

In collaboration with Professor Shoba Sivaprasad Wadhia, Penn State Law Center for Immigrants' Rights Clinic

Muslim Ban 3.0 – Fact Sheet

(September 26, 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:**

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| <ul style="list-style-type: none">○ Chad: Entry into the U.S. of Chadian nationals as immigrants and as temporary visitors on business or as tourists is suspended.○ Iran: 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.○ Libya: Entry into the U.S. of Libyan nationals as immigrants and as temporary visitors on business or as tourists is suspended.○ North Korea: Entry into the U.S. of all North Korean nationals as immigrants and nonimmigrants is suspended. | <ul style="list-style-type: none">○ Syria: Entry into the U.S. of all Syrian nationals as immigrants and nonimmigrants is suspended.○ Venezuela: Entry into the U.S. of certain Venezuelan government officials and their family members as visitors on business or as tourists is suspended.○ Somalia: 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.○ Yemen: Entry into the U.S. of Yemeni nationals as immigrants and as temporary visitors on business or as tourists is suspended. |
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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, 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 (except Sudan) 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.

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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.

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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.