



KNOW YOUR RIGHTS: MUSLIM & AFRICAN BAN

The International Refugee Assistance Project (IRAP) provides free legal help to refugees and displaced people. IRAP is not part of the U.S. government or IOM. This guide provides general information. It is not meant as legal advice for individual applications.

This information was revised in May 2020. Requirements may change.

What is the Muslim & African Ban?

The “Muslim & African Ban” refers to President Trump’s orders banning broad categories of people from certain African and Muslim-majority countries from coming to the United States. The President issued the current version of the ban on January 31, 2020. Based on historical immigration data, over 95 percent of people now banned from obtaining immigrant visas to the United States because of this ban are from African and/or Muslim-majority countries.

Who is affected by the Muslim & African Ban?

The Muslim & African Ban prohibits certain types of immigrant and non-immigrant visa entries by certain nationals who do not already have a valid visa. “Immigrant visas” allow people to live in the United States permanently, while “nonimmigrants visas” allow people to enter the United States temporarily, such as to study or to visit. For example, the Muslim & African Ban may apply if you are hoping to enter the United States with an approved I-130 petition to reunify with family members, with a diversity visa issued after being selected in the lottery, with a work visas, with a tourist visa, or with a student visa.

Among other exceptions, the Muslim & African Ban does not apply to you if you are hoping to enter the United States as a refugee; a follow-to-join refugee or asylee on an I-730 petition; a parolee; an asylee; or a dual citizen traveling on a passport of a country not subject to the ban. It does not apply if you are a lawful permanent resident (i.e., green card holder) or have refugee or asylum status, withholding of removal, advance parole, or protection under the Convention Against Torture.

What types of visa entries are banned by the Muslim & African Ban?

Presidential Proclamation 9645, effective on September 24, 2017, banned certain visa entries for citizens of Iran, Libya, North Korea, Somalia, Syria, or Yemen who are outside of the United States, seeking to travel to the United States, and do not already have a valid visa:

Nationality	Immigrant Visa Entries Banned by PP 9645	Non-immigrant Visa Entries Banned by PP 9645
Iran	All	All except for student (F&M) and exchange visitor (J) visas.
Libya	All	Business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas.
North Korea*	All	All
Somalia	All	None

Syria	All	All
Yemen	All	Business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas.

* Presidential Proclamation 9645 went into effect on October 18, 2017 with respect to North Korea. The Proclamation also imposed certain travel restrictions for nationals of Venezuela.

Presidential Proclamation 9983, effective on February 21, 2020, reaffirmed the ban listed above and additionally banned certain visa entries for citizens of Eritrea, Kyrgyzstan, Myanmar (Burma), Nigeria, Sudan, and Tanzania who are outside of the United States, seeking to travel to the United States, and do not already have a valid visa:

Nationality	Immigrant Visa Entries Banned by PP 9983	Non-immigrant Visa Entries Banned by PP 9983
Eritrea	All except for some special immigrant visas based on providing assistance to the U.S. government.	None
Kyrgyzstan	All except for some special immigrant visas based on providing assistance to the U.S. government.	None
Myanmar (Burma)	All except for some special immigrant visas based on providing assistance to the U.S. government.	None
Nigeria	All except for some special immigrant visas based on providing assistance to the U.S. government.	None
Sudan	Diversity visas	None
Tanzania	Diversity visas	None

Is there any way for me to receive the visa to go to the United States if I am subject to a ban?

You may ask for a waiver of the ban. In order to be granted a waiver, you must show to the U.S. government that you would experience “undue hardship” from not being able to travel to the United States, that you are not a danger to the country, and that your entry into the United States would be in the “national interest.”

The U.S. government has provided some examples of when a waiver may be appropriate.

- You want to visit or live with a close family member in the United States and not allowing you to go would harm the person in the United States;
- You previously lived in the United States for a long time to study or work or another activity, you want to go to the United States again for the same reason, and not allowing you to go would harm the activity;
- You want to go to the United States for significant business or professional obligations and not allowing you to go would harm those obligations;

- You are an infant, a young child, or adoptee;
- You need urgent medical care;
- You have been employed by, or on behalf of, the United States Government and can document that you provided faithful and valuable service to the government;
- You are a Canadian permanent resident who applied for a visa at a location within Canada;
- You are traveling for certain purposes relating to the U.S. government or an international organization.

Do I have anything to worry about if I'm not a national of the banned countries or I'm not seeking to enter on a banned visa type?

You should know that even if your entry is not banned, processing of your visa may take longer than before. In addition to the ban, the Presidential Proclamations imposed additional screening and vetting for Iraqis and Somalis seeking nonimmigrant visas and Iranians traveling on F, M, and J visas.

You should also know your rights at the airport when you arrive to the United States as the U.S. government claims the right to ask you additional questions at the border and inspect your belongings. Review IRAP's Airport Arrivals Know Your Rights document before travel.