

‘Bona Fide Relationships’ Under Trump’s New Travel Ban: Who’s In And Who’s Out?

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The U.S. Supreme Court made headlines on June 26 when it partially mandated aspects of Trump’s notorious “travel ban” barring immigrants from select countries from entering the United States. In a lengthy opinion, the court provided that people seeking visas from six restricted countries – namely Iran, Libya, Somalia, Sudan, Syria and Yemen – would be temporarily barred from entering the United States unless they can claim a “bona fide relationship” with a person or entity in the United States. This uncertain description of “bona fide relationship” has provided the U.S. State Department with an open invitation to create its own guidance on what the rules mean. Not surprisingly, the State Department has leapt at that invitation. According to the State Department’s new guidance issued June 29, a close family relationship is with a parent, spouse, child, a son-in-law or daughter-in-law, sibling and fiancé. That includes whole, half and step-relationships. Family members not included as close relations are: grandparents, grandchildren, aunts, uncles, and other extended family members. Moreover, the State Department also clarified what kinds of “business relationships” are considered bona fide. For these purposes, someone who has accepted a job offer from a company in the U.S. or an invitation to deliver a lecture at an American university is “in.” A hotel or rental car reservation, however, would not be a bona fide reason to enter, and individuals who stake a claim on that relationship are “out.” These rules are not permanent and will remain in place until the Supreme Court makes a final decision regarding the “travel ban,” which is scheduled for October. Employers should consider tuning in for a final ruling on this matter.

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