



# GMS Flash Alert

## Immigration Edition

2017-144 | September 29, 2017



## United States – New Version of Travel Ban Announced by President Trump

On Sunday, September 24, 2017, the U.S. President, Donald J. Trump, issued a Proclamation “Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats.”<sup>1</sup>

The new restrictions replace the previous travel ban issued through an Executive Order that expired on September 24, 2017. The restrictions affect most or some nationals of the enumerated countries. Unlike prior versions of the ban, this Proclamation states that Chad, Iran, Libya, North Korea, Syria, Venezuela, Yemen, and Somalia failed to satisfy U.S. security measures.

---

### WHY THIS MATTERS

Employers and educational institutions with employees and students, faculty, and researchers from the affected countries should monitor the status of this situation as any change in the legal position of these individuals could have consequences on their ability to enter or re-enter the United States if they are among the categories of individuals covered under the Proclamation.

Visa holders from the banned countries will likely be unable to renew their visas and employment authorizations.

U.S. citizens may also receive additional scrutiny if they have recently travelled to one of the specified countries.

Furthermore, officers at ports of entry in the U.S. could be asking green card holders to sign Form I-407, voluntarily relinquishing their permanent residency – they should **not sign Form I-407 without first contacting a U.S. immigration attorney.**

## More Details on the Proclamation

The U.S. State Department has provided a chart delineating how each of these countries are affected by the Proclamation, and the effective dates of the restrictions as they apply to each country.

<https://travel.state.gov/content/travel/en/news/important-announcement.html>

The Proclamation provides exceptions for certain individuals, including (in part):

- **lawful permanent residents** of the United States;
- any **foreign national admitted to or paroled** into the United States on or after the applicable effective date;
- any **dual national** of one of the eight countries under this ban when the individual is **traveling with a passport issued by a non-designated country**;

The Proclamation allows some of the banned countries' citizens to travel to the United States. Iranian students will still be permitted to study in the U.S., although they will be subject to enhanced screening and vetting requirements.

Venezuelan citizens will be able to travel to the U.S., except for certain government officials and their families.

Somali nationals may no longer immigrate to the U.S., but may visit, subject to additional screening.<sup>2</sup>

As with the previous travel ban<sup>3</sup>, the Proclamation confirms that persons holding green cards are not subject to the ban (noted above), nor will foreign nationals already holding valid visas have their visas revoked. **However, visa holders from the banned countries will likely be unable to renew their visas and employment authorizations.**

The restrictions contained in the Proclamation will remain in place indefinitely. Periodic reviews will be conducted for each restricted country to assess whether the travel limitations should be continued.

## Travel Ban and Court Review

After this Proclamation was released, the U.S. Supreme Court cancelled arguments on the previous travel ban that were scheduled for October 10. The Court is now attempting to address the issue as to whether reviewing the constitutionality of the prior ban is still necessary. In effect, the Administration has used the Proclamation to implement a more robust suspension of travel rights/privileges and a much-heightened security regime that it hopes will better withstand judicial scrutiny.

---

### KPMG NOTE

- Nationals of Iran, Libya, Syria, Yemen, Somalia, Chad, and North Korea already in the U.S. should contact an immigration lawyer prior to international travel.
- As a result of numerous court orders, if you are detained at a U.S. airport or other port of entry you have the right to request legal counsel. If you are detained, please contact KPMG Law LLP in Canada immediately: [cquincey@kpmglaw.ca](mailto:cquincey@kpmglaw.ca).

- Dual nationals of one of the specified countries, may be permitted entry to the U.S. so long as they present a valid passport from one of the non-enumerated countries. Please also note that despite the above guidance, the ban may apply nonetheless to those dual nationals travelling directly from one of the enumerated countries. Further, U.S. citizens may also receive additional scrutiny if they have recently travelled to one of the specified countries.
- It has been reported that officers are requesting that green card holders sign Form I-407, voluntarily relinquishing their permanent residency. **Do not sign Form I-407 without first contacting a U.S. immigration attorney.** Neither failure to sign nor abandonment is grounds for detention. Rather, a lawful permanent resident (LPR) who refuses to sign Form I-407 must be issued a Notice to Appear (NTA) so that an immigration judge can determine whether he/she has lost his/her LPR status.

KPMG Law LLP will continue to provide updates regarding the impact of this requirement as and when they become available.

---

## FOOTNOTES:

- 1 To access a complete copy of the President's Proclamation, click [here](#).
- 2 For a fact sheet that outlines the rules and country-specific travel restrictions, click [here](#).
- 3 For prior coverage, see GMS [Flash Alert 2017-118](#) (July 20, 2017).

\* \* \* \*

## 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 Law LLP 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)



© 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>.