

One Minute Memo®



The 4th U.S. Circuit Court of Appeals Maintains Nationwide Preliminary Injunction Blocking the Trump Administration's Revised Travel Ban

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Seyfarth Synopsis: On May 25, 2017, the U.S. Court of Appeals for the 4th Circuit ruled that President Trump's travel ban should remain on hold, upholding a preliminary injunction issued in March 2017 by a lower court.

The order in question is the Trump Administration's revised Executive Order of March 6, 2017 ("revised EO"). The revised EO would have temporarily restricted certain foreign nationals from Iran, Libya, Somalia, Sudan, Syria, and Yemen from entering the United States for a period of 90 days. The revised EO sought to resolve constitutional issues and ambiguities related to the initial Executive Order signed on January 27, 2017.

In early May 2017, a 13-judge panel of the 4th Circuit heard arguments over the revised EO and on May 25, 2017, the court issued its decision to uphold the preliminary injunction. Writing on behalf of the majority, Chief Judge Roger Gregory stated that the travel ban "drips with religious intolerance, animus, and discrimination." The judges ruled 10-3 to affirm in substantial part the earlier decisions that had blocked the ban, citing the violation of the First Amendment as authority to decline reinstatement of the travel ban. The court rejected the Trump Administration's argument that the travel ban was a matter of national security.

The Trump Administration can seek Supreme Court review of the Fourth Court decision. If the Supreme Court decides to hear the case, arguments would not commence until the Fall 2017 term.

More information on the revised EO can be found in our [prior alert](#) on the topic. Seyfarth Shaw will continue to keep our clients informed on further developments.

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