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The Department of State's 45-Day Review Following the Revocation of Proclamations 9645 and 9983 ("Muslim and African Bans")

March 11, 2021

What is the purpose of the 45-Day Review?

On his first day in office, January 20, 2021, President Biden issued a [proclamation](#) to repeal the proclamations (Bans) issued by former President Trump. The Bans restricted certain nonimmigrants and immigrants from Arab and Muslim-majority and African-majority countries from entering the United States. President Biden's proclamation directed the Secretary of State to conduct a 45-day review of the individuals whose visa applications were denied due to the Bans and to propose a plan for re-adjudication of these applications. On March 8, 2021, the Department of State [issued](#) a 45-Day Review.

Please see this [fact](#) sheet for more information about President Biden's proclamation.

Who Does the 45-Day Review Apply To?

The 45-Day Review applied to individuals who received a final refusal order on their immigrant visa application between Fiscal Years 2017-2020 due to the Bans. Immigrants refer to those who are seeking admission to the United States on a permanent basis through a family, employment, or through the Diversity Lottery Program. In many cases, a family member or employer sponsors the immigrant. In total, thousands of individuals from the Banned countries in qualifying family or employment-based relationships were denied visas because of the Bans.

[The Diversity Visa Program](#) provides up to 55,000 visas annually to nationals from low admission countries. Because of the Bans, individuals from the listed countries who won the Lottery did not receive their visas. In total there are about 10,000 individuals from the Banned countries who won the DV Lottery but were denied visas because of the Bans.

Please review this [fact sheet](#) for a list of countries that were included in these Bans.

The goal of this document is to provide general information and is not meant to act as a substitute to legal advice from an attorney.

What does the 45-Day Review say about Immigrant Visa Applicants?

[The 45-Day review](#) released by the State Department March 8, 2021 states “The Department explored every possible avenue under the law for providing relief to affected individuals.”

- Immigrant visa applicants who received a final refusal on or after January 20, 2020 due to the Bans may seek re-adjudication without resubmitting their application forms or paying any additional fees, provided the underlying visa petitions remain valid.
- Immigrant visa applicants who were denied prior to January 20, 2020 may also be reconsidered, but they must submit new DS 260 applications and pay a new immigrant visa application fee.

A new Immigrant Petition, such as the I-130 or I-140, is NOT required. There is ongoing advocacy on the issue of re-filing the [DS-260](#) application and paying a new application fee. Please contact an immigration attorney if you are affected by this to explore your options.

What does the 45-Day Review say about 2017-2020 Diversity Visa winners denied due to the Bans?

The review states that denied Diversity Visa winners from 2017-2020 are statutorily barred from being issued visas because the deadlines on those visas have expired. As of now, there is no relief for these individuals, but ongoing advocacy and litigation efforts continue. Please contact an immigration attorney if you are affected by this to explore your options.

What effect will COVID-19 have on visa processing even if the review applies to me?

Covid-19 continues to cause a significant slowdown in U.S. visa processing at consulates and embassies around the world. More information is available [here](#).

Where can I find more resources?

For more information, please visit:

- [Penn State Law Center for Immigrants’ Rights Clinic](#) website
- [American-Arab Anti-Discrimination Committee](#) website
- [Department of State](#) website
- [ACLU](#) website
- [AILA](#) website

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