

Understanding Trump's Muslim Bans

** Last updated March 8, 2019 **



The Muslim bans are a series of discriminatory executive orders and proclamations issued by the Trump administration. President Trump signed the first version, Muslim Ban 1.0, on Jan. 27, 2017, and it became effective that day. Within a day, thousands of concerned people across the U.S. rushed to airports in protest. Significant portions of the ban, as well as later versions of it, were immediately blocked by federal courts, which found each iteration to be blatantly anti-Muslim, unconstitutional, and an abuse of the president's power. While significant sectors of the American public agree, the U.S. Supreme Court, in a 5-4 opinion issued on June 26, 2018, unfortunately allowed the third iteration of the ban to remain in place permanently, pending further legal challenges. Because of the devastating impact of this decision, which is separating American families and endangering vulnerable populations, we continue to fight the Muslim bans in our courtrooms, Congress, and on the streets.

Beyond the Ban: Additional Discriminatory Immigration Policies from the Trump Administration Targeting Muslim Communities

DESPITE INTENSE OPPOSITION AND CRITICISM from the public, lawmakers, and our 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 immigrant communities of color.

Extreme Vetting (or the Backdoor Muslim Ban). On March 15, 2017, the U.S. secretary of State called for enhanced screening of nationals of the six countries included in Muslim Ban 2.0. On May 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 Protected Status (TPS) for Sudan and Limiting It for Syrians, Yemenis, and Somalis. On September 19, 2017, a few days before Sudan was removed from the list of banned countries under Muslim Ban 3.0, the Trump administration announced an end to TPS for Sudan, effective November 2, 2018. Sudanese TPS- holders may be forced to return to a country that is still unstable. Since that announcement, TPS was extended for Syrians (on January 31, 2018), Yemenis (on July 5, 2018), and Somalis (on July 19, 2018), but only for those who had already applied for TPS, denying protection to anyone from those countries who arrived more recently, despite the fact that they fled the same dangerous conditions. On October 4, 2018, the U.S. District Court for the Northern District of California granted a preliminary injunction stopping the government from terminating TPS for immigrants from Sudan as well as those from El Salvador, Haiti, and Nicaragua.

Slashing Annual Refugee Admissions. On September 27, 2017, the Trump administration drastically lowered the annual refugee admission cap from 110,000 to 45,000, the lowest cap since 1980. In FY 2018, only 22,491 refugees were admitted into the U.S., reflecting how the Trump administration views the annual cap as a ceiling rather than as a target goal to meet and effectively reducing the admission of refugees to a mere trickle. The administration has lowered the annual cap even further in FY 2019, to 30,000 refugees.

Banning Asylum-Seekers at the Southern U.S. Border. On November 9, 2018, President Trump issued a new ban targeting asylum-seekers at the southern U.S. border, basing the new ban on the same provision of the immigration statute that he used as the legal authority for the Muslim bans. While the ban targeting asylum-seekers does not target Muslim communities in the same direct way that Trump's prior bans based on this provision of the statute did, it was the first ban issued after the Supreme Court's decision to allow a permanent Muslim ban to remain in effect. However, unlike the Muslim bans, the asylum-seekers ban does not include any provision allowing for waivers of, or exceptions to, the ban. While the Muslim ban's waiver scheme is widely viewed as a sham process, the asylum-seekers ban illustrates how the Supreme Court's decision on the Muslim ban emboldened the Trump administration to pursue increasingly harsh and legally questionable policies.

The information provided in this document is a basic summary only and does not constitute legal advice. Every person's situation is different. For legal advice, please contact an attorney. For more information regarding the Muslim bans, please contact Subha Varadarajan, Muslim Ban Legal and Outreach Fellow, at varadarajan@nilc.org. No Muslim Ban Ever is a project of Advancing Justice - Asian Law Caucus, CAIR San Francisco Bay Area, MPower Change, and the National Immigration Law Center. (Prior to the Sep. 11, 2018, edition of this fact sheet, it was titled “Understanding the Muslim Bans.”)

WHAT'S IN EACH VERSION OF THE MUSLIM BAN?

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Ban#	Date Issued	Targeted Populations ¹	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 Muslim Ban 2.0 was issued on 3/6/2017 and replaced the prior version
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> to the U.S. ²	Expired On 9/24/17, the portion of Muslim Ban 2.0 targeting certain nationals expired, and on 10/24/17, the portion of the ban targeting refugees expired. SCOTUS dismissed as moot the cases challenging the ban
3.0	9/24/17	Most or all nationals from Iran, Libya, North Korea, Somalia, Syria, and Yemen and government officials from Venezuela and their families	N/A	Indefinite	On 12/4/17, SCOTUS allowed the ban to go into full effect until SCOTUS entered a judgment on the case	Permanently in Effect ³ On 6/26/18, SCOTUS allowed this version of the ban to remain in effect indefinitely. On 8/1/18, a class action lawsuit was filed challenging the Muslim ban waiver process ⁴
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 7/30/18, the U.S district court denied the government's motion to dismiss the refugee ban case as moot, and granted the plaintiffs' discovery	Expired A preliminary injunction was issued to block most of this ban; the court is now deciding whether the government complied with it

¹ In theory, waivers may be granted under circumstances enumerated in each executive order or proclamation.

² While this standard no longer applies, it previously was meant to apply to those with a close familial relationship in the U.S or a formal documented relationship with a U.S entity.

³ See www.nilc.org/muslim-ban3-1-year-anniversary-facts/.

⁴ See www.nilc.org/issues/litigation/pars-equality-center-v-pompeo/. The waiver process is the only mechanism and hope for otherwise banned individuals to obtain a visa. However, the waiver process is a sham. There is no formal process or application, and most cases have either been denied or indefinitely put on hold. We know from statistics recently released by Sen. Chris Van Hollen (D-MD) that only 2 percent of waivers applications have been granted, meaning that 98 percent have been denied or are pending.