

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.

© 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

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.

* * * *

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:



Charlene Quincey

U.S. Immigration Practice Leader
KPMG Law LLP – Tax + Immigration,
Canada
Tel. +1-416-943-0288 x266
cquincey@kpmg.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

kpmg.com/socialmedia



© 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

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>.