

## **Muslim Ban 3.0 Blocked: What You Need to Know**

October 17, 2017

### **Summary**

Most of the new [Muslim Ban](#) 3.0<sup>1</sup> was temporarily blocked by a court in Hawaii today; **the order blocking the ban applies to the entire U.S.** This means most of the Muslim Ban will **not** start until the courts have a chance to make further determinations about whether or not it is illegal.

**Please keep in mind that this information can change at any time** based on what is happening in the courts, so please check back frequently for updates. This is the third version of the Muslim Ban since January 2017; every version has been overcome through community, policy, and legal advocacy.

### **What Exactly Did the Hawaii Court Do?**

The Hawaii court blocked key sections<sup>2</sup> of Muslim Ban 3.0 from going into effect across the U.S., including several that had not yet gone into effect. Specifically, it blocked the restrictions against people from Chad, Iran, Libya, Syria, Yemen, and Somalia. The Hawaii order **did not** block the restrictions on people from North Korea or Venezuela. We expect those restrictions to go into effect on October 18, 2017 at 12:01am EST.

### **Who Is Impacted IF the Rest of the Muslim Ban Resumes?**

Again, most of Muslim Ban 3.0 is currently blocked, but IF it goes into full effect, it will impact the following people:

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<sup>1</sup> This is also known as the September 24, 2017 Proclamation or "Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats."

<sup>2</sup> It blocked sections 2(a), (b), (c), (e), (g), and (h) of Muslim Ban 3.0, which correspond with restrictions to Chad, Iran, Libya, Syria, Yemen, and Somalia, respectively. It did not block subsections 2(d) [North Korea] or 2(f) [Venezuela].

### UNDERSTANDING THE NEW MUSLIM BAN

	IMMIGRANT VISAS SUSPENDED	NON-IMMIGRANT VISAS SUSPENDED	EFFECTIVE DATE
SYRIA	ALL	ALL	TBD
NORTH KOREA	ALL	ALL	10/18
SOMALIA	ALL	NONE	TBD
LIBYA	ALL	ONLY B1/B2	TBD
YEMEN	ALL	ONLY B1/B2	TBD
CHAD	ALL	ONLY B1/B2	TBD
VENEZUELA	NONE	ONLY B1/B2 FOR SOME GOVERNMENT OFFICIALS AND IMMEDIATE FAMILY	10/18
IRAN	ALL	ALL EXCEPT STUDENT (F, J, M) VISAS	TBD

\*TBD = TO BE DETERMINED.



- An Immigrant Visa allows foreign nationals to come to the U.S. permanently to reside with a family member or get a green card.
- A Non-Immigrant Visa is a temporary visa issued to a foreign national for a particular purpose, such as tourism, business, or study.

### Timing

The new Muslim Ban was blocked before it could fully go into effect. Portions of the Muslim Ban began on September 24, 2017, with the remainder scheduled to go into effect on October 18, 2017 at 12:01am EST. Today's ruling only briefly blocks the Muslim Ban, and if it is unblocked by the courts, it could go into effect right away.

### Muslim Ban 3.0 Does NOT Apply To:

- U.S. citizens and U.S. lawful permanent residents (also known as green card holders)
- Dual nationals traveling on a passport from a non-listed country
- People granted asylum by the U.S.
- People admitted or paroled into the U.S. on or after the effective date of Muslim Ban 3.0

- People who obtained a visa on or after the effective date of Muslim Ban 3.0
- People with a document other than a visa (such as advanced parole or a refugee travel document) that allows them to travel to the U.S., if the document is dated on or after the effective date of Muslim Ban 3.0
- Anyone in the U.S. on the effective date of Muslim Ban 3.0

### **Waivers: Asking For An Exception to the Ban IF it Moves Forward**

In certain cases, the government may make an exception to the Ban in the form of a process called a waiver. A waiver may be granted if you can show that 1) denying you entry would cause you undue hardship 2) entry to the U.S. would not pose a threat to national security or public safety and 3) entry would be in the national interest of the U.S. **We do not yet know anything about how to request a waiver or how the U.S. Department of State has interpreted the waiver language in the new Muslim Ban.** Please check back for updates.

### **How to Get Legal Help?**

You can contact our organizations if:

- You or someone you know is impacted by Muslim Ban 3.0 and would like free legal advice or assistance;
- Your community would like to request a “Know Your Rights” presentation.

**CAIR SF Bay Area:** 408.986.9874 or <https://ca.cair.com/sfba/travel/>

**Advancing Justice-Asian Law Caucus:** 415.848.7711, [elicav@advancingjustice-alc.org](mailto:elicav@advancingjustice-alc.org), or use our [inquiry form](#).

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