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Immigration

41K+ Individuals Denied Visas Under Trump-Era Travel Ban Can Reapply Without Paying a Fee

Legal Update

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This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

A district court has ordered the U.S. government to provide relief to approximately 41,000 nonimmigrant visa applicants who were denied a waiver during the Trump administration's travel ban under Presidential Proclamation 9645 and who have not subsequently been granted a visa.

The court said that the government will notify these 41,000 plus individuals directly through the Consular Electronic Application Center and indirectly through the Department of State's website, and will advise them that they may reapply for a nonimmigrant visa without paying a second fee.

The government may set a reasonable time limit for them to reapply, the court said. No refunds will be provided to any individuals who may have already reapplied and paid a second fee.

The government will file by February 17, 2023: (1) a proposed schedule for providing notice; (2) proposed language for the notice; and (3) whether updated materials will be required, and if so, the relevant statutory or regulatory citation for any such materials.

The cases, filed in the U.S. District Court for the Northern District of California, include *Emami v. Nielsen* (case no. 3:18-cv-01587) and *Pars Equality Center v. Pompeo* (case no. 3:18-cv-07818).