries may continue to apply for visas and travel to the U.S. without restriction.

Current Status of Revised Executive Order

Enforcement of the revised Executive Order continues to remain on hold as it also faces challenge in the U.S. Court of Appeals for the 9th Circuit where oral arguments were heard on May 15, 2017. On March 15, 2017, a federal judge in Hawaii had ruled in favor of the request for a temporary restraining order on the enforcement of the revised Executive Order and this was appealed. The ruling for the 9th Circuit is anticipated to be issued shortly.

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Following the ruling from the U.S. Court of Appeals for the 4th Circuit, the next step for the administration is to request the U.S. Supreme Court to stay the decision to uphold the injunction. In a press release², Attorney General Jeff Sessions disagreed with the ruling and suggested the government planned to seek review of the decision in the Supreme Court. The government has 90 days to do just that.

KPMG NOTE

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.

FOOTNOTES:

1 To access the text of the decision, see the ACLU website (please note that this is a 3rd party website), [click here](#).

2 See the May 25, 2017 "[Statement by Attorney General Jeff Sessions on the Fourth Circuit Court of Appeals Decision](#)," on the Department of Justice website.

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Contact us

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



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