



THE MUSLIM BAN DECISION & FAMILY INCARCERATION

6 / 29 / 18

AGENDA

- Welcome (2 min) – Shiu-Ming Cheer, NILC
- Muslim Ban Supreme Court Decision & Next Steps (25 min)
 - Christina Sinha, Advancing Justice – Asian Law Caucus
 - Brittney Rezaei, Council on American-Islamic Relations
 - Subha Varadarajan, No Muslim Ban Ever Campaign
- Family Incarceration (20 min)
 - Royce Murray, American Immigration Council
 - Nora Preciado, NILC
- Q&A (15 min)

MUSLIM BAN DECISION

SCOTUS DECISION

TRUMP V HAWAII



CURRENT STATUS OF BAN

THE PROCLAMATION

Timing

The Supreme Court allowed Muslim Ban 3.0 to go into effect on December 4, 2017. On June 26, 2018 the Supreme Court issued a decision allowing the Muslim Ban to remain in effect.

Who Is Impacted?

Certain nationals of seven countries – Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen.

Muslim Ban 3.0 only applies to individuals who are:

1. Outside of the U.S. on the effective date,
2. Who did not have a valid visa on that date, and
3. Who have not obtained a waiver.

WHO IS IMPACTED BY THE PROCLAMATION?

Iran: All immigrant and nonimmigrant visas are suspended for Iranian nationals except for those with F, J, or M visas. Those with F, J, or M visas will most likely be subject to heightened screening.

Libya: All immigrants and nonimmigrant business (B-1), tourist (B-2), business/tourist (B-1/B-2) visas are suspended for Libyan nationals.

Somalia: All immigrant visas are suspended for Somali nationals.

Non-immigrant visas are permitted, subjected to heightened screening.

Syria: All immigrant and nonimmigrant visas for Syrian nationals are suspended.

Yemen: All immigrant and nonimmigrant business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas are suspended for Yemeni nationals.

North Korea: All immigrant and nonimmigrant visas are suspended for North Korean nationals

Venezuela: Visa issuance for officials of government agencies of Venezuela involved in screening and vetting procedures and their immediate family members, as nonimmigrants on business (B-1), tourist (B-2), and business/tourist (B-1/B-2) visas, is suspended. Additionally, nationals of Venezuela who are visa holders are subject to heightened screening.

Venezuelans traveling on diplomatic visas are not affected by this order.

MUSLIM BAN 3.0

DOES NOT APPLY TO:

- U.S. Lawful permanent residents (green card holders);
- People admitted or paroled into the U.S. on or after the effective date of the new Muslim Ban;
- People with a document other than a visa that allows them to travel to the U.S., if the document is dated on or after the effective date of the new Muslim Ban;
- Dual-nationals traveling on a passport from a non-designated country;
- People who have been granted asylum by the U.S.;
- Refugees already admitted to the U.S.; or
- Individuals granted withholding of removal, advance parole, or protection under the Convention against Torture.

Unlike past decisions, this decision does **NOT** allow for an exception for “Bona Fide Relationships” (i.e. close family ties such as a parent, spouse, child, sister, brother, fiancé(e), etc.)

“WAIVER” PROCESS

A “waiver” is permission to obtain a U.S. visa, even though the Muslim Ban says you are not eligible to get one. Muslim Ban 3.0 states that banned individuals can ask for a waiver to request an exception that would allow the visa to be issued as long as they can show that:

1. Denying entry would cause the visa applicant undue hardship;
2. Entry to the U.S. would not pose a threat to the national security or public safety of the U.S.; and
3. Entry would be in the national interest of the U.S.

The law states that a consular officer or Customs and Border Protection official has the authority to grant a waiver on a case-by-case-basis. The law also lists several examples where a waiver can be granted (such as needing urgent medical care, reuniting with immediate family members in the U.S., business ties etc.).

There is no formal process to request a waiver. Unfortunately the waiver process has been very unclear and applied unevenly. The government has provided very little guidance on the waiver process.

As of May 15, 2018, 655 waivers have been confirmed to have been granted since the Ban went into effect. All people granted waivers may not have been granted visas. Information around waivers can change very quickly, so seek legal help (while watching out for scams).

