

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

## Muslim Ban 3.0 – Fact Sheet

(Updated July 2018)

On September 24, 2017, as the provisions of his Muslim Ban 2.0 were set to expire, President Trump released a Presidential Proclamation that extended the ban on nationals from most of the six countries targeted by Muslim Ban 2.0 while imposing new restrictions on others. Muslim Ban 3.0, enacted by President Trump's Proclamation, initially excluded travelers from eight countries – Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen – and imposed country-specific restrictions on each. This ban applies to nationals from the affected countries who are applying for a visa to enter the United States. On April 10, 2018, Chad was removed from the list of targeted countries. On June 26, 2018, the U.S. Supreme Court [upheld](#) Muslim Ban 3.0. As a result, the policy will remain in effect indefinitely.

### Which Countries Are Targeted and How?

The new ban currently targets individuals from 7 countries. **Sudan was excluded from this version of the ban, and Chad was removed from the list of targeted countries in April 2018:**

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| <ul style="list-style-type: none"><li>○ <b>Iran:</b> Entry into the U.S. of Iranian nationals as immigrants and as temporary visitors is suspended <i>except</i> 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><li>○ <b>Syria:</b> Entry into the U.S. of all Syrian nationals as immigrants and nonimmigrants is suspended.</li></ul> | <ul style="list-style-type: none"><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> |
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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.

### 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.
- Despite the inclusion of waiver provisions in Muslim Ban 3.0, the government has provided very little information regarding the way in which the waivers review process works. Data that has been released shows that the government has rejected the vast majority of the waiver applications it has received.

*For more information about the Muslim Ban and/or to request assistance in the preparation of  
a waiver application, please contact:*

Muslim Advocates  
noban@muslimadvocates.org

or

202-897-2622

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centerforimmigrantsr@pennstatelaw.psu.edu

Additional Muslim Ban-related resources prepared by the Clinic can be found [here](#).

American-Arab Anti-Discrimination Committee  
legal@adc.org

or

202-244-2990