

TRAVEL ADVISORY: INFORMATION FOR NONCITIZENS TRAVELING TO THE UNITED STATES

What is the Status of President Trump's Travel Ban?

On January 27, 2017, President Trump issued an Executive Order that temporarily banned the entry of travelers from seven Muslim-majority countries and the entry of all refugees. Several organizations filed lawsuits challenging the order, and courts blocked portions of the order. On March 6, 2017, President Trump issued a second Executive Order, replacing the first one. This order temporarily banned (for 90 days) travelers who were citizens of six countries: Iran, Libya, Somalia, Sudan, Syria, and Yemen. It also banned all refugees for 120 days.

On Monday, June 26, 2017, the U.S. Supreme Court announced that it would review two cases that had challenged those parts of the second Executive Order, but that it would not make a final decision until at least next October. In the meantime, some parts of the second Executive Order will take effect. Specifically, travelers from the six countries who do not have ties to the U.S. and refugees who do not have ties to the U.S. will temporarily not be allowed to enter the country. The ban should only affect those with visas issued after June 29, 2017.

How Does the Ban Affect Me Now?

On Thursday, June 29, certain provisions of the order will go into effect. The Executive Order won't affect people arriving between now and Thursday. When it does go into effect on Thursday, here are the things that you need to know if you are traveling to the U.S.

➤ If you are a **U.S. citizen**:

The ban still does not apply to U.S. citizens. U.S. citizens, including naturalized citizens, have the right to return to the country.

➤ If you are a **lawful permanent resident (green card holder)**:

The ban does not apply to green card holders anymore. Green card holders will be allowed to enter the country.

➤ If you have a **valid visa**:

The ban should only affect those with visas issued on or after June 29—and may not affect anyone with a valid visa issued at any time. As a precaution, if you have a connection to a family member or entity in the U.S., bring proof of this relationship in case you are stopped by government officials.

➤ If you are a **student** with an offer of admission to an American university:

If you have a student visa or are applying for a student visa, the ban should not affect you. The Supreme Court’s decision specifically mentions students admitted to American universities as a category of people who will be allowed to enter the country because of their ties to the United States.

➤ If you are a **worker** with an offer of employment at an American company:

If you are employed by a U.S. company or have accepted an offer of employment from a U.S. company, the ban should not affect you. The Supreme Court’s decision specifically mentions workers at American companies as a category of people who will be allowed to enter the country because of their ties to the United States. Make sure to bring proof of your employment when you travel and to any consular appointments.

➤ If you are **already present** in the U.S.:

If you are a citizens of one of the six countries who has been legally admitted to the U.S. (in other words, you have been allowed to cross the border or successfully passed through Customs into the U.S.), you will not be deported because of the travel ban. However, if you leave the U.S. and attempt to come back, you may only be able to return if (1) you have a visa issued to you before June 29, 2017 at 5:00 PM PST, or (2) you have a “credible claim of a bona fide relationship with a person or entity in the United States” (more on what that means below).

➤ If you are a **citizen of one of the six countries without a valid visa**:

If you are from Iran, Libya, Somalia, Sudan, Syria, or Yemen, you may be denied entry into the U.S. for the next 90 days, if (1) you do not have a visa issued to you before June 29, 2017 at 5:00 PM PST, or (2) you do not have a “credible claim of a bona fide relationship with a person or entity in the United States” (more on what that means below).

Note that if you do have a valid visa when the ban goes into effect, you should be allowed to come in even without any relationship to a U.S. person or entity. If you have proof of a connection to the U.S., you should bring the documentation as a precaution.

- If you are a **refugee** (not previously admitted to the United States) from any country without a valid travel document:

If you are a refugee who has not been previously admitted to the United States as a refugee and without a previously-issued travel document, you will be denied entry into the U.S. for the next 120 days, unless you have a “credible claim of a bona fide relationship with a person or entity in the United States” (more on what that means below).

Note that if you do have a valid refugee travel document, you should be allowed to come in even without any relationship to a U.S. person or entity. If you have proof of a connection to the U.S., you should bring the documentation as a precaution.

- If you are a **citizen of a country not listed in the Executive Order**:

If you are from any country other than Iran, Libya, Somalia, Sudan, Syria, or Yemen, and you are not seeking to come to the United States as a refugee for the first time, the Executive Order will not affect you.

- If you are a **dual national** of one of the six countries and a different country:

If you are a dual national with citizenship from one of the six (and not seeking to come to the United States as a refugee for the first time), the Executive Order will not affect you as long as you are traveling on a passport from a country not listed among the six. For example, if you are a dual citizen of Iran and France and are traveling on your French passport, the Executive Order will not affect you.

