MEMO

To: Boise State University Campus Community

From: Matt Wilde, General Counsel

Re: Information on March 6, 2017 Executive Order

Date: March 10, 2017

On March 6, 2017, the President issued a new Executive Order to replace an Executive Order issued in January due to a national injunction on the implementation of the January Order. The new Executive Order (the “Order”) becomes effective on March 16, 2017, and of relevance to the University Community, it:

1. Bans entry into the United States from nationals from Iran, Libya, Somalia, Sudan, Syrian, and Yemen (“designated countries”) for 90 days. However, the ban is subject to limitations and waivers. Those limitations and waivers with the most relevance to the University community are outlined below.
   a. The 90 day ban only applies to nationals of the designated countries who are outside the country on the effective date of the Order, did not have a valid visa at 5:00 pm EST on January 27, 2017, and who do not have a valid visa on the effective date of the Order.
   b. The 90 ban does not apply to:
      i. lawful permanent residents;
      ii. foreign nationals admitted into the United States after the effective date of the Order;
      iii. Any dual national of one of the designated countries when the individual is traveling on a passport issued by the non-designated country;
   c. Additionally, the ban may be waived on a case-by-case basis if the foreign national seeking entry can demonstrate that denying entry during the suspension period would cause undue hardship, that he or she would not pose a threat to national security and that entry would be in the national interest. Cases deemed appropriate for waiver include those when the foreign national:
      i. Was previously admitted to the US for continuous periods of work, study, or other long-term activity and is outside the US on the effective date of the Order, and seeks to reenter the US to resume that activity, and denial of reentry during the suspension period would impair performance of that activity;
      ii. Seeks to enter the US for significant business or professional obligations and the denial of the entry during the suspension period would impair those obligations;
      iii. Seeks to enter the US to visit or reside with a close family member (e.g., spouse, child, or parent) who is a US citizen, lawful permanent resident, or alien lawfully admitted on a valid non-immigrant visa, and the denial of entry during the suspension period would cause undue hardship;
      iv. Is an infant, a young child or adoptee, an individual needing urgent medical care, or someone whose entry is otherwise justified by the special circumstances of the case;
      v. Has been employed by, or on behalf of, the US Government (or is an eligible dependent of such an employee) and the employee can document that he or she has provided faithful and valuable service to the Government;
vi. Is traveling for purposes related to an international organization designated under the International Organizations Immunities Act, to conduct meetings or business with the US Government, or to conduct business on behalf of an international organization not designated under the IOIA;

vii. Is a landed Canadian immigrant who applies for a visa at a location within Canada; or


2. Does not ban entry to Iraqi nationals, but Iraqi applicants for a visa, admission, or other immigration benefit will be subject to a thorough review to determine in part whether the applicant has connections with ISIS or other terrorist organization or with territory that is or has been under the dominant influence of ISIS, as well as any other information bearing on whether the applicant may be a threat to commit acts of terrorism or otherwise threaten the national security or public safety of the US.

As with the first Executive Order, we expect this situation to remain fluid. Therefore, we recommend that students and employees from the designated countries delay unnecessary international travel for the time being, especially if reentry into the United States is scheduled to take place on or after March 16, 2017. This is especially important for those with single entry visas, as applications for additional admissions may not be granted in the future.

If you have further questions about the March 6, 2017, Executive Order, and you are an employee please contact Kendra Smith, Director of Foreign Faculty Services at 426-1203. If you have questions and are a student, please contact Ruth Prince, Assistant Director of International Admissions (students) at 426-3720.