



FREQUENTLY ASKED QUESTIONS

The No Ban Act

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On April 10, 2019, Democrats in Congress, led by Rep. Judy Chu (CA-27) in the U.S. House of Representatives and Sen. Chris Coons (DE) in the U.S. Senate, introduced the National Origin-Based Antidiscrimination for Nonimmigrants (No Ban) Act, as companion bills [H.R. 2214](#) and [S. 1123](#).

Why do we need the No Ban Act?

In his first week in office, President Trump issued the first of several versions of a Muslim ban, which prevented people from Muslim-majority countries as well as refugees — who, in years prior to the ban, have been increasingly Muslim — from entering the United States. As federal courts blocked each version of the ban, the administration kept making slight revisions to it in superficial attempts to conceal its anti-Muslim intent.¹

Despite numerous decisions from lower courts blocking the ban, the U.S. Supreme Court, in a 5-4 ruling issued on June 26, 2018, ultimately allowed a version of the Muslim ban — one that blocks most people from the Muslim-majority countries of Iran, Libya, Somalia, Syria, and Yemen (as well as people from North Korea and certain government officials from Venezuela) from coming to the U.S. on immigrant or nonimmigrant visas — to remain in place indefinitely, until Congress or another president repeals it. While the ban includes a provision that allows a person to apply for a waiver of the ban, the process for obtaining a waiver is intentionally vague, waivers are extremely difficult to obtain, and the entire provision serves as window dressing to cover up the ban's clearly discriminatory intent.

Since the June 26, 2018, Supreme Court ruling, there have been countless heartbreaking stories of American families kept apart and people being denied the opportunity to celebrate family milestones or mourn together at funerals, to pursue life-saving medical treatment or educational or professional opportunities. The harms the ruling has caused are further exacerbated through other policies of the Trump administration, such as slashing the annual number of refugee admissions, grinding the refugee resettlement process to a near halt, and issuing yet another ban in November 2018 — based on the same legal authority that the Muslim ban is based on, but targeting asylum-seekers at the southern U.S. border. Because of the ban's devastating impacts, the No Ban Act is one of many ways we continue to fight it in our courtrooms, in Congress, and in our communities.

¹ For more information about the different iterations of the Muslim ban, see *Understanding Trump's Muslim Bans* (No Muslim Ban Ever, Mar. 8, 2019), www.nilc.org/understanding-the-muslim-bans/.

What would the No Ban Act do if it became law?

Repeal all versions of the Muslim ban, the refugee ban, and the asylum ban. If passed, the No Ban Act would immediately rescind each iteration of the Muslim ban, including one that specifically targets refugees for extreme vetting. It also would immediately rescind a ban targeting asylum-seekers arriving at the border. That ban, issued after the Supreme Court's June 2018 ruling on the Muslim ban, relies on the same legal authority as the Muslim ban and, in a demonstration of how emboldened the administration has become after Supreme Court ruling, does not include any waiver provision.

Change immigration law to prohibit discrimination based on religion. The bill would broaden the Immigration and Nationality Act's (INA's) nondiscrimination clause to specifically prohibit religion-based discrimination against any immigrant or nonimmigrant visa applicant. This would help ensure that future presidents would not be allowed to issue orders based so clearly on anti-Muslim bias or any other religion-based animus and that every visa applicant would receive individual consideration.

Limit executive authority to prevent any president from issuing future bans like the Muslim ban. As the Muslim ban so clearly illustrates, the current legal standard for allowing a president to ban people from entering the U.S. is dangerously overbroad, with little to no accountability or oversight. The No Ban Act would change the INA standard for all presidents and impose stricter requirements before any future ban could be issued, as well as reporting requirements to Congress to create an oversight mechanism once any future ban is in place. Instead of relying on the current vague standard, any future ban would have to be, among other things, temporary, based on credible facts, and connected to specific acts that have already taken place. It would also have to meet a compelling government interest and use the least restrictive means possible to do so. The No Ban Act would also ensure that, if a ban is imposed, Congress can hold the executive branch accountable by receiving regular briefings on the status, harm, and other impacts of a ban.

Are there other bills that fight the Muslim ban?

Yes. The No Ban Act is a critical step towards ensuring that Muslims and other communities are not subjected to unlawful and unconstitutional discrimination and that the federal government is held accountable when it attempts to ban the entry of people to the U.S. It also complements other legislative efforts, such as [H.R. 810](#) and [S. 246](#), that would prevent American taxpayer dollars from being used to implement the Muslim ban.

How can I help support the No Ban Act?

Regardless of whether the No Ban Act becomes law in this Congress, it is important to continue to fight for directly impacted communities and to ensure that the bill — and the fight to prevent the ongoing harms caused by the various forms of the Muslim ban — get as much support as possible. Visit www.repealtheban.org to sign our petition and call.repealtheban.org to contact your representatives in Congress to ask them to support the House and Senate versions of the No Ban Act and bills that defund implementation of the ban.

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