Other Questions About the Travel Ban

- What is a “credible claim of a **bona fide relationship with a person or entity in the United States**”?

A **personal connection** includes “a close familial relationship is required.” Examples include a traveler who is coming to the U.S. “to live with or visit a family member” such as a spouse or the parent of a spouse.

The Associated Press has reported that a State Department cable indicates that new visa applicants from the six countries must prove a relationship with a U.S. parent, spouse, child, adult son or daughter, son-in-law, daughter-in-law or sibling. According to the cable, the same requirement, with some exceptions, will be applied to refugees awaiting approval for admission to the U.S.

For an **entity**, a formal and documented relationship with the entity is sufficient. You can't enter into a relationship with an entity just to avoid the effects of the Executive Order. Examples of a relationship with an entity include an admitted student at an American university, a worker who has accepted a job at an American company, or a lecturer who has been invited to speak at an American university. According to the Associated Press, the State Department released a cable stating that government officials would not consider contracts with hotels or rental car companies to establish a relationship with a U.S. entity.

- **How will government officials decide** whether I have a “bona fide relationship with a person or entity in the United States”?

Beyond the guidelines described above, is not yet clear how officials at U.S. airports and border crossings will determine who has a qualifying relationship. Nonprofit organizations are actively monitoring how this language is interpreted by government officials.

- **When** will the temporary travel ban be over?

The 90-day ban of some individuals from the six countries should expire on approximately September 24, 2017. For refugees, the 120-day should expire on approximately Tuesday, October 17, 2017. After that time, the government will decide what to do: travel could resume as normal, or the President could issue a new Executive Order that would affect the ability of refugees and people from the six countries (or some other set of countries) to resume travel.

- What **other effects** might the Supreme Court's ruling have for travelers?

The ruling could cause travel delays and longer waiting times to get into the U.S., especially for refugees and individuals from the six countries listed in the Executive Order. Nonprofit organizations are monitoring the situation at airports to determine whether any travelers are being held for prolonged periods or subjected to intrusive questioning about religious beliefs or other improper topics.

What are my rights at the airport?

- What are my rights in **“secondary inspection”**?

Individuals subject to “secondary inspection” by airport or border officials are often subject to more intrusive questioning. CBP takes the position that travelers do not have the right to an attorney during questioning. If this happens to you, here is what you need to know:

- **U.S. Citizens:** You only have to answer questions establishing your identity and citizenship (in addition to customs-related questions). Refusal to answer other questions may cause delay, but officials may not deny you entry into the U.S. if you have established your identity and citizenship.
- **Lawful Permanent Residents (green card holders):** You only have to answer questions establishing your identity and permanent residency (in addition to customs-related questions). Refusal to answer other questions will likely cause delay, but officials may not deny you entry into the U.S. for failure to answer other questions. LPR status may be revoked only by an immigration judge. So, while you cannot be denied entry, officials can detain and initiate removal proceedings against an LPR if there are grounds to do so.
- **Others:** Refusing to answer questions asked by airport officials could cause delay, and may even be used as a basis for establishing reasonable suspicion of criminal activity. However, officials should not ask you about your religion, personal beliefs, or political beliefs because those are not relevant to whether or not you can enter the U.S. If a government official is asking inappropriate questions, you could ask for a supervisor or politely decline to answer by saying something like, “I am sorry. I believe you are asking me questions about my protected religious and/or political beliefs and practices. I do not wish to answer these questions.” These tactics may cause you delay, but it is permissible to refuse to answer questions about your personal, religious, or political beliefs.

➤ What are my rights when officers **search my belongings**?

U.S. Customs and Border Protection claims the right to search and confiscate laptops, mobile phones, digital cameras, and other electronic devices upon entry to the United States, without any suspicion of wrongdoing. The agency also claims the right to make a copy of information found on electronic devices. If officials search or confiscate your electronic devices, write down the name, agency, badge number, and contact number for the agency and ask for a receipt.

You can refuse to give your password to unlock an electronic device, but government officials may use this refusal as one factor in determining suspicion of criminal activity.

You have the right to have a search of your items conducted in front of a supervisor, though making this request may cause delay.

➤ What are my rights when officers conduct a **personal search**?

Officers can only do invasive strip-searches if they have reasonable suspicion that you are involved in criminal activity. Strip-searches must be done in a private area.

