



Travel Ban Ruling by the Supreme Court:

What Students Need to Know

Created on June 27, 2017

***NOTE: How the Department of State, Customs Border Protection and other agencies will implement the travel ban ruling is highly speculative. What follows is our assumptions with the information and knowledge we have up to date and based on the language of the EO and our understanding of immigration law & policy.**

What is the travel ban? The travel ban refers to an Executive Order (EO) signed by President Donald Trump on March 6. The EO suspends the entry for all immigrants and nonimmigrants from the following countries: Iran, Libya, Sudan, Somalia, Yemen and Syria for a period of 90 days. The second EO also suspends the refugee admissions program for a period of 120 days. These sections of the ban were blocked by federal courts before the Supreme Court lifted the block partially.

What did the Supreme Court rule? On June 26, the Supreme Court reinstated the travel ban for individuals from the six designated countries and refugees who *"lack any bona fide relationship with a person or entity in the United States."* The Court also agreed to hear the case in the fall (October 2017) to determine if the travel ban is legal.

Can a student from one of the six countries travel? The Supreme Court restored the ban only for those individuals who *"lack any bona fide relationship with a person or entity in the United States."* This should mean that students who have a relationship or tie to a university or other institution should be able to travel. In fact, the Supreme Court specifically identified students admitted to a university as one example of a "bona fide relationship." Here are the examples the Supreme Court gave when defining "bona fide relationship:"

- For individuals, a close familial relationship is required. A foreign national who wishes to enter the United States to live with or visit a family member.
- For entities, the relationship must be formal, documented, and formed in the ordinary course, rather than for the purpose of evading EO-2.
 - The students from the designated countries who have been admitted to the University of Hawaii have such a relationship with an American entity.
 - So too would a worker who accepted an offer of employment from an American company or a lecturer invited to address an American audience.

How Can I Demonstrate a “Bona Fide Relationship”? Some examples may include:

- Billing/Receipt of tuition or financial aid payments
- Acceptance/Admission letter with course/student enrollment verification
- Birth, family, or marriage certificate for children or spouses of students
- Student identification card with valid F-1 and I-20 for current students
- Notarized Letter from School Dean/President
- Notarized Letter from Designated School Officer (DSO)

What if I am a student from one of the six countries who holds a valid visa? By the terms of the March 6 EO, individuals with a valid visa (including but not limited to F, J and M) should still be able to travel to the United States. Students that are already admitted students, but are required to renew visa at U.S. Consulate should also be able to travel and have their visa renewed.

If I have an acceptance letter from a university and am from one of the six countries, does this mean I am safe to travel? A plain reading of the Supreme Court decision suggests that students with acceptance letters should be safe. An acceptance letter is one form of evidence that could be used to establish a relationship that is “formal, documented and formed in the ordinary course.” However, it is unknown how the government officials overseas and at the airports are going to define and apply “bona fide relationship.” Any student from one of the six countries should consult with an immigration attorney.

I am the spouse or child of a student or scholar from one of the six designated countries. Does the travel ban apply to me? The language from the Supreme Court ruling would suggest that a spouse or child of a student is a “bona fide relationship” with a person. However, it is unclear how officials will apply or interpret this standard. Any derivative of a student from one of the six countries should consult with an immigration attorney.

I am a student from one of the six countries but I am afraid to return home. Can I still apply for asylum? The travel ban ruling should not impact the laws governing asylum. Qualifying individuals who are present in the United States are eligible to apply for asylum if they have suffered or fear persecution by the government or a group the government is unable/unwilling to control on account of race, religion, nationality, political opinion or membership in a particular social group. Students who are afraid to return should consult with an immigration attorney as every case is unique.

I am a student from one of the six countries and seeking Optional Practical Training (OPT). Does this impact me? The travel ban ruling should not impact your eligibility for OPT. Students must still meet the general requirements for OPT and should speak with their Designated School Officer (DSO). Students seeking employment after their OPT completion should consult with an immigration attorney.

I am from one of the six designated countries and have a green card (Lawful Permanent Resident Status). Can I travel to and from the United States? By its terms, the March 6 EO does not include green card holders, so the ruling should not affect you.

I am traveling from outside the United States. Where can I find help? For individuals flying through Dulles, please check out the Dulles Justice Coalition website (www.dullesjustice.org). For additional legal help, please contact the American-Arab Anti-Discrimination Committee website (www.adc.org). Penn State Law's Center for Immigrants' Rights has a clearinghouse of information on the Executive Orders available [here](#).