



A Joint Powers Authority
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college districts
throughout the state.

5350 Skylane Boulevard
Santa Rosa, CA 95403

Tel: (707) 524-2690
Fax: (707) 578-0517
santarosa@sclscal.org
www.sclscal.org

General Counsel
Carl D. Corbin

Attorneys
Ellie R. Austin
Monica D. Batanero
Nancy L. Klein
Damara L. Moore
Jennifer E. Nix
Steven P. Reiner
Mia N. Robertshaw
Loren W. Soukup
Patrick C. Wilson
Frank Zotter, Jr.

Of Counsel
Robert J. Henry
Margaret M. Merchat

LEGAL UPDATE

January 31, 2017

**To: Superintendents/Presidents/Chancellors, Member Community
College Districts**

From: Mia N. Robertshaw, Assistant General Counsel *MNR*
Ellie R. Austin, Schools Legal Counsel *ERA*

**Subject: President Trump’s Jan. 27, 2017 Executive Order Impacting Travel
Memo No. 03-2017(CC)**

On January 27, 2017, President Donald Trump issued an Executive Order (“Order”) that limits immigration to the U.S. of foreign nationals from seven predominantly Muslim countries: Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen.¹ The Order also suspends the admission of refugees for 120 days, and indefinitely bans the admission of refugees from Syria.

Several federal courts have issued stays regarding the portions of the Order requiring deportation; however, those orders appear only to apply to individuals already in the U.S. or in transit, and do not appear to impact the Order’s constitutionality.

In response to the federal court rulings, the Department of Homeland Security (“DHS”) issued a Press Release on January 29, 2017, stating that it would continue to enforce the Order.² The Press Release provided that the U.S. government “retains its right to revoke visas at any time if required for national security or public safety.” It also explained that “enhanced security measures” have been implemented to effectuate the Order.

In light of its statement and continuing reports from airports, it remains unclear how the Order is being implemented.

¹ The Executive Order can be found at <https://www.whitehouse.gov/the-press-office/2017/01/27/executive-order-protecting-nation-foreign-terrorist-entry-united-states>.

² The Press Release can be found at <https://www.dhs.gov/news/2017/01/29/department-homeland-security-response-recent-litigation>.



Initially, reports surfaced that legal permanent residents of the U.S. – also known as green card holders – were being detained or deported if they were foreign nationals of one of the seven countries identified in the Order. It now appears that the Trump Administration has reversed its position on this issue, although legal permanent residents may still be detained and questioned upon entry into the U.S. in accordance with the January 29, 2017, DHS Press Release.

In addition, news media report that the Order is being implemented differently at different airports, leading to confusion and concern about what to expect upon arrival in the U.S. and how to best prepare oneself for entry. There are also reports of dual citizens being detained and questioned pursuant to the Order.

Recommendations

Ultimately, this issue presents a rapidly evolving area of legal concern with a number of unknowns.

Community college district students and employees from any of the affected countries who are currently abroad or planning to travel abroad for any district-sponsored or district-affiliated event, trip, conference, or activity should be encouraged to consult an immigration attorney immediately to ensure safe and legal reentry to the U.S. In addition, districts with affected students or employees should consult our office and an immigration attorney as necessary to determine what responsibilities, if any, the district may have in the event that a student or employee is impacted by this Order while participating in a district activity. Contact our office if you would like to discuss a referral to immigration counsel.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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