

President Trump's Travel Ban: How the Executive Order is Affecting Colleges and Universities

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On Friday, January 27, 2017, President Trump signed an executive order on immigration, which bars Syrian refugees from entering the United States indefinitely, suspends all refugee admissions under the U.S. Refugee Admissions Program for 120 days, and prohibits citizens from seven, predominately Muslim, countries from entering the United States for 90 days. Those seven countries are Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. The order also introduces a cap of 50,000 refugees to be accepted into the United States in 2017, lowering the number from 110,000 under former President Obama.

The executive order was immediately met with widespread protests around the country, including demonstrations at major airports like New York City's John F. Kennedy International Airport, as students, visitors, and legal United States residents from one of the seven listed countries were being held or stopped at airports, some sent back to their countries of origin. The order also generated a great deal of confusion regarding who was affected by the travel ban, and uneven application of the order at airports across the country appeared to exacerbate the confusion.

By Friday night, the Department of Homeland Security ("DHS") had determined that the executive order's restrictions do not apply to individuals with lawful permanent residence in the United States, a/k/a "green-card holders". On Saturday night, a federal judge in New York's Eastern District blocked part of the order, ruling that refugees being held at airports should not be sent back to their home countries; however, the decision did not issue a ruling on the constitutionality of the travel ban. Federal judges in Massachusetts, Virginia, and Washington issued similar rulings. On Sunday morning, the DHS stated that "prohibited travel will remain prohibited"; however, the White House Chief of Staff clarified that green-card holders from the seven listed countries would not be prevented from returning to the United States moving forward. As of now, all travelers who are citizens or dual-citizens of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen will not be permitted to enter the United States and will not be issued an immigrant or non-immigrant visa.

While uncertainty regarding this executive order lingers, American colleges and universities are struggling to determine what this order means for their visiting students with citizenship in one of the banned countries. It is estimated that more than 15,000 international students are directly affected by the order.

Ronald Cushing, the Director of International Services at the University of Cincinnati, noted that the initial problem was simply trying to identify which students will be affected by the travel ban. It appears now that individuals with green cards are not affected by the order; however, many foreign students are studying in the United States on student visas. Student visas, unlike green cards, do not afford students legal permanent residence. Cushing expressed frustration with conflicting information coming from the White House throughout the weekend, which made it more difficult to identify affected students.

Robin Catmur, the Director of the Office of International Student and Scholar Services at the University of Georgia, is struggling to comfort the roughly 75 students affected by the travel ban, as she “has few answers for the affected students.” Catmur stated that, while she can assure her students they continue to have the right to study at the university, she cannot provide them with any certainty regarding what will happen after the 90-day “vetting period.” University administrators are also dealing with students who have family living in one of the seven listed countries. Catmur lamented a conversation she had with an Iranian student who called Catmur in tears because her parents, who were denied visas, had not seen her in two years. The student now believes she cannot return home to visit them if she plans to reenter the United States during the 90-day travel ban. Ali Rakhshan, a Ph.D. student studying engineering at the University of Massachusetts at Amherst with family in Iran, was hoping his family would be able to attend his graduation. The family had an interview scheduled to obtain visas, however, the interview was canceled on Sunday.

Universities are trying to console students on campus. However, some affected students are now stuck outside of the United States. For example, Ali Abdi, an Iranian Ph.D. candidate at Yale, recently traveled from America to Afghanistan for research. Abdi is now unsure if he will be able to return to the United States after he completes his research abroad. Further, apart from the question of whether he will legally be able to return to America, Abdi wonders if he will even want to, feeling a sense of insecurity and discomfort regarding life in the United States.

Finally, some university administrators are concerned about how this executive order will affect international-student recruitment. Jeet Joshee at California State University at Long Beach said that, while currently-enrolled students were an immediate priority, “the ban was imposed at the heart of the college-admission season.” Now, colleges that have already accepted students from the seven affected countries are unsure if those students will be able to or will want to enroll. The Washington Post reported that “[i]nternational students receive little to no financial aid and pay higher tuition, making them a critical source of revenue for public colleges with meager state investment and small private universities with sagging enrollment.”

The executive order is not only affecting students, but professors, researchers, and scholars, as well. Two Iranian citizens, both associate professors at the University of Massachusetts at Dartmouth, were detained upon arrival at Boston’s Logan International Airport on Saturday. Furthermore, several commentators are concerned that “the order could ultimately hurt the country’s competitiveness if the best and brightest research scholars no longer want to study or work in the United States.”

Several universities have issued statements denouncing the executive order and what it represents. For example, Wesleyan University’s president stated that he was appalled by the order and asserted that “there will be no discrimination on the basis of religion on our campus.” Indiana University at Bloomington said that the university “does not share the sentiments” of the executive order, and many institutions offered similar statements, such as

the University of Notre Dame, Purdue University, the University of California system, and the University of Massachusetts system.

Johns Hopkins University, the University of Virginia, and George Washington University, along with several other colleges, are advising students and scholars affected by the travel ban to refrain from traveling outside the United States, fearing that those individuals may not be allowed to reenter. Colleges and universities may also want to arrange information sessions for affected students, to answer questions and assuage fears. New York University President Andrew Hamilton said that the university will hold an information session with its law school. College and university administrators must stay informed about the executive order and any developments in its legality or implementation, to ensure they have a full understanding of its effect on their students and staff.

If you have any questions or concerns, please contact Thomas B. Wassel at twassel@cullenanddykman.com or at 516-357-3868.

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*Please note that this is a general description of law and does not constitute legal advice.