



## Muslim Ban 3.0 – Fact Sheet

*(September 25, 2017 – Subject to Change)*

As the provisions of President Trump's Muslim Ban that placed travel restrictions on the nationals of six Muslim-majority countries were set to expire on September 24, 2017, President Trump released a Presidential Proclamation that extended indefinitely the ban on several countries and imposed additional restrictions on other countries. The Proclamation enacts a new ban that excludes individuals from eight countries – now including Chad, North Korea, and Venezuela while excluding Sudan – and imposes country-specific restrictions on each. This updated policy has no stated end date. President Trump's Proclamation is his latest attempt to implement his campaign-promise to ban the entry of Muslims into the United States.

### Which Countries Are Targeted and How?

The new ban currently targets individuals from 8 countries. **Sudan has been excluded from this version of the ban:**

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>○ <b>Chad:</b> Entry into the U.S. of Chadian nationals as immigrants and as temporary visitors on business or as tourists is suspended.</li><li>○ <b>Iran:</b> Entry into the U.S. of Iranian nationals as immigrants and as temporary visitors is suspended <u>except</u> for Iranian nationals entering under F, M, and J visas. This latter group may be subject to enhanced screening.</li><li>○ <b>Libya:</b> Entry into the U.S. of Libyan nationals as immigrants and as temporary visitors on business or as tourists is suspended.</li><li>○ <b>North Korea:</b> Entry into the U.S. of all North Korean nationals as immigrants and nonimmigrants is suspended.</li></ul> | <ul style="list-style-type: none"><li>○ <b>Syria:</b> Entry into the U.S. of all Syrian nationals as immigrants and nonimmigrants is suspended.</li><li>○ <b>Venezuela:</b> Entry into the U.S. of certain Venezuelan government officials and their family members as visitors on business or as tourists is suspended.</li><li>○ <b>Somalia:</b> Entry into the U.S. of Somalian nationals as immigrants is suspended. Somalian nationals seeking to enter the U.S. as nonimmigrants will be subject to additional scrutiny.</li><li>○ <b>Yemen:</b> Entry into the U.S. of Yemeni nationals as immigrants and as temporary visitors on business or as tourists is suspended.</li></ul> |
|--|---|

### Who Qualifies as an Immigrant?

Immigrants are those who are seeking admission to the U.S. on a permanent basis through a family member, U.S. employer, as a refugee, or through the Diversity Lottery Program.

### Who Qualifies as a Nonimmigrant?

Nonimmigrants are those who are seeking admission into the U.S. on a temporary basis, such as business visitors, tourists, students, exchange students, scholars, and temporary workers.

### What are the Restrictions and What are their Effective Dates?

The restrictions are conditional. The Proclamation applies to nationals from the affected countries who are applying for a visa.

- The Proclamation applies immediately to those who are covered by the Second Muslim Ban and who lack a credible bona fide relationship to a person or entity in the U.S. This became effective at 3:30pm EST on September 24, 2017.
- For all other persons – including nationals of Iran, Libya, Syria, Yemen, and Somalia who HAVE a bona fide relationship in the U.S. – AND nationals of Chad, North Korea, and Venezuela, the new ban becomes effective at 12:01am on October 18, 2017.

*The information contained in this fact sheet is provided for educational purposes only and not as part of an attorney-client relationship. It is not a substitute for expert legal, tax, or other professional advice tailored to your specific circumstances. We recommend you consult with an immigration attorney.*



### What is a Bona Fide Relationship?

Foreign nationals who can claim a “bona fide relationship” with a person or entity in the U.S. include:

- Individuals who have a close familial relationship in the U.S. This includes parents (including in-laws and step-parents), spouses, fiancées, children (including in-laws), siblings (including in-laws), half-siblings, grandparents, grandchildren, aunts, uncles, nieces, nephews, and cousins.
- Individuals who have a “formal, documented” relationship with a U.S. entity that was “formed in the ordinary course.” Examples of such a relationship include: students who have been admitted to a U.S. university; workers who have accepted an offer of employment from a U.S. company; and lecturers who have been invited to address a U.S. audience.

### Who is Exempt from the New Ban?

- Lawful permanent residents (green card holders);
- Those admitted or paroled after the effective dates in Section 7 of the Proclamation;
- Those with an otherwise valid document – e.g. a transportation letter, appropriate boarding foil, or advance parole document – on the Proclamation’s effective date;
- Dual nationals when the individual has a passport issued by an unaffected country;
- Those traveling on diplomatic visas such as a G visa;
- Those granted asylum, admitted as a refugee, or granted related relief.

**President Trump’s Proclamation is his latest attempt to implement his campaign-promise to ban the entry of Muslims into the United States.**

### Who can Apply for a Waiver Under the New Ban?

According to Section 3 of the Proclamation, waivers may be granted under the following circumstances:

- When denying entry would cause the foreign national undue hardship and their entry would not pose a threat to national security or public safety, and would be in the national interest; and
- On a case-by-case basis. Case-by-case waivers may not be granted categorically, but may be granted in individual circumstances such as:
  - Those previously admitted and outside the U.S.;
  - Those with established significant contacts with the U.S. but currently outside the U.S. on the effective date;
  - Those seeking to enter the U.S. for significant business or professional obligations;
  - Those seeking to visit or reside with a close family member and whose denial would cause undue hardship;
  - Those who are an infant, a young child, an adoptee, or in need of urgent medical care or with those with special circumstances;
  - Those employed by the U.S. government; and
  - Those traveling with purposes related to business with the U.S. government or on behalf of certain international organizations.