

Muslim Ban Court Update Who is Impacted as of July 19, 2017

The below advisory is not intended to be legal advice and is a very brief overview. If you are a foreign national from one of the six Muslim Ban countries, we urge you to speak with a lawyer. The law is constantly changing the Muslim Ban. Please reach out to our organizations for updates and legal assistance

What is the Muslim Ban Executive Order 2.0?

The Muslim Ban Executive Order 2.0 is the order signed by Donald Trump on March 6, 2017 that prohibits the entry for certain immigrants and nonimmigrants from Iran, Somalia, Sudan, Syria, Libya and Yemen for 90 days. It also suspended the entire refugee program for 120 days. The Muslim Ban 2.0 replaced the first Muslim Ban Executive Order (Muslim Ban 1.0) signed on January 27, 2017. Both Muslim Ban 1.0 and 2.0 were challenged in several courts and a full block had previously prevented Muslim Ban 2.0 from starting.

U.S. Supreme Court Summary

On June 26, 2017, the U.S. Supreme Court issued a ruling on the Muslim Travel Ban Executive Order 2.0 stating that:

1. They will hold a hearing to review and decide the legality of the Muslim Ban 2.0 in the fall of 2017;
2. They will allow some parts of the Muslim Ban 2.0 to go into effect until they make a final decision in the fall of 2017. This was a big change because, before this decision, lower courts had blocked the entire Muslim Ban 2.0. The parts of the Muslim Ban 2.0 that are allowed to move forward are:
 - The 90 day travel restriction for certain visa holders from Iran, Somalia, Sudan, Syria, Libya and Yemen who do **not** have a visa approved by June 29, 2017 OR do not have a “bona fide” relationship with a person or entity, will be banned from entering the U.S. for 90 days.
 - The entire refugee program is halted for 120 days. Refugees cannot enter the U.S. unless they have a “bona fide relationship with a person or entity.”

*****PLEASE SEE BELOW DEFINITION OF “BONA FIDE RELATIONSHIPS” WITH A PERSON OR ENTITY.*****

Because the U.S. Supreme Court changed Muslim Ban 2.0, we'll call their interpretation and ruling Muslim Ban 3.0. The Muslim Travel Ban 3.0 went into effect Thursday June 29, 2017 at 5:00pm PST.

Changes Since the U.S. Supreme Court Decision

After the U.S. Supreme Court's decision on June 26, 2017, there has been much confusion and arguments in court over what qualifies as a "bona fide" relationship and the status of the refugee program. As of July 19, 2017 the courts have expanded the administration's definition interpreting the U.S. Supreme Court Program, which also applies to refugees, but has limited the refugee program. Please see below.

90 Day Travel/Entry Restriction

Who is Impacted?

People from Iran, Yemen, Syria, Somalia, Sudan, and Libya who 1) do not have their visas approved as of June 29, 2017 at 8:00pm EST and 2) do not have a qualifying "bona fide relationship" cannot enter the U.S. for 90 days starting June 29, 2017.

What is a "Bona Fide" Relationship?

Bona Fide relationship is a legal term that essentially means a relationship that falls within the guidelines of the government so that they will allow entry. Nationals from one of the six listed countries must show that they are coming to live with or visit a person or entity that qualifies for them to not be impacted by the Muslim Ban 3.0:

1. **"Bona fide" Relationship to a PERSON** is currently:
 - Parent (including parent in-law)
 - Spouse
 - Child (whether under 21 or adult)
 - Son-in-law or Daughter-in-law
 - Sibling (whether half or whole or in-law)
 - Fiancee
 - Grandparents
 - Grandchildren
 - Aunts
 - Uncles

- Nieces and Nephews
 - Any of the above relationships as a step-relationship
2. **“Bona Fide Relationship” to an ENTITY** means that you have a “formal” and “documented” relationship with a school, university, or employer. For example:
- **Students** who have been admitted to a U.S. university must show this proof in order to enter the U.S.
 - A **“worker** who accepted an offer of employment from an American company” and has formal documentation must show this proof in order to enter the U.S.
 - A **“lecturer** invited to address an American audience” must show this proof in order to enter the U.S.
 - (Other relationships might qualify for this exception too)

Waivers for People Who Do Not Have a “Bona Fide” Relationship

The U.S. Department of State (i.e. the consulates and embassies) and the U.S. Department of Homeland Security (i.e. the customs officers at the airports and borders) can make an exception for people who are banned through a process called a waiver. If they allow the waiver then the individual can still enter the U.S. However, we do not yet know what is the formal process for requesting a waiver.

Visas & Visa Appointments

The U.S. government has said that it will *not* revoke any issued visas. The consulates and embassies are instructed to continue all interviews, even if the Muslim Ban applies.

Who is Not Impacted?

- People who had their visas approved before June 29, 2017 at 8:00pm EST.
- Dual nationals who enter the U.S. using a passport from a non-affected country.
 - For example, if a dual citizen of Iran and the U.K. travels to the U.S. on his/her U.K. passport, s/he will **not** be affected by the Ban.
- Student visa holders who have already have a current and formal relationship with a university or school and has proof of this.
- People who have a valid travel document, other than a visa, on June 29, 2017, that permits travel into the United States (such as advance parole).
- Green card holders (lawful permanent residents).

- United States Citizens.

Refugee Program

Starting June 29th, 2017, the entire refugee program was halted for 120 days. Refugees will not be able to come into the U.S. during that time **unless** they have “bona fide relationship with a particular person or entity” in the U.S.

The same “bona fide” relationships described above for both persons and entities applies to refugees. **However, as of July 19, 2017 refugees who only have a formal assurance from a U.S. refugee resettlement agency do not have a qualifying “bona fide” relationship.** Refugees who are already in the refugee Lautenberg Program should not have issues.

Please Be Aware of Border Rights & Report Issues

Legal updates on this issue are happening frequently and there is a lack of clarity on how this decision will be implemented at the various airports and consulates. Therefore you may face delays or problems at the airport if you are from the 6 impacted countries, regardless of your immigration status. **If you face any discrimination, delays, or issues at the airport or the consulate please fill out the confidential and free legal assistance forms below.**

How to Get Legal Help?

Our organizations offer legal help free of charge. You can contact our organizations if:

- You or someone you know is affected by the Muslim Ban and you want legal help (we highly recommend you speak with an attorney if you are traveling and are a visa holder from the 6 countries); or
- Your community would like to request a “Know Your Rights” presentation.

Fill out our travel form for legal assistance:

- **Advancing Justice-Asian Law Caucus** at: <http://bit.ly/travelintake> ; OR
- **Council on American-Islamic Relations, San Francisco Bay Area** at: <https://ca.cair.com/sfba/travel/>