

THE WALL STREET JOURNAL.

TRUMP ADMINISTRATION SETS STRICTER LIMITS ON ENTRY TO U.S.

Guidance to be issued on who from the six targeted countries qualifies for exceptions mandated by the Supreme Court

By Laura Meckler
June 29, 2017

WASHINGTON – The Trump administration will begin enforcing its temporary travel ban on visitors from six Muslim-majority nations and all refugees on Thursday, with exceptions only for those with close family or business ties to the U.S., officials said.

The guidelines, distributed to U.S. embassies beginning Wednesday night, are a narrow reading of a [Supreme Court ruling on Monday](#) that required that the U.S. continue to admit people who have “bona fide” relationships in the U.S.

Under the new rules, visa applicants and refugees with spouses, children, parents and siblings in the U.S. will be exempt from the ban, but those with what the administration sees as lesser ties – including grandparents, aunts, cousins and fiancées – would still be banned, administration officials said.

Foreigners from the six countries who want to come for business must show a “formal, documented” relationship with a U.S. entity that was formed in the ordinary course of business and not created for the purpose of evading the travel ban, these officials said. This guidance will be made public Thursday, spelling out details of who qualifies for the exceptions mandated by the high court. The new rules are to take effect at 8 p.m. ET on Thursday.

On Monday, the Supreme Court allowed the Trump administration to begin implementing parts of its [March executive order](#), which had been blocked by lower-court decisions, until it can hear and rule on a pair of legal challenges this fall. But the high court also ordered the administration to make exceptions for visa and refugee applicants who have a “bona fide” relationship with people or institutions in the U.S.

The March order, which President Donald Trump says is needed to guard against terrorism, is a revised version of [one issued in late January](#). The revised order sought a 90-day ban on U.S. entry for people from Iran, Libya, Somalia, Sudan, Syria and Yemen, and suspended the U.S. program for admitting refugees.

But the order was [quickly put on hold](#) by federal courts around the country, which found it likely presented an unconstitutional discrimination against Muslims, and that the president didn’t properly justify the action.

The 90-day period began on Monday following the Supreme Court action. At its conclusion, the administration could decide to extend the existing restrictions, add additional countries to the list or otherwise modify the list.

When the Supreme Court hears arguments on the executive order in October, it is possible that the original travel restrictions will have been replaced by new ones, based on the reviews that are now under way. That could give the court an opening to avoid issuing a definitive ruling on the policy now in place.

Omar Jadwat, the lead attorney on this issue for the American Civil Liberties Union, reacted with dismay to the news of the tight limits on family ties, earlier reported by the Associated Press. "Spouse, but not fiancé? Son in law, but not mother in law? Makes no sense," he wrote on Twitter.

"This reported guidance would slam the door shut on so many who have waited for months or years to be reunited with their families," added Karen Tumlin, legal director at the National Immigration Law Center. "Those engaged to be married, for example, have been cruelly left out."

The line was drawn, an administration official said, to ensure the exceptions aren't so broad as to swallow the rules altogether and allow virtually anyone to come in.

Examples of acceptable business ties include students admitted to U.S. educational institutions, people who have accepted a job offer in the U.S. or a lecturer invited to address an audience in the U.S., according to one official.

The guidelines will affect visa processing over the coming months. As the travel ban comes into force, administration officials and others don't expect the sort of [chaos that unfolded airports](#) upon implementation of Mr. Trump's first version in January.

Then, some travelers were abruptly stopped at arrival gates and sometimes held for hours. A flurry of court challenges followed, and thousands of people protested at airports around the country.

By contrast, the measures that take effect on Thursday allow for existing visas to remain valid, including those issued as recently as Wednesday. So it is unlikely that people will be turned back unexpectedly in the near term.

Guidelines being issued to Customs and Border Protection agents who work at airports are to honor valid visas and only turn back people who would be rejected under normal operating procedures, administration officials said.

Still, one official cautioned that foreigners arriving to the U.S. are routinely subjected to additional screening and said advocates and others shouldn't assume that the executive order is to blame if this happens to someone from one of the targeted countries.

Immigration advocates are bracing for trouble nonetheless. Amnesty International USA said it would station researchers at John F. Kennedy International Airport in New York and Dulles International Airport outside Washington, D.C., on Thursday to monitor implementation of the new rules.

An Amnesty spokeswoman said it is unclear exactly what guidelines border agents will be given. "Because immigration officers have such discretionary power, we're not sure what they will abide by," she said. "It's very up in the air."

Beyond the new travel rules, the Department of Homeland Security is also developing new rules for vetting visa and refugee applicants, and is conducting a country-by-country review

of security procedures that could lead to new and possibly more sweeping travel restrictions by people from the six targeted countries and elsewhere.

DHS Secretary John Kelly said Wednesday that he looks forward to those reviews.

By the time “the government wins this case in the Supreme Court, we’ll be able to move forward – not focusing on people from one religion or one culture, but focusing on every airport, every country around the world, doing a better job at determining who the person is who wants to come and why they want to come here,” he said at a conference sponsored by the Center for a New American Security.

The Supreme Court’s Monday decision attempted to strike a balance until the justices could give the case full consideration in the fall.

Three conservative justices on Monday expressed concern that the compromise approach could prove unworkable and generate more litigation.

– Felicia Schwartz and Brent Kendall contributed to this article.