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Children of Permanent Residents and U.S. Citizens Exempt from New Immigration Ban

Civil Rights Coalition Won Reprieve for Age-Out Children Through Recent Lawsuit

June 24, 2020 – Last month, litigators from the American Immigration Lawyers Association (AILA), Justice Action Center (JAC), and Innovation Law Lab, with pro bono support from Mayer Brown LLP, [filed a lawsuit](#) on behalf of U.S. citizens and lawful permanent residents petitioning for their children and derivative child relatives to join them in the United States. The lawsuit, *Gomez v. Trump*, requested that the U.S. District Court for the District of Columbia protect families from the harm caused by President Trump’s April 22 immigrant visa ban, which would have [forced many children to wait for years, even decades](#), to receive immigrant visas if they “aged out” of their current visa categories while the ban remained in place — that is, if they turned 21 and lost their current ability to immediately immigrate to the United States. Through this litigation in the past month, the children of two of the three plaintiffs received visas and safely entered the U.S. The grandchild of the third plaintiff, as well as the entire proposed class of plaintiffs with children or child relatives turning 21, hoped to receive a temporary restraining order stopping April’s immigrant ban from applying to their visa applications.

On Tuesday, June 22, President Trump issued a new proclamation unlawfully extending and expanding the ban, but included in his new proclamation an **important carve-out exemption** for children or child relatives who could be separated from their families if they age out while it is in effect. Because of the courageous plaintiffs in *Gomez v. Trump*, **children at risk of aging out, who would have faced a potential lifetime of family separation**, will now keep the opportunity to receive their visas without being subject to the unlawful ban.

Section 4(a)((i) of the [June 22 presidential Proclamation](#) specifically provides: “The Secretary of State and the Secretary of Homeland Security shall exercise the authority under section 3(b)(iv) of this proclamation and section 2(b)(iv) of Proclamation 10014 to exempt alien children who would as a result of the suspension in section 2 of this proclamation or the suspension in section 1 of Proclamation 10014 age out of eligibility for a visa.”

The litigators from AILA, JAC, and Innovation Law Lab said, “We are happy and relieved for our plaintiffs and the other similarly affected families in our lawsuit. They will now be able to reunite with their children. But our victory is small in comparison to all the work that remains. The Trump administration remains steadfast in trying to unlawfully end legal immigration. We plan to legally challenge this extended, xenophobic ban, and will continue to fight for all immigrants and people seeking visas.”

[American Immigration Lawyers Association \(AILA\)](#), founded in 1946, is the national association of immigration lawyers established to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members.

[Justice Action Center \(JAC\)](#) is a new nonprofit organization dedicated to fighting for greater justice for immigrant communities by combining litigation and storytelling. There is tremendous unmet need in the litigation landscape for immigrant communities. JAC is committed to bringing additional litigation resources to bear to address unmet needs in currently underserved areas. There is also untapped potential in how litigation can be combined with digital strategies to empower clients and change the corrosive narrative around immigrants.

[Innovation Law Lab](#) is a nonprofit organization that leverages advocacy, technology and law to fight for immigrant and refugee justice. By bringing technology to the fight for justice, Innovation Law Lab empowers advocates to scale their impact and provide effective representation to immigrants in detention and in hostile judicial jurisdictions across the country so that every claim that should win, does win, everywhere, every time.