



# GMS Flash Alert

## Immigration Edition

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## United States – Supreme Court Allows Grandparents, Others, as Close Family Members

As reported in GMS [Flash Alert 2017-117](#), the U.S. government appealed the July 13 decision by U.S. District Judge Derrick K. Watson of the U.S. District Court for the District of Hawaii, concerning the broadening of the exemption from the 90-day travel ban to other “close family members” that the Trump administration had chosen to include in the ban.

On July 19, 2017, the U.S. Supreme Court rejected the bid by the U.S. government to continue to apply the travel ban Executive Order<sup>1</sup> to grandparents and other relatives originating from the six affected countries, Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen.<sup>2</sup>

The Court has deemed the following to be amongst those family members that have a sufficiently close family relationship and, as such, may gain entry into the country: grandparents, grandchildren, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and cousins of persons in the United States.

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### WHY THIS MATTERS

The Supreme Court’s decision for now means that grandparents, grandchildren, aunts, uncles, nieces, nephews, cousins, and siblings-in-laws are not covered by the 90-day travel ban on people – from these six countries – who want to enter the United States and, therefore, these relatives may now do so legally.

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### Background

Late in June, the Supreme Court had ruled that the Trump administration could employ the travel ban against foreign nationals who lack any “bona fide” relationship to a person or entity in the United States.<sup>3</sup>

In its guidance issued at the end of June, the U.S. Department of State indicated that “close family” is defined as a parent, parent-in-law, spouse, child, adult son or daughter, son-in-law, daughter-in-law, sibling (half or whole) – fiancés and step-relationships are also included.<sup>4</sup> “Close family” however was not to include grandparents, grandchildren, aunts, uncles, nieces, nephews, cousins, brothers-in-law, and sisters-in-law, and any other “extended” family members.

Subsequently, the state of Hawaii argued that the administration had wrongfully interpreted the Court’s ruling to exclude as close family members grandparents, nephews, nieces, and so on.

## Supreme Court Decides

This decision upholds (in part) the lower court’s order that had widened the definition of which citizens from the six affected countries covered by the travel ban are still eligible to travel to the United States. The Supreme Court, however, over-ruled Judge Watson’s decision in respect of refugees and, as a result, the government has more flexibility in enforcing the new travel ban rules regarding refugees. According to Reuters, the Court’s action on refugees could block the entry of up to 24,000 refugees who have a connection to a U.S. resettlement agency.<sup>5</sup>

The Supreme Court also announced on Wednesday that it has scheduled oral arguments on broad questions on the lawfulness of the ban for October 10.

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## 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 enter the United States.

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## FOOTNOTES:

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

2 For the Court’s decision, [click here](#).

3 See GMS [Flash Alert 2017-110](#), June 27, 2017.

4 See GMS [Flash Alert 2017-114](#), June 30, 2017.

5 See L. Hurley “U.S. Top Court Rejects Trump Bid to Include Grandparents in Travel Ban,” in Reuters (online) July 19, 2017.

## Contact us

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