Frequently Asked Questions (FAQs) related to the 1/27/17 Presidential Executive Order
“Protecting the nation from foreign terrorist entry into the United States”

Q. I am not from one of the impacted countries, is it ok for me to travel?

A. If you have a valid passport (valid for at least 6 months into the future at the time you plan to enter the US), have a valid visa sticker and have valid visa documents (I-20, DS-2019, H-1B approval notice, etc.), you should be able to travel and re-enter the US. Please note, however, that entry/re-entry to the US has never been guaranteed. As of 2/21/17, a new executive order is expected to be issued and it is unknown whether additional countries will be added. If you are from a country that you fear will be included, you may wish to defer travel until the situation is clearer. Anyone who needs a new visa may also want to think carefully about timing when making travel decisions.

Q. What if I am a Muslim or from a Muslim-majority country—is it still ok to travel?

A. Although this executive order has been referred to as a “Muslim ban”, there is no ban on entry to the US based on religion or nationality (excluding the countries listed in the executive order, which is temporarily halted). If you have a valid passport (valid for at least 6 months into the future at the time you plan to enter the US), have a valid visa sticker and have valid visa documents (I-20, DS-2019, H-1B approval notice, etc.), you should be able to travel and re-enter the US. Please note, however, that entry/re-entry to the US is never guaranteed. CMU community members have generally not had difficulty re-entering the US. If you are a national of one of the impacted countries, we still recommend that you defer international travel at this time.

Q. What if I need to apply for a visa, is it safe to travel?

A. With the exception of nationals from the impacted countries, there are no indications of special issues or challenges in obtaining a visa. We do not yet know if the State Department will begin issuing visas to nationals from the impacted countries based on the judicial stay. Because the Executive Order eliminated the possibility of having an in-person visa interview waived, there may be an increased demand for visa appointments. Please note that although visa denials are not common for CMU community members, any time you apply for a visa, no matter your country of citizenship, there is always the possibility of being denied the visa.

Q. What documents should I carry with me when I travel?

A. Students who are traveling should review our student travel advice & tips:  
http://www.cmu.edu/oie/forstu/travel.html

Scholars who are traveling should review the J & H Travel handout:  
http://www.cmu.edu/oie/forscho/travel/travel_j_h.pdf

Q. Do I need to carry my immigration documents with me while I’m within the US?
A. Yes, if you are traveling domestically, you should carry proof of your legal status. While in Pittsburgh, so as to minimize the chances of losing or damaging your documents, you may wish to carry a photocopy of the ID page of your passport, your I-94 and your visa document (I-20/DS-2019/H approval, etc.).

Q. If I am stopped and asked to provide my immigration documents, do I have to show them?

A. In general, if an immigration officer requests to see your immigration documents, you should present them. If the person requesting to see your documents is not an immigration official but is another federal official (such as FBI) or a police officer, you may not have to show your identification or proof of legal status. You may find additional guidance about rights in the US from these sources: https://www.aclu.org/files/kyr/MKG17-KYR-PolicImmigrationFBI-OnePage-Eng-v01.pdf and https://www.nlg.org/wp-content/uploads/2016/04/kyrpamphlet-Eng-May-2015-FINAL.pdf

Q. If a federal agent (FBI, State Dept., DHS officer, etc.) contacts me and wants to speak with me, do I have to speak with them?

A. Unless they have a warrant, you did not have to let them into your home and you do not have to speak with them. If you want to speak with them, you can (and, perhaps, should) have an attorney with you. NOTE: a fairly common scam involves a call from someone pretending to be a federal agent/IRS officer indicating you owe money or you will be deported. Federal agents will never ask for money by phone.

Q. Do I have to answer questions at the port of entry? Can Customs and Border Protection (CBP) search my bags/electronics?

A. You do have to answer CBP questions but only need to answer the questions you have been asked. CBP does have the right to search your bag(s)/electronics. You may refuse but CBP may respond by refusing you admission to the US or confiscating your bag/electronics. If it appears that you will not be admitted to the US, it is generally better to request to withdraw your admission to the US than if you are refused entry.

Q. I am from one of the impacted* countries and am planning to apply for a USCIS benefit (change of status, OPT, H-1B, etc.). I’ve heard my application will not be processed, what should I do?

A. USCIS confirmed on 2/3/17 that they ARE processing applications. This was confirmed before a Federal judge stayed (halted implementation of) the executive order so it would appear the order was not intended to impact people already in the US.

Q. I have heard there are more executive orders and/or changes coming to immigration regulations and I am concerned about how they will impact me. Should I extend my stay/shorten my stay/try to get a green card/apply for OPT/etc.?

A. Six Presidential Executive Orders were leaked in January with three of them being signed, with few changes, within days of being leaked. These three orders are now posted on the OIE website. Where there was speculation that the other leaked orders would be signed shortly soon after the first three, it now appears that they Administration may be re-thinking some of their plans. As of 2/21/17, we are anticipating a replacement Executive Order for the travel ban but it is unclear if there will be others.

There are a number of proposed bills in the House and Senate that may impact H-1B processing. A bill needs to pass both houses of Congress (and both must be substantially the same) and then must be signed by the President before it may become law. Once signed into law, regulations have to be written to implement the law. While it is possible that the laws pertaining to H-1B status may change, it is not a quick process and Congress has, historically, had difficulties in agreeing upon terms to contain in a bill.

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We do not recommend that people take action, or not take action, based on orders that may or may not ever be signed. At this time, until or unless more definitive information about changes is known, people should proceed as they had originally planned.

*Definitions:
Impacted countries = Iran, Iraq, Somalia, Sudan, Syria and Yemen
CBP = Customs and Border Protection
USCIS = US Citizenship and Immigration Services