

# GMS Flash Alert



## Immigration Edition

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# United States -Court in Hawaii Alters Travel Ban, Expands Close Family Members

On July 13, 2017, the U.S. District Court for the District of Hawaii, modified<sup>1</sup> the preliminary injunction that had previously been narrowed by the U.S. Supreme Court to prevent the government from enforcing the president's Executive Order<sup>2</sup> banning entry to the United States by individuals from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. (For prior coverage, see GMS [Flash Alert 2017-114](#), June 30, 2017.)

## WHY THIS MATTERS

It is very important that nationals from Sudan, Syria, Libya, Somalia, Iran, and Yemen and their immigration counsel and global mobility managers (if applicable) understand how the decision from the U.S. District Court alters the application of the Executive Order as concerns close family members, because who constitutes a close family member has expanded and the ability of the newly expanded categories of "close family members" to enter and leave the United States could be impacted.

## Background, July 13 Decision, and Reaction by Justice Department

The individuals from these countries who have a credible claim of a bona fide relationship with a person or entity in the United States were — with some notable exceptions — allowed by the Supreme Court to enter the United States; in other words, they are to remain *exempt* from the Executive Order's 90-day travel ban.

The U.S. District Court effectively overturned the Department of State and Department of Homeland Security FAQs<sup>3</sup> and concluded that the travel ban cannot be enforced against:

- Grandparents, grandchildren, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and cousins of persons in the United States; and

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- Refugees who have a formal assurance from a resettlement agency in the United States or who are part of the Lautenberg Program.

The above had been previously prohibited from entering the United States.

Attorney General Jeff Sessions said in a statement that the Justice Department will appeal the July 13 decision by U.S. District Judge Derrick K. Watson.<sup>4</sup>

## Next Steps

Individuals affected by the Court's revision to the terms of application of the Executive Order should consult as soon as possible with their qualified immigration counsel to ascertain their status and the rights of family members, as well as appropriate next steps in light of the new rules and the Court's July 13 decision.

As always, KPMG Law LLP will endeavor to provide updates regarding the implementation of the Executive Order as information becomes available.

## FOOTNOTES:

1 For the Judge's decisions in State of Hawaii, et al. v. Trump, et al.; Civil No. 17-00050 DKW-KSC (July 13, 2017), see: <https://assets.documentcloud.org/documents/3894503/Hawaii-v-Trump-Motify-Injunction-Order.pdf> .

2 Executive Order 13780 entitled "Protecting the Nation from Terrorist Entry into the United States" that was signed by President Trump on March 6, 2017.

3 See: <https://www.dhs.gov/news/2017/06/29/frequently-asked-questions-protecting-nation-foreign-terrorist-entry-united-states> .

4 See the July 14, 2017 Department of Justice press release: <https://www.justice.gov/opa/pr/statement-attorney-general-jeff-sessions-hawaii-district-court-s-decision> .

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## Contact us

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