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Newsroom

Court Order on Presidential Proclamation on Visas (November 13, 2017)

NOVEMBER 17, 2017

On November 13, the U.S. Court of Appeals for the Ninth Circuit granted, in part, the government's motion for an emergency stay of the U.S. District Court for the District of Hawaii's October 17, preliminary injunction. The preliminary injunction prohibited the U.S. government from enforcing or implementing Sections 2(a), (b), (c), (e), (g), and (h) of Presidential Proclamation 9645, "Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or other Public-Safety Threats." Under the Ninth Circuit's ruling, the earlier preliminary injunction is stayed, except as to "foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States." In light of the Ninth Circuit's ruling, visa applicants who are nationals of Chad, Iran, Libya, Syria, Somalia, and Yemen and do not have a credible claim of a bona fide relationship with a person or entity in the United States are now subject to the applicable visa restrictions under the Presidential Proclamation. Consequently, any applicants who lack such a claim, if found otherwise eligible for a visa, will be denied under the Proclamation, unless they are exempt or qualify for a waiver under the Proclamation. The court orders did not affect Sections (d) and (f) of the Proclamation, so nationals from North Korea and Venezuela remain subject to the restrictions and limitations listed in the Presidential Proclamation, which went into effect at 12:01 a.m. EDT on Wednesday, October 18, 2017, with respect to nationals of those countries.

Additional Background: The President issued Presidential Proclamation 9645 on September 24, 2017. Per Section 2 of Executive Order 13780 of March 6, 2017 (Protecting the Nation from Foreign Terrorist Entry Into The United States), a global review was conducted to determine what additional information is needed from each foreign country to assess whether foreign nationals who seek to enter the United States pose a security or safety threat. As part of that review, the Department of Homeland Security (DHS) developed a comprehensive set of criteria to evaluate the information-sharing practices, policies, and capabilities of foreign governments on a worldwide basis. At the end of that review, which included a 50-day period of engagement with foreign governments aimed at improving their information sharing practices, there were seven countries whose information sharing practices were determined to be "inadequate" and for which the President deemed it necessary to impose certain restrictions on the entry of nonimmigrants and immigrants who are nationals of these countries. The President also deemed it necessary to impose restrictions on one country due to the "special concerns" it presented. These restrictions are considered important to addressing the threat these existing information-sharing deficiencies, among other things, present to the security and welfare of the United States and pressuring host governments to remedy these deficiencies.

Nationals of the eight countries are subject to various travel restrictions contained in the Proclamation, as outlined in the following table, subject to exceptions and waivers set forth in the Proclamation. In addition, under applicable court orders, applicants from Chad, Iran, Libya, Somalia, Syria, and Yemen who have a credible claim of a bona fide relationship with either a person or an entity in the United States are exempt from the restrictions in the Proclamation. Consequently, if the requirements for a particular visa classification include that the applicant have a bona fide relationship with a person or entity in the United States, then applicants qualifying for visas of those classifications are exempt from the Proclamation, based on the court orders.

Country	Nonimmigrant Visas	Immigrant and Diversity Visas
Chad	No B-1, B-2, and B-1/B-2 visas	No immigrant or diversity visas
Iran	No nonimmigrant visas except F, M, and J student visas	No immigrant or diversity visas

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Libya	No B-1, B-2, and B-1/B-2 visas	No immigrant or diversity visas
North Korea	No nonimmigrant visas	No immigrant or diversity visas
Syria	No nonimmigrant visas	No immigrant or diversity visas
Venezuela	No B-1, B-2 or B-1/B-2 visas of any kind for officials of the following government agencies Ministry of Interior, Justice, and Peace; the Administrative Service of Identification, Migration, and Immigration; the Corps of Scientific Investigations, Judicial and Criminal; the Bolivarian Intelligence Service; and the People's Power Ministry of Foreign Affairs, and their immediate family members.	No restrictions
Yemen	No B-1, B-2, and B-1/B-2 visas	No immigrant or diversity visas
Somalia		No immigrant or diversity visas

The implementation of the Presidential Proclamation at our embassies and consulates abroad pursuant to the decision by the Ninth Circuit Court is as follows:

a) Nationals of Chad, Iran, Libya, Somalia, Syria, and Yemen. Nationals of these six countries will remain subject to the travel restrictions contained in the Proclamation, except for those individuals who have credible claim of a bona fide relationship with a person or entity in the United States. "Person" is defined as a parent, including parent-in-law, spouse, fiancé, child, adult son or daughter, son-in-law, daughter-in-law, sibling, brother-in-law, sister-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, and first-cousin. For all relationships, half or step status is included (e.g., "half-brother" or "step-sister"). "Person" does not include any other "extended" family members. A credible claim of a bona fide relationship with a "U.S. entity" must be formal, documented, and formed in the ordinary course rather than for the purpose of evading suspension of entry under the P.P. If the national does not qualify for this exemption, they may be eligible for other exceptions or waivers listed in the Proclamation.

b) Nationals of North Korea and Venezuela: The exceptions and waivers listed in the Proclamation are applicable for qualified applicants. There is no bona fide relationship exception available for nationals of North Korea or Venezuela.

We will not cancel previously scheduled visa application appointments. In accordance with all applicable court orders, executive orders, and proclamations, for nationals of the eight designated countries, a consular officer will make a determination whether an applicant otherwise eligible for a visa is exempt from the Proclamation or, if not, is eligible for a waiver under the Proclamation, and may be issued a visa.

No visas will be revoked pursuant to the Proclamation.

We will keep those traveling to the United States and our partners in the travel industry informed as we implement the order in a professional, organized, and timely way.

[FAQs on the Presidential Proclamation - Department of Homeland Security](#)

[The President's Proclamation on Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats](#)

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