

Community Advisory: What You Should Know About the New Muslim Ban

September 24, 2017

Dear Community Members,

A new [Muslim Ban](#) was signed this afternoon. We are reviewing it to see how exactly it will be rolled out, but some general information based on what we know now is included below. **Please note that this information is subject to change** based on the various legal challenges that may be advanced in court. The interpretations below can change quickly. Please check back frequently for the most up-to-date information.

Timing

Part of the new Muslim Ban went into effect this afternoon, September 24th. The remainder will go into effect on October 18th, 2017. Much of the old order ([Muslim Ban 2.0](#)), signed on March 6, 2017, also partially expires today. The portions of Muslim Ban 2.0 impacting refugees specifically will continue until October 24, 2017. Despite this change, the temporary court order placing the old order on hold is still active, until the U.S. Supreme Court's hearing on October 10, 2017.

Who Will Be Impacted?

Travel Restriction for Nationals of Eight Countries - Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen

- General limitations
 - The new Muslim Ban only applies to individuals who are i) outside of the U.S. on the day the new Muslim Ban goes into effect, ii) who do **not** have a valid visa on the day the new Muslim Ban goes into effect, **and** iii) who have not obtained a waiver under Section 3(c).
 - The new Muslim Ban **does not** apply to:
 - Lawful permanent residents (green card holders);
 - Individuals admitted or paroled into the U.S. on or after the effective date of the new Muslim Ban;
 - Those with a document other than a visa that allows them to travel to the U.S., if the document is dated on or after the effective date of the new Muslim Ban;
 - Dual-nationals traveling on a passport from a non-designated country;
 - Individuals granted asylum;
 - Refugees already admitted to the U.S.; or

- Individuals granted withholding of removal, advance parole, or protection under the Convention against Torture
 - Until October 18, 2017, Citizens of Iran, Libya, Somalia, Syria, and Yemen are exempt from the new Muslim Ban if they have a “bona fide relationship” with a U.S. person or entity, meaning:
 - A close family member living in the U.S.,
 - An offer of employment in the U.S., and/or
 - An admission to study in the U.S.
- Previously-impacted countries - restrictions effective immediately:
 - Iran
 - Effective immediately, immigrant and nonimmigrant entry are suspended for Iranian nationals except for those with a bona fide relationship to a U.S. person or entity OR for those **with** F, J, or M visas.
 - Those with F, J, or M visas will most likely be subject to “enhanced screening and vetting requirements.”
 - The bona fide relationship exemption ends October 18, 2017.
 - Libya
 - Effective immediately, immigrants and nonimmigrants on business (B-1), tourist (B-2), business/tourist (B-1/B-2) visas are suspended except those with a bona fide relationship to the U.S.
 - The bona fide relationship exemption ends October 18, 2017.
 - Somalia
 - Effective immediately, immigrant visas are suspended for Somali nationals, except for those with a bona fide relationship to a U.S. person or entity.
 - Non-immigrant visas are permitted, subjected to heightened screening.
 - The bona fide relationship exemption ends October 18, 2017.
 - Syria
 - Effective immediately, immigrant and nonimmigrant entry is suspended for Syrian nationals, except for those with a bona fide relationship to a U.S. person or entity.
 - The bona fide relationship exemption ends October 18, 2017.
 - Sudan
 - Sudan was removed from the list of restricted countries in the new Muslim Ban.
 - Sudanese visa holders who were impacted by earlier Muslim Bans should now be able to reapply for visa.
 - The bona fide relationship exemption ends October 18, 2017.
 - Yemen
 - Effective immediately, all immigrant visas and nonimmigrant business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas are suspended, unless the visa holder has a bona fide relationship to a U.S. person or entity.
 - The bona fide relationship exemption ends October 18, 2017.
- Newly Impacted Countries



- Chad
 - Effective October 18, 2017, all immigrant visas and with nonimmigrant business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas are suspended from entering the U.S.
- North Korea
 - Effective October 18, 2017, all immigrant and nonimmigrant visa holders are suspended from entering the U.S.
- Venezuela
 - Effective October 18, 2017, the entry of officials of government agencies of Venezuela involved in screening and vetting procedures and their immediate family members, as nonimmigrants on business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas, is suspended. Additionally, nationals of Venezuela who are visa holders are subject to additional measures.
 - Per Section 3(b)(v) of the new Muslim Ban, certain Venezuelans traveling on diplomatic visas are not affected by the new Muslim Ban.

Refugee Program

- No changes were made in today's order that impact refugees.
- There continues to be a 120-day halt of the entire refugee program.
- Refugees with a bona fide relationship to a U.S. person or entity are exempt from the ban.
- Currently, a formal assurance from a refugee resettlement agency is insufficient on its own to establish a bona fide relationship. This matter is under appeal.
- The number of refugees to be admitted to the U.S. for fiscal year 2017 is reduced to 50,000.

How to Get Legal Help?

You can contact our organizations if:

- You or someone you know is impacted by this executive order and would like legal advice or assistance;
- Your community would like to request a "Know Your Rights" presentation.

Advancing Justice - Asian Law Caucus: 415.848.7711 or elicav@advancingjustice-alc.org
CAIR SF Bay Area: 408.986.9874 or <https://ca.cair.com/sfba/travel/>

We remain committed to challenging this Ban and protecting the communities we serve. Please do not hesitate to reach out.

Sincerely,

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