



# COMMUNITY ADVISORY

## What You Should Know about Muslim Ban 2.0

## This Morning's Court Decision on #MuslimBan and What It Means

### Court Summary

On June 26, 2017, the Supreme Court partially changed the lower courts' decisions on the Muslim Ban 2.0 cases. The Supreme Court did three main things:

- Full Case: The full case will be decided in the fall of 2017, but they have **partially lifted the pause button on the Ban that lower courts put in place.**
- 90 day travel restriction: A 90 day travel restriction on certain visa holders from Iran, Libya, Somalia, Sudan, Syria, and Yemen who do **not** have a "bona fide relationship with a person or entity" in the U.S. will start on Thursday, June 29th. \*Bona fide relationship is a sort of close familial relationship and is explained below.
- Refugee program: Starting Thursday, June 29th, refugees who do **not** have a "bona fide relationship with a person or entity" in the U.S. will be affected by the Ban.

According to President Trump's June 14, 2017 memo, the Ban goes back into effect "72 hours after all applicable injunctions are lifted or stayed," which would be **June 29, 2017, around 6:30 a.m. PST**. This situation is evolving, so please check back with our organizations frequently to hear updates.

### Who Is Now Affected by Muslim Ban 2.0?

#### *Travel Restriction for Nationals of Six Countries*

- The six countries affected by the Ban are Iran, Libya, Somalia, Sudan, Syria, and Yemen.
- Visa holders from these countries must show a *bona fide relationship* with a particular person or entity in the U.S., or else they can be stopped from entering the U.S. for 90 days.
- U.S. citizens and Green Card holders (also known as Lawful Permanent Residents) are **not** affected.
- Dual nationals who enter the U.S. using a passport from a non-designated country will **not** be affected.
  - For example, if a dual citizen of Iran and the U.K. travels to the U.S. on his or her U.K. passport, s/he will **not** be affected by the Ban.
- There may be a waiver process which will provide for an exception to the Ban but there is no



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information available about it at this time.

### **Refugee Program**

- Starting June 29th, 2017, there will be a 120-day halt of the entire refugee program; refugees will **not** be able to come into the U.S. during that time **unless** they have a *“bona fide relationship with a particular person or entity”* in the U.S.
  - Bona fide relationship requires a “close familial relationship” to someone in the U.S.
  - U.S. entities can include schools, universities, nonprofit organizations, and employers. Others may also qualify.

### **More Details on the Travel Restrictions**

The Court has partially changed the lower courts’ decisions on the travel restrictions. Visa holders are now divided into two categories: those who have a *“bona fide relationship with a particular person or entity”* in the U.S., and those who do not.

- If the traveler does **not** have a bona fide relationship, then the Ban applies to them.
- If the traveler has a “bona fide relationship,” then the Ban does **not** apply to them and they should be allowed inside the country.
- A *“bona fide relationship with a particular person or entity” in the U.S. includes:*
  - People who are coming to the U.S. to “live with or visit a family member.”
  - People who have a “formal” and “documented” relationship with an entity, like a school or employer.
    - For example, a “worker who accepted an offer of employment from an American company;” a “lecturer invited to address an American audience;” and students who have been admitted to a U.S. university have a bona fide relationship.

### **More Details on the Refugee Program**

The Court has partially changed the lower courts’ decisions on the Refugee Program restriction. Refugees are now divided into two categories: those who have a “bona fide relationship with a person or entity” in the U.S., and those who do not.

- If the refugee does **not** have a bona fide relationship, then the Ban applies to them and the person could be kept out of the U.S. if they meet the requirements of the Muslim Ban 2.0.
- If the refugee has a “bona fide relationship,” then the Ban does **not** apply to them and they should be



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allowed inside the country;

- *What is a bona fide relationship with a particular person in the U.S.?*
  - Refugees with a “close familial relationship” to someone in the U.S. cannot be stopped from coming into the U.S. (even if the refugee cap listed in section 6(b) is already surpassed).
  - If a refugee does **not** have a close family relationship with someone in the U.S., then Muslim Ban 2.0 could block them from coming to the U.S.

## How to Get Legal Help?

***Our organizations offer legal help free of charge. You can contact our organizations if:***

- You or someone you know is affected by the Muslim Ban and you want legal help (we highly recommend you speak with an attorney if you are traveling and are a visa holder from the 6 countries); or
- Your community would like to request a “Know Your Rights” presentation.

***Fill out our travel form for legal assistance:***

**Advancing Justice-Asian Law Caucus at:** <http://bit.ly/travelintake> ; OR

**Council on American-Islamic Relations, San Francisco Bay Area at:** <https://ca.cair.com/sfba/travel/>

## For Further Reading

[Muslim Ban 2.0]: <https://www.whitehouse.gov/the-press-office/2017/03/06/executive-order-protecting-nation-foreign-terrorist-entry-united-states>

[Supreme Court Decision]:

[https://www.supremecourt.gov/opinions/16pdf/16-1436\\_l6hc.pdf](https://www.supremecourt.gov/opinions/16pdf/16-1436_l6hc.pdf)

[June 14 Memo]:

<https://www.whitehouse.gov/the-press-office/2017/06/14/presidential-memorandum-secretary-state-attorney-general-secretary>