



The Trump Administration's New Expanded Travel Ban: What You Need To Know

Updated January 31, 2020 (current as of: 4:45pm EDT)

On January 31, 2020, President Trump signed a [Presidential Proclamation](#) that EXPANDS Travel Ban 3.0 to certain nationals from six NEW countries: Myanmar (also known as Burma), Eritrea, Kyrgyzstan, Nigeria, Sudan and Tanzania. There is no expiration date.

Q: Who is covered by the NEW Expanded Travel Ban? The New Expanded Travel Ban affects certain nationals from the following six countries:

Kyrgyzstan: ALL immigrants , except Special Immigrants whose eligibility is based on having provided assistance to the United States Government	Nigeria: ALL immigrants , except Special Immigrants whose eligibility is based on having provided assistance to the United States Government
Myanmar (Burma): ALL immigrants , except Special Immigrants whose eligibility is based on having provided assistance to the United States Government	Sudan: Immigrants under the Diversity Lottery Program

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<p>Eritrea: ALL immigrants, except Special Immigrants whose eligibility is based on having provided assistance to the United States Government</p>	<p>Tanzania: Immigrants under the Diversity Lottery Program</p>
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Who was covered by Travel Ban 3.0 Before the Expansion? Since December 4, 2017, [Travel Ban 3.0](#) has covered certain nationals from the following seven countries:

- **Libya and Yemen:** all immigrants and those entering as tourists or business travelers
- **Iran:** all immigrants and nonimmigrants, EXCEPT F, J and M visa holders (extra scrutiny)
- **North Korea and Syria:** all immigrants and nonimmigrants
- **Somalia:** immigrants (and nonimmigrants subject to extra scrutiny)
- **Venezuela:** certain nonimmigrants government officials and their family members

Please review [this fact sheet](#) for a more detailed description of Travel Ban 3.0.

Q: What is an immigrant or non-immigrant?

Immigrants refer to those who are seeking admission to the United States on a *permanent* basis through a family, employment, or through the [Diversity Lottery](#) Program.

Non-immigrants refer to those who are seeking admission to the United States on a *temporary* basis, such as business visitors, tourists, students, exchange students, scholars, and temporary workers. The New Expanded Travel Ban **does not apply to non-immigrants visa categories**.

Q: Does the New Expanded Travel Ban Apply to Holders of a Valid Visa? No. For example, if you have a visa that was issued before the effective date, the ban does not apply to you.

Q: What is the effective date for the New Expanded Travel Ban? 12:01AM EST February 21, 2020

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Q: Who is exempt from the New Expanded Travel Ban?

- Lawful permanent residents (green card holders) and United States Citizens
- Foreign nationals admitted or paroled to the United States on or after the effective date
- Foreign nationals with travel documents that are not visas that are valid before or issued after the effective date
- Dual nationals traveling on a passport that is not one of the affected countries
- Those traveling on a diplomatic or related visa
- Foreign nationals who have already been granted asylum, refugees who have already been granted admittance, and those who have been granted withholding of removal, advanced parole, or protections under the Convention Against Torture

Q: Am I eligible for a waiver under the New Expanded Travel Ban?

In order to obtain a waiver, an applicant must demonstrate: 1) undue hardship if entry were denied, 2) entry would not pose a threat to national security, and 3) entry is in the national interest. The decision of a consular officer to grant or deny a waiver is discretionary.

Q: How do I apply for a waiver under the New Expanded Travel Ban?

Waiver requests should be submitted to the consulate during a consular interview. They may also be mailed or emailed to a Consular post if a case is in administrative processing. For detailed instructions on how to prepare a waiver request packet, or for assistance, please consult with an immigration attorney. You can also consult [this practice pointer](#) from the American Immigration Lawyers Association (AILA).

Q: How does the new Expanded Travel Ban affect students?

The New Expanded Travel Ban does **not** include students from the six countries because they are nonimmigrants. However, students may still be subject to extra scrutiny, as we have seen in the case of Iranian citizens.

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Q: How does the new Expanded Travel Ban affect families?

Every version of the travel ban has impacted families in significant ways. With the new Expanded Travel Ban, we anticipate that more families in qualifying relationships under the immigration statute will be separated, and that more parents and loved ones will be unable to travel to the United States to witness key events like the birth of a grandchild, or marriage of child.

Q: Why was the travel ban expanded?

The government’s position is that the new countries pose a national security risk or fail to meet baseline requirements. Critics of the ban argue that it is discriminatory and based on impermissible factors, such as national origin and religion.

Q: Was Travel Ban 3.0 ban ever challenged in a court before it was expanded?

Yes. Most significant, the U.S. Supreme Court in *Hawaii v. Trump* found that Travel Ban 3.0 was lawful under the immigration statute and the U.S. Constitution. Chief Justice Roberts held “The Proclamation is squarely within the scope of Presidential authority under the INA.” He described 8 U.S.C. §1182(f) as a “comprehensive delegation” which “exudes deference to the President in every clause.” For information on ongoing litigation, see this update from the [National Immigration Law Center](#). Possibly, the New Expanded Travel Ban will be challenged in the courts, but the judicial outcome in *Hawaii v. Trump* will need to be followed.

Q: Where can you I find more resources? For more information please visit:

- [Penn State Law Center for Immigrants’ Rights Clinic](#) website
- [Immigration in the Time of Trump](#) contains resources for immigrants and the broader community
- [Know Your Rights: Enforcement at the Airport](#), ACLU, January 2020.

For assistance, please e-mail the Legal Department of the American-Arab Anti-Discrimination Committee: legal@adc.org.

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Please consult with an immigration attorney if you need legal advice or if you are from one of the covered countries and plan to travel.

[Here is a list](#) of attorneys who have graciously agreed to assist members in our community impacted by the New Expanded Travel Ban.

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