

UNDERSTANDING THE MUSLIM BANS

***Current as of February 22, 2018 ***



The Muslim Bans are a series of discriminatory executive orders and proclamations that the Trump administration has implemented. The first version, Muslim Ban 1.0, was signed and went into effect on 1/27/2017. Within a day of this first executive order being signed, thousands of individuals across the country rushed to the airports in protest, and significant portions of it were immediately blocked by the federal courts. The administration has continued to issue multiple versions of the Muslim Ban, significant portions of which have been temporarily blocked by the federal courts because they are blatantly anti-Muslim, unconstitutional, and an abuse of the President's power. The fight to challenge the most recent Muslim Bans continues.

BEYOND THE BAN: OTHER DISCRIMINATORY POLICIES AGAINST MUSLIMS

Despite intense opposition and criticism from the public, allied legislators, and the federal courts, the Trump administration has also pushed forward other discriminatory policies that share the same goal as the Muslim Bans and target Muslims and other immigrants and communities of Color.

Extreme Vetting (or the Backdoor Muslim Ban) – On 3/15/2017, the Secretary of State called for enhanced screening of nationals of the six countries included in Muslim Ban 2.0. On 5/23/2017, the Office of Management and Budget approved discretionary use of “extreme vetting” questions, including inquiries into social media accounts and extensive biographical and travel information from the last 15 years. Impacts of the policy include a dramatic decline in visa applications; further delays in visa issuance to nationals of Muslim-majority countries targeted by the Muslim Bans; and discriminatory practices while issuing visas.

Ending Temporary Protection Status (TPS) for Sudan and limiting it for Syrians – On 9/19/2017, a few days before Sudan was removed from Muslim Ban 3.0, the Trump administration announced an end to TPS for Sudan, effective 11/2/2018. Sudanese TPS holders may be forced to return to a country that is still unstable. On 1/31/2018, TPS for Syrians was extended, but only for those who had already applied for the program, denying protection to Syrians arriving more recently, despite the fact that they fled the same dangerous conditions.

Slashing Legal Immigration and Cutting Diversity in our Immigration System – On 2/7/2017, Senator Cotton (R-AK) and Senator Purdue (R-GA) introduced a bill that would cut green cards by more than half and end our family-based immigration system. If passed, the Reforming American Immigration for Strong Employment (RAISE) Act, would cut current levels of legal immigration by over 50%, and eliminate the Diversity Visa Lottery Program, which provides opportunities for countries that send few immigrants – often those with a majority of Muslim and/or Black populations – to apply for a green card. These anti-family, anti-black proposals are also actively promoted by the White House.

Slashing Annual Refugee Admissions – On 9/27/2017, the Trump administration drastically lowered the annual refugee admission cap from 110,000 to 45,000, the lowest cap since 1980, and Muslim Ban 4.0 specifically targets countries that account for approximately 80% of all Muslim refugees resettled in the U.S. in the past two years. In addition, refugees are being processed at such a slow rate that the program is currently on track to resettle fewer than 50% of the new annual cap, effectively reducing the admission of refugees to a mere trickle.

**The information provided in this document is just a basic summary and is not legal advice. Every person's situation is different. For legal advice please contact an attorney. For any information regarding the Muslim Bans please contact Subha Varadarajan, Muslim Ban Legal and Outreach Fellow: A project of Advancing Justice-Asian Law Caucus, CAIR San Francisco Bay Area, and National Immigration Law Center at varadarajan@nilc.org **

WHAT'S IN EACH VERSION OF THE MUSLIM BAN?

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Ban #	Date Issued	Targeted Populations¹	Impact on Refugees	Duration	Key Court Actions	Current Status
1.0	1/27/17	All nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen, and all refugees	Halted entire program	90 days for all nationals (not dual citizens) of targeted countries; 120 days for refugees; indefinite for Syrian refugees	On 2/9/17, the Ninth Circuit held that the Ban should be blocked	Revoked by Muslim Ban 2.0 on 3/6/2017
2.0	3/6/17	All refugees and nationals from Iran, Libya, Somalia, Sudan, Syria, and Yemen	Halted entire program	90 days for all nationals of targeted countries, 120 days for all refugees	On 6/26/17, the Supreme Court (SCOTUS) allowed part of the ban to go into effect, applying it to those lacking a <i>bona fide relationship</i> ² to the U.S.	On 9/24/17, the Ban on nationals from the targeted countries expired and on 10/24/17, the Ban on refugees expired. SCOTUS dismissed the cases challenging the ban as moot.
3.0	9/24/17	Most or all nationals from Chad, Iran, Libya, North Korea, Somalia, Syria, and Yemen and government officials from Venezuela and their families	N/A	Indefinite	On 12/4/2017, SCOTUS allowed the ban to go into full effect until SCOTUS enters a judgment on the case	On 1/19/2018, SCOTUS granted certiorari to review <i>Hawaii v. Trump</i> . On 2/15/2018, The Fourth Circuit Court of Appeals, who heard the case <i>IRAP v. Trump</i> on 12/8/17, affirmed the preliminary injunction issued by the lower courts, for those that have a <i>bona fide relationship</i> to the U.S. The ban remains in full effect pending a SCOTUS decision.
4.0	10/24/17	All refugees from Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, Sudan, South Sudan, Syria, Yemen and certain stateless individuals	Halted program for targeted populations and extreme vetting measures for all other refugees	90 day ban for all nationals from targeted countries, indefinite ban for follow to join relatives	On 12/23/17, the District Court in Seattle issued a preliminary injunction for refugees that have a <i>bona fide relationship</i> to the U.S.	Preliminary injunction in effect, pending higher court review

¹ In theory, waivers may be granted under circumstances set in each Executive Order or Proclamation.

² As of December 1, 2017, close familial relationship in the U.S or a formal documented relationship with a U.S entity. Familial relationship includes parents (including in-laws and step- parents), spouses, fiancées, children (including step children), siblings (including step and half-siblings), grandparents, grandchildren, aunts, uncles, nieces, nephews, and cousins. Formal documented relationship between students and universities; workers and companies; and lecturer invited to speak; among other examples are required.