



کانون وکلای ایرانی در آمریکا

IRANIAN AMERICAN BAR ASSOCIATION

Trump Administration Issues A Sweeping New Proclamation, Prohibiting Nearly All Travel For Nationals of Iran and Six Other Countries

Dear members and friends,

On September 24, 2017, President Trump issued a new proclamation implementing his Travel Ban 3.0. The new Travel Ban identifies seven countries who are subject to sweeping new travel restrictions, without any apparent time limitations: Iran, Chad, Libya, North Korea, Syria, Venezuela, and Yemen.

As related to Iran, the new Travel Ban 3.0 suspends *both* immigrant and non-immigrant visas of all Iranian nationals, with minor exceptions for valid student and exchange visitor visas (though even such individuals will "be subject to enhanced screening and vetting requirements"). All immigrant and most non-immigrant visas to nationals of Chad, Libya, Somalia, Venezuela, and Yemen are also suspended; as are all immigrant and non-immigrant visas to nationals of Syria and North Korea, without exception. Iraq and Sudan have been removed from the list.

The new ban goes into effect, either immediately or on October 18, 2017, under a two tier system: (1) for foreign nationals who lack a "bona fide relationship" to a U.S. person or entity (e.g., family, businesses, or schools) as determined by recent case law, the new ban goes into effect today, September 24, 2017; and (2) for foreign nationals of Iran (and Libya, Syria, Yemen, and Somalia), who have a credible claim of a "bona fide relationship" with a U.S. person or entity, the ban goes into effect on October 18, 2017. That means that even Iranian nationals with a bona fide relationship to a family member or work relationship in the U.S. will be unable to come to the U.S. beginning October 18 (those with student visas appear to still be permitted).

In short, the new Travel Ban 3.0 -- if left intact -- will impose a near total and indefinite ban on immigrant *and* non-immigrant visas for Iranian nationals.

That said, there are a few limitations expressed in the new ban, which bear mention:

First, the new Travel Ban 3.0 *will not apply* to Iranian nationals who: (1) are inside the U.S. when it goes into effect, (2) have a valid visa on the relevant effective date; and (3) had a valid visa, which was suspended or cancelled under the Travel Ban 1.0, dated January 27, 2017.

Second, the new Travel Ban 3.0 *does not apply* to lawful permanent residents of the U.S. (green card holders), or dual nationals who are traveling on a passport issued by a non-designated

country. It also does not apply to any foreign national: (1) who has a visa and other required document (such as a transportation letter, boarding foil, etc.) that is valid when the new ban goes into effect; or (2) who is already admitted as a refugee into, or has already been granted asylum by, the U.S. Nor will the new Travel Ban prohibit individuals from entering the U.S. on the basis of a credible claim of fear of persecution or torture.

Third, the new Travel Ban 3.0 purports to provide for "case-by-case" waivers, where: (1) denial of entry would cause undue hardship; (2) entry would not pose a threat to the national security of the U.S.; and (3) entry would be in the national interest. While the new Travel Ban 3.0 provides some examples of when this might happen -- such as those previously admitted to the U.S. for work or study, or those who have built "significant contacts," who are outside the U.S. when the new ban goes into effect; or those visiting immediate family in instances of "undue hardship" -- it is unclear how these will apply.

Based on the above, it is clear that the Travel Ban 3.0, in effect, promises a near "total and complete ban" of Iranian nationals into the U.S. As always, IABA remains dedicated to protecting the rights of our community, and our families and friends. To that end, we will immediately: (1) explore and pursue potential legal challenges with coalition partners and counsel regarding this new ban; and (2) reach out to lawmakers and their staff to explore legislative options.

But, once again, we will need you to mobilize and help protect our community. As Iranian American attorneys, we remain the gatekeepers of our community's rights, and the front lines of defense against any legal affront to those rights. And, again, we have been called on to rise to the challenge. In the past year, we have met that challenge head on every time needed, and we are needed to respond again. Here is what you can do to help:

- 1. First and foremost, if you know anyone affected by this Travel Ban 3.0, please notify us immediately by [clicking here and filling out this form](#), or emailing us at info@iaba.us.**
2. Engage community members who need help and direct them to IABA, and its online form;
3. Join or renew your membership with IABA (click [here to join](#), and [here to renew](#));
4. Donate to IABA so it can continue its efforts in protecting our rights ([click here](#));
5. Answer calls for volunteering, meetings, translating, legal help, advocacy, etc.; and
6. Share this statement with your friends, families, and professional networks.

The situation will change rapidly. Please stay tuned and remain engaged.

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