



TRAVEL BAN UPDATE

President Trump has initiated yet another travel ban, this time including some non-Muslim majority countries. Impacted are citizens and nationals of Chad, Iran, Libya, North Korea, Somalia, Venezuela, Syria, and Yemen. Waivers of the ban are available in limited circumstances.

As with most laws and regulations, exceptions apply. This memo covers the most common situations, but not all aspects of the new rules. If you have any questions or concerns, please speak to an immigration law expert. Free, confidential advice is available from CUNY Citizenship Now! To arrange for a free consultation from a CUNY Citizenship Now! attorney, write to citizenshipnowinfo@cuny.edu or call 646-644-9400.

Note that nonimmigrants, including F-1 students, J-1 exchange visitors, and permanent residents (green card holders) who were lawfully in the United States as of 3:30pm on September 24, 2017, or anyone with a valid, unexpired visa as of that date are exempt from the ban. International students who were accepted to a U.S. college or university on or before October 18, 2017 are also exempt from the ban.

If you are a citizen of both a banned country and a non-banned country (dual citizenship), you are exempt as well, as long as you travel on your passport from the non-banned country. If you are a citizen or national of one of the listed countries, but are lawfully in the United States, we recommend travel abroad for family, educational or business purposes only. Even if the ban does apply to you, as a national or citizen of a banned country, you may face increased scrutiny when applying for a visa abroad or when entering the United States, assuming that limited travel is allowed for a given country.

Below is a country-by-country overview; different rules apply to each. If you are from a country covered by the ban, please speak to an immigration law expert before traveling abroad. Note a brief statement concerning Iraq and Sudan, countries no longer on the travel ban list.

Iran

F, J or M visa applicants and visa holders are generally exempt from the ban. Iranians abroad, even those who have never been to the United States, may qualify for student and exchange visitor visas. However, the U.S. Department of Homeland Security warns that F, J, and M visa applicants and visa holders can expect to meet “enhanced screening and vetting requirements.” Until October 18, 2017, Iranians abroad may apply for other visas, including immigrant visas, but only if they have a “bona fide relationship” with a U.S. entity such as a close relative or employer. Beginning October 18, 2017, Iranians who are not exempt from the ban, other than students and exchange visitors, will not be able to get immigrant visas or enter the United States.

Libya

Until October 18, 2017, Libyans can obtain a visa or enter the United States as an immigrant or business (B-1), tourist (B-2), or business/tourist (B-1/B2), only if they have a bona fide relationship with a U.S. entity, such as a relative or business. Beginning October 18, 2017 the “bona fide” relationship exemption will not apply. That means that beginning October 18, 2017, Libyans not exempt from the ban may not obtain visas or enter the United States.

Somalia

Until October 18, 2017, Somali nationals can get immigrant visas only if they have a bona fide relationship to a U.S. person or entity. As a practical matter, that means that Somalis applying for immigrant visas based on family petitions or employer petitions may get immigrant visas until the October 18 cutoff. Nonimmigrants, such as international students, may qualify for nonimmigrant visas until October 18, 2017, but they are

subject to “heightened screening.” Beginning on that date, Somali nationals not exempt from the ban will not qualify for immigrant and non-immigrant visas, nor be eligible to enter the United States.

Syria

Immigrant and nonimmigrant visa issuance and 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.

Yemen

Immigrant and nonimmigrant visa issuance and entry is suspended for Syrian Yemeni 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.

Chad

Immigrant and nonimmigrant visa issuance and entry is suspended for Syrian Chadian 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.

North Korea

Immigrant and nonimmigrant visa issuance and entry is suspended for North Korean 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.

Venezuela

Immigrant and nonimmigrant visa issuance and entry is suspended for Venezuelan 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. Exempt are Venezuelans traveling on diplomatic visas.

Iraq

Iraqi citizens and nationals seeking to enter the U.S. as immigrants or nonimmigrants are no longer subject to travel restrictions, but may be subject to additional scrutiny to determine if they pose a risk to national security or public safety.

Sudan

Sudanese citizens and nationals seeking to enter the U.S. as immigrants or nonimmigrants are no longer subject to travel restrictions, but may be subject to additional scrutiny to determine if they pose a risk to national security or public safety.

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