

UNIVERSITY OF NEBRASKA

# FREQUENTLY ASKED QUESTIONS

## REVISED EXECUTIVE ORDER ENTRY BAN



7/6/17

### EXECUTIVE ORDER OVERVIEW

On March 6, 2017, President Trump issued a revised Executive Order titled “Protecting the Nation from Foreign Terrorist Entry into the United States” (the “Order”). The Order bars citizens and nationals from Iran, Libya, Somalia, Sudan, Syria and Yemen from entry into the United States, for ninety (90) days. The Order contains a number of limited exceptions to the total entry ban.

The Order was initially stayed by two federal court rulings prior to its effective date. On June 26, 2017, the Supreme Court, after hearing arguments on the case, issued a ruling that partially allowed the Order to go into effect. The partial travel ban prevents travelers from the six countries who cannot show a *bona fide* relationship with a person or entity in the United States from entering the country. Individuals who can show the requisite *bona fide* relationship with a person or entity in the United States will not be effected by the current implementation of the Order. The Supreme Court ruling allows the partial travel ban to take effect at 8:00 pm EDT Thursday, June 29, 2017 and is expected to continue until at least September 27, 2017. The Supreme Court will hear the full case on the merits this fall, and a more permanent ruling is expected after the hearing.

### NU RESPONSE

The President and Chancellors of the University of Nebraska released a statement after the first entry ban executive order, and those sentiments are echoed here as well:

“Our pledge to you is that the University of Nebraska will keep working every day to be the kind of place where all feel welcome, valued and safe. Where each student has access to an excellent education and our faculty and staff are able to pursue their world-class work.”

### INFORMATION ABOUT THE EXECUTIVE ORDER

#### **Q: Who is affected by the Order after the Supreme Court ruling?**

**A:** The Order applies to travelers from Syria, Sudan, Somalia, Libya, Iran, and Yemen who cannot show a *bona fide* relationship with a person or entity in the United States and those who do not have a valid travel visa. Based on the Supreme Court decision and subsequent instructions issued by the State Department, the Order does not impact individuals from the six designated countries who can prove a *bona fide* relationship with a person or entity in the United States and who have a valid travel visa. The Order will not apply to individuals who are already in the country.



**Q: What is a *bona fide* relationship with a person or entity in the United States?**

**A:** Based on the Supreme Court ruling, to qualify as a *bona fide* relationship with a United States entity, “the relationship must be formal, documented, and formed in the ordinary course, rather than for the purpose of evading [the Order].” The Supreme Court gave the following examples of individuals who would likely have the required *bona fide* relationship with a United States entity, and therefore would remain exempt from the Order:

- Students who have been admitted to a United States school such as the University
- Workers who accept an offer of employment from a United States employer
- Lecturers invited to address an American audience

For individuals, a close familial relationship is required. The Department of State has defined a “close familial relationship” as a:

- Parent (including parent-in-law)
- Spouse
- Fiancé
- Child
- Adult son or daughter (including son-in-law and daughter-in-law)
- Sibling, whether whole or half
- This includes step relationships

Close family does not include grandparents, grandchildren, aunts, uncles, nieces, nephews, cousins, brothers-and sisters-in-law, and any other “extended” family members

**Q: How long will the Order be in effect?**

**A:** The Order took effect at 8:00 pm EDT on June 29, 2017, and its initial duration is ninety (90) days. During that time, the Secretary of Homeland Security, Secretary of State and Director of National Intelligence will conduct a review of what, if any, additional information will be needed from the designated countries to determine whether citizens and nationals of that country will be allowed to seek admission to the United States. The restriction for each country will be lifted or reevaluated based on whether or not the country is able to provide the requested information or develop an adequate plan to provide it. We will continue to monitor the developments in this area.

**Q: Does the Order apply to lawful permanent residents (green card holders)?**

**A:** No. The Order expressly exempts lawful permanent residents.

**Q: Who else is exempted from the Order?**

**A:** Besides those individuals who can prove a *bona fide* relationship with a person or entity in the United States, the Order also exempts from coverage:

- a. foreign nationals admitted to or paroled into the United States on or after the effective date of the Order
- b. foreign nationals who have documents other than a visa, valid on the effective date of the Order or issued after, such as an advance parole document
- c. dual nationals if the individual is traveling on a passport issued by a non-designated country
- d. foreign nationals traveling on diplomatic visas, and
- e. foreign nationals who have been granted asylum.



**Q: Are there any other exceptions under the Order?**

**A:** Yes. The Order includes a waiver provision where citizens or nationals from the designated countries can be granted admission on a case-by-case basis. This requires a determination by a consular officer, the Commissioner of U.S. Customs and Border Protection, or the Commissioner's designee, in his or her discretion, to authorize the issuance of a visa if denying the issuance of the visa would cause undue hardship and that the national or citizen would not pose a threat to national security and it would be in the national interest.