Officers can't pull you aside for secondary screening based on race, religion, or ethnicity, but this is difficult to enforce in practice. After screening is complete, you can file a complaint with the Department of Homeland Security or the Department of Transportation, and you can contact the organizations listed at the end of this document.

➤ Do I have to remove my **religious head covering**?

If airport officials ask you to remove a religious head covering or other piece of clothing, and your religion does not allow you to remove it, you can tell the government officials. They may ask you to pat down your headwear, then rub your hands with a cloth and place the cloth in a machine to test for chemical residue. If the official still wants you to remove your religious head covering, you have the right to ask to do this in a private area.

➤ Do I have to give my **fingerprints**?

Yes. All visitors and lawful permanent residents are fingerprinted on entry into the United States from abroad.

➤ What if government officials ask me to **sign a document**?

Government officials should not pressure you to sign any documents giving up your authorization to travel to the U.S. If you are given a form to sign, make sure to read it thoroughly before signing, and do not sign the form if it asks you to give up any rights that you wish to exercise. If the form is in a language you do not understand, ask for someone to translate it for you. You can also ask for a lawyer, although government officials may not grant this request.

IMPORTANT! Do not sign any documents you do not understand.

Be careful not to sign away your rights when you are traveling. You can give up your visa or permanent resident status by signing some forms. If a form is in a language you don't understand, ask for a translator.

- What if I am **afraid to return** to the country I came from?

If you are told you cannot enter the U.S. and fear you might be persecuted or tortured if sent back to the country you traveled from, you can tell the official about your fear and ask for asylum. This may prolong the period of time that you are held, but it will also mean that you will not immediately be sent back to your country if you fear persecution.

- Can a **pilot** order me off the plane?

Yes. The pilot of an airplane has the right to refuse to fly a passenger if he or she believes the passenger is a threat to the safety of the flight. The pilot's decision must be reasonable and based on observations of you, not stereotypes.

- What should I do if I believe I have been added to a **“no fly” or other national security list**?

If you believe you have mistakenly been placed on a “no-fly” or other national security list, you can fill out a TSA form at <http://www.tsa.gov/travelers/customer/redress/index.shtm>.

What can I do before I travel?

If you are a citizen of Iran, Libya, Somalia, Sudan, Syria, or Yemen, or if you are a refugee entering the U.S., there are some steps you can take that may make your trip easier. Although the situation may change and we cannot provide legal advice, here are some practical tips to know before you go.

- **Bring written proof of your connections to the U.S.**
 - Names, phone numbers, and addresses of relatives in the U.S.
 - A letter of acceptance or proof of enrollment at a U.S. university
 - An employment contract or pay stub from a U.S. employer
 - A letter from a nonprofit organization that you have a formal relationship with.
- **Bring written proof of your immigration status.** Have your visa or green card ready, along with any related documents.
- **Contact an immigration lawyer before traveling and ask for a “G-28” form.** This form is proof that you are represented by an immigration lawyer, and you can give it to airport officials if you are being held or questioned and want to

Speak to a lawyer. Airport officials will sometimes, though not always, allow people to speak with a lawyer who represents them.

- **Prepare for your personal items and electronic devices to be searched.** Any data stored on a laptop or smartphone could be searched at the airport, so do not travel with any electronic devices with content you want to keep private.
- **Bring a printed copy of this notice** or a piece of paper with the contact list provided below, in case you have a problem at the airport.

Who can I contact if my rights have been violated?

- **For immediate problems, contact Public Counsel or your local elected official**

If you know someone who is currently detained at LAX, call Public Counsel's travel ban hotline at (213) 201-4780 or email lax@publiccounsel.org.

In some cases, elected officials can also help to inquire about the status of a person who is detained or experiencing problems at LAX.

- To reach Senator Kamala Harris's office, call (213) 894-5000.
- To reach Senator Diane Feinstein's office, call (310) 914-7300.
- To reach Mayor Eric Garcetti's office, call (213) 978-0600.

- **For future arrivals, contact Airport Lawyer**

If you or a loved one will be traveling to LAX and want to notify any volunteer lawyers who may be at the airport, you can enter flight information at <https://www.airportlawyer.org/>. We cannot guarantee that there will be volunteer lawyers at the airport when you arrive, as the situation is changing rapidly. However, your information will be sent to OneJustice, a nonprofit organization that has been helping to coordinate the LAX response from volunteer lawyers. The Airport Lawyer website is also available in Arabic and Farsi.

- **For general questions or concerns about the travel ban, contact IRAP**

For general questions, you can email airport@refugeerights.org and someone will get back to you. This email address is monitored by a law firm working with International Refugee Assistance Project.