COMMUNITY KNOW YOUR RIGHTS INFORMATION

English: <http://bit.ly/062618knowyourrights>

Arabic: <http://bit.ly/062618knowyourrightsarabic>

Farsi: <http://bit.ly/062618knowyourrightsfarsi>

Somali: <http://bit.ly/062618knowyourrightssomali>

Urdu: <http://bit.ly/062618knowyourrightsurdu>

TAKE ACTION

THE MUSLIM BAN IS IN PLACE WHAT CAN YOU DO NOW?



PARTICIPATE IN A LOCAL ACTION

- Go to the NoMuslimBanEver.com website to participate in any local actions
- If you would like help organizing an action or town hall meeting near you contact Subha Varadarajan @ varadarajan@nilc.org

REGISTER TO VOTE

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Make sure you are registered to vote. You can register at **bit.ly/wemarchwevote**



CONTACT YOUR REPRESENTATIVE

- Contact your congressional representatives. You can find your representative at **bit.ly/findyourcongressperson**

Tell your representatives to defend immigrants and refugees. Urge them to stop the Muslim Ban.

FAMILY INCARCERATION

OVERVIEW/CURRENT STATUS

FAMILY SEPARATION & INCARCERATION

- March 2017: Trump administration first threatens to implement a border-wide policy of family separation
- April 2018: AG Sessions announces zero tolerance policy
- May 2018: Over 2,300 minor children are taken from their parents at US-Mexico border

FAMILY INCARCERATION

CURRENT BED CAPACITY

- Dilley Family Residential Center: 2400 beds
- Karnes Family Residential Center: 850 beds
- Berks Family Residential Center: 100 beds

PROBLEMS WITH FAMILY INCARCERATION

- Not licensed
- Vulnerable population with past trauma
- Nearly all are asylum seekers
- Young children in custody
- Inadequate medical/mental healthcare
- Conditions aggravated during lengthier stays

FAMILY SEPARATION & INCARCERATION

- **Executive Order – June 20, 2018**
 - Claims to end policy of family separation
 - Calls for expansion of family detention
 - Reaffirms Administration's commitment to "zero tolerance" policy of border prosecutions, even for those who lawfully claim a fear of persecution and are entitled to seek asylum in the U.S.
 - Orders government to seek modification of Flores agreement to allow families to be held during criminal and immigration proceedings

LITIGATION & LEGISLATION

HOW DID WE GET HERE?

“Zero Tolerance Policy”

=

the latest mass-criminalization-of-immigrants tool

FAMILY INCARCERATION LITIGATION

The Flores Settlement Agreement, (C.D. Cal) Case No. CV 85-4544

Ms. L v. ICE (S.D. Cal) Case 3:18-cv-00428

State of Washington et al v. U.S. (W.D. Wash.) Case No. 2:18-cv-00939

Padilla v ICE (W.D. Wash.), Case No. 2:18-cv-00928

M.G.U. et al v. Nielsen, (D.D.C.) Case 1:18-cv-01458

AIC v. ICE (D.D.C.), Case No. 1:18-cv-01531

FAMILY INCARCERATION LEGISLATION



GOOD NEWS: MARCO VILLADA IS HOME!



RESOURCES

- **#NoMuslimBanEver resources**

- Digital toolkit-
<https://docs.google.com/document/d/1Zfq0SYNDVQGfQCIMctGFt9Rqkdr2214sewk-C7C-pBg/edit>
- Explainer video -
https://twitter.com/NILC_org/status/1011692011022192641/video/1
- Talking points - https://docs.google.com/document/d/10l80mU-pJWPVUXoqzqXF9e6WPnOy8o4rV5QQ_mFBail/edit

- **Family incarceration resources**

- Explainer on real alternatives to detention -
<https://www.womensrefugeecommission.org/images/zdocs/The-Real-Alternatives-to-Detention-FINAL-06-27-17.pdf>.
- Organizations to support - <https://slate.com/news-and-politics/2018/06/how-you-can-fight-family-separation-at-the-border.html>
- 6/30/18 National Day of Action -
<https://www.familiesbelongtogether.org>

QUESTIONS?

**National Immigration Law
Center**

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