## INFORMATION FOR STUDENTS, EMPLOYEES AND SCHOLARS

**Q: What does the University of Nebraska recommend for students from the designated countries who have valid visas or are already in the United States?**

**A:** The University recommends that students from these countries review the type of visa you hold. If you are in the United States in possession of a valid single entry visa, the University recommends that you do not travel outside the United States at this time since you would need to obtain a new visa to authorize readmission to the United States. If you are in the United States in possession of a valid multiple entry visa, you may travel to and from the United States, so long as you retain your relationship to the University (or another *bona fide* relationship), your visa remains valid and you are otherwise admissible. The Department of Homeland Security has stated that no visa will be revoked solely because of the Order, although DHS has broad authority to revoke visas.

Additionally, the University recommends that students from these designated countries maintain their status in the United States and continue to comply with established immigration law and the requirements of their campus office that supports international students and scholars. Students who have questions or need to discuss any personal situation are encouraged to speak with an international advisor on their campus. The following offices are the best contacts for international students:

UNK: International Education, Welch Hall, Phone: 308-865-8953

UNL: International Student and Scholar Office, Seaton Hall 201, Phone: 402-472-0324

UNMC: International Health and Medical Education, 4230 Building, Phone: 402-559-8449

UNO: International Programs, Arts and Sciences Hall 241, Phone: 402-554-2293



**Q: What does the University recommend for faculty, staff or scholars from the designated countries who have valid visas or are already in the United States?**

**A:** The University recommends that faculty, staff and scholars from these countries review the type of visa you hold. If you are in the United States in possession of a valid single entry visa, the University recommends that you do not travel outside the United States at this time since you would need to obtain a new visa to authorize readmission to the United States. If you are in the United States in possession of a valid multiple entry visa, you may travel to and from the United States, so long as you retain your relationship to the University (or another *bona fide* relationship), your visa remains valid and you are otherwise admissible. The Department of Homeland Security has stated that no visa will be revoked solely because of the Order, although DHS has broad authority to revoke visas.

Additionally, the University recommends that faculty members, staff and scholars maintain their current status in the United States and continue to comply with established immigration law and the requirements of the University. Individuals who have questions or need to discuss any personal situation are encouraged to speak with someone on their campus. The following offices are the best contacts for faculty, staff and scholars:

UNK: Human Resources, Founders Hall 1200, Phone: 308-865-8426

UNL: International Student and Scholar Office, Seaton Hall 201, Phone: 402-472-0324

UNMC: Steve Daubendiek, International Health and Medical Education, 4230 Building, Phone: 402-559-8449

UNO: International Programs, Arts and Sciences Hall 241, Phone: 402-554-2293

**Q: What does the University recommend for any individual from the designated countries who currently holds a green card and is currently working in the United States?**

**A:** The Order does not affect lawful permanent residents of the United States. Individuals who have questions or need to discuss any personal situation are encouraged to speak with an international advisor on their campus.

**Q: What does the University recommend for individuals from the designated countries who have valid visas and are currently working or studying abroad?**

**A:** The Order should not affect those individuals who have valid visas and a *bona fide* relationship with a person or entity in the United States and there should not be any issue gaining admission to the United States

**Q: What does the University recommend for individuals from the designated countries who have been admitted to one of the University of Nebraska's campuses (Kearney, Lincoln, Medical Center or Omaha) but who have not received a student visa?**

**A:** The University encourages admitted students to be patient while the U.S. Government conducts the reviews specified in the Order. The University will inform you with new information as it becomes available in the future.



**Q: What should a student or scholar from one of the designated countries do if their visa expires before this review is completed?**

**A:** The University recommends that students and scholars speak with an international advisor or with a representative of the Human Resources Department on their campus to discuss their specific situation. Contact information appears on page 3 above.



**Q: What does the University recommend for international students, faculty, staff and scholars from other countries that are not included in the Order?**

**A:** Students, faculty, staff and scholars from other countries are not affected by the Order. They should maintain current visas or lawful permanent resident status in the United States and continue to comply with established immigration law and the requirements of the international office on the student's campus. Students who have questions or need to discuss any personal situation are encouraged to speak with an international advisor or an advisor from the Human Relations Department on their campus. Contact information appears on page 4 above.

## INFORMATION FOR UNIVERSITY DEPARTMENTS

**Q: What does the University recommend to its undergraduate, graduate and professional programs regarding accepting application documents and admitting students from the designated countries for future semesters?**

**A:** There are no restrictions on admitting students to a U.S. college or university. We recommend that you proceed as you normally would with the application and admission process until further notice.

**Q: What does the University recommend when it comes to each campus recruiting and communicating with prospective students from the designated countries?**

**A:** Continue to communicate with all students, including prospective students from the designated countries affected by the Order. The University of Nebraska follows the immigration laws of the United States, but there are no restrictions regarding admitting students to a United States college or university, and the University of Nebraska welcomes the inquiries of interested students from all over the world.

