PRESIDENT TRUMP’S THIRD TRAVEL BAN AND THE SUPREME COURT

Disclaimer: This advisory has been created by The Legal Aid Society, Immigration Law Unit. This advisory is not legal advice, and does not substitute for the advice of an immigration expert. The information contained herein is current as of the version date on the bottom of this document, and may be subject to change as a result of litigation.

On June 26, 2018, in Trump v. Hawaii, the U.S. Supreme Court held that President Trump’s third travel ban, issued on September 24, 2017, was not unconstitutional. The ban targeted nationals of eight countries, six of which have predominantly Muslim populations: Chad, Iran, Libya, North Korea, Syria, Venezuela, Yemen, and Somalia. The Administration had lifted the ban against Chad on April 10, 2018, but the remaining seven countries remain subject to travel restrictions.

The ban differentiates between immigrants (who enter as legal permanent residents, or green card holders) and nonimmigrants (who enter for limited periods of time, for instance as visitors or students).

For some countries, there had been a waiver for individuals with a bona fide relationship with a person or entity in the U.S., but that exemption ended on October 18, 2017.

Here is a current summary for each country subject to the ban:

- **Chad**
  - **Immigrants:** Ban was lifted on April 10, 2018.
  - **Nonimmigrants:** Ban was lifted on April 10, 2018.

- **Iran**
  - **Immigrants:** all suspended.
  - **Nonimmigrants:** generally suspended, except for student (F and M) and exchange visitor (J) visa holders may be admitted, subject to enhanced screening and vetting.
  - **Exemption:** individuals with bona fide relationship with a person or entity in the U.S.; exemption ended October 18, 2017.

- **Libya**
  - **Immigrants:** all suspended
  - **Nonimmigrants:** B1/B2 business and tourist visitors suspended.
  - **Exemption:** individuals with bona fide relationship with a person or entity in the U.S.; exemption ended October 18, 2017.
- **North Korea**
  - **Immigrants**: all suspended.
  - **Nonimmigrants**: all suspended.

- **Syria**
  - **Immigrants**: all suspended
  - **Nonimmigrants**: all suspended.
  - **Exemption**: for individuals with bona fide relationship with a person or entity in the U.S.; exemption ended October 18, 2017.

- **Venezuela**
  - Certain **government officials** involved in screening and vetting procedures, and their immediate family members: suspended.
  - **Immigrants**: may be admitted, subject to appropriate additional measures to ensure traveler information remains current.
  - **Nonimmigrants**: may be admitted, subject to appropriate additional measures to ensure traveler information remains current.

- **Yemen**
  - **Immigrants**: all suspended
  - **Nonimmigrants**: B1/B2 business and tourist visitors suspended.
  - **Exemption**: individuals with bona fide relationship with a person or entity in the U.S.; exemption ended October 18, 2017.

- **Somalia**
  - **Immigrants**: all suspended.
  - **Nonimmigrants**: may be admitted, subject to additional scrutiny to determine if the applicant is connected to terrorist organizations or otherwise poses a threat to the national security or public safety of the U.S.
  - **Exemption**: for only immigrant visa applicants, individuals with bona fide relationship with a person or entity in the U.S.; exemption ended October 18, 2017.

- **Iraq**
  - No longer subject to a categorical ban.
  - **Immigrants**: may be admitted, but subject to additional scrutiny to determine if pose risk to national security or public safety.
  - **Nonimmigrants**: may be admitted, but subject to additional scrutiny to determine if pose risk to national security or public safety.
- **Sudan**
  - No longer subject to a categorical ban.
  - **Immigrants**: may be admitted, but subject to additional scrutiny to determine if pose risk to national security or public safety.
  - **Nonimmigrants**: may be admitted, but subject to additional scrutiny to determine if pose risk to national security or public safety.

- The following individuals are **excluded** from the travel ban:
  - permanent residents;
  - those who were admitted or paroled into the U.S. on or after the effective date of the order:
    - September 24, 2017 for Iran, Libya, Somalia, Syria, and Yemen; or
    - October 18, 2017 for North Korea and Venezuela;
  - those who have a document other than a visa – such as a transportation letter, appropriate boarding foil, or advance parole document, valid on the effective date of the order;
  - dual nationals traveling on the non-designated country’s passport;
  - certain diplomatic visa holders;
  - asylees and refugees already granted status as of the effective date of the order;
  - those granted withholding of removal or protection under the Convention Against Torture.

- **Waivers** may be available if an individual can meet all three of the following criteria:
  - Denying entry would cause undue hardship;
  - Entry would not pose a threat to national security; and
  - Entry would be in the public interest.

- **Refugees**
  - No changes made by this new travel ban.
  - The March 16, 2017 travel ban required a 120-day halt on refugee admissions, which expired on July 14, 2017, and thus was not addressed in the September 24, 2017 travel ban.

If you have any questions or need assistance, please call our Immigration Hotline at 844-955-3425.