

ONE YEAR AFTER THE SCOTUS RULING

Understanding the Muslim Ban *and How We'll Keep Fighting It*

JUNE 2019



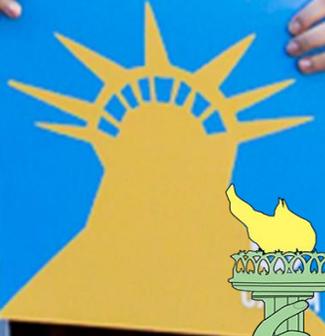
I ♥ Immigrant NY
onyic

We ALL Belong Here
We Will DEFEND
each other



DO NOT TELL PEOPLE
HOW TO PRAY AND
WE DO NOT BAN PEOPLE
BASED ON RELIGION
#MuslimBanDown

★ REFUGEES ★
★ WELCOME ★
WHEN SHE SHINES, WE SHINE



NO
MUSLIM
BAN
EVER.



NO
MUSLIM
BAN
EVER.

Come for Face Us





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Executive Summary

On January 27, 2017, President Donald Trump signed his first Muslim ban, immediately impacting thousands of people around the world. This executive order banned entry into the United States for 90 days of nationals from seven Muslim-majority countries (Iran, Iraq, Libya, Somalia, Syrian, Sudan, and Yemen), banned the entry of all refugees for 120 days, and indefinitely banned the entry of all Syrian refugees. It was the first of many horrific discriminatory policies the Trump administration has implemented, and the mobilization among members of the public that followed in response was extremely powerful.

Among the many xenophobic policies the Trump administration has implemented since January 2017 have been three additional iterations of the Muslim ban.

Each subsequent Muslim ban has had the same discriminatory intention of banning Muslims from the U.S., and each version was immediately followed by legal challenges. Unfortunately, the Supreme Court turned a blind eye to the Trump administration's blatant bigotry when it allowed Muslim Ban 3.0 to go into full effect on June 26, 2018.

The administration has argued that under Muslim Ban 3.0 there is a mechanism for nationals from the banned countries to enter the U.S. by obtaining a waiver. Although Muslim Ban 3.0 does ostensibly contain a provision under which individuals may be considered for waivers, the way the Trump administration has implemented this provision makes clear that the waiver process is, in the words of Supreme Court Justice Stephen Breyer, merely “window dressing” — a mechanism intended to keep people out, not to let them in. The human impacts of this ban have



EXECUTIVE SUMMARY

been extremely heartbreaking. Families continue to be separated, people have been deprived of life-saving health care, and access to education and professional opportunities has been blocked.

Although the Supreme Court allowed Muslim Ban 3.0 to go into effect, the fight is not over. The No Muslim Ban Ever Campaign is supporting efforts in Congress and in the courts to (1) repeal the ban and (2) demand transparency and accountability for the waiver process, with the aim of exposing it as cover for the ban's clearly discriminatory intent.¹ While transparency and accountability with respect to the waiver process is critical, the campaign remains ultimately dedicated to making sure that Congress repeals the ban and prevents future efforts like it.

The campaign created this report to bring awareness to these efforts and the distressing impacts of the ban. This report first examines the four iterations of the Muslim ban. It then discusses the flawed waiver system available under the current ban. This discussion is followed by sections dealing with both the ban's direct impacts and its collateral consequences. The report concludes by setting out the No Muslim Ban Ever Campaign's next steps.

The sources of the data compiled in this report include news articles, information gathered by several MASA organizations, the complaint in *Jewish Family Service of Seattle v. Trump*,² and the complaint in *PARS Equality Center v. Pompeo*.³

Timeline: All Iterations of the Muslim Ban

January 27, 2017

Muslim Ban 1.0

90-day ban for all nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen, and all refugees

March 6, 2017

Muslim Ban 2.0

90-day ban for all refugees and nationals from Iran, Libya, Somalia, Sudan, Syria, and Yemen

September 24, 2017

Muslim Ban 3.0

Indefinite Ban for most or all nationals from Iran, Libya, North Korea, Somalia, Syria, and Yemen and government officials from Venezuela and their families

October 24, 2017

Muslim Ban 4.0

90-day ban for all refugees from Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, Sudan, South Sudan, Syria, Yemen and certain stateless individuals

Summary of Each Version of the Muslim Ban

Muslim Ban 1.0

On January 27, 2017, one week after his inauguration and after months of promising on the campaign trail to, among other things, implement a “total and complete shutdown of Muslims entering the United States,”⁴ President Trump signed Executive Order 13769 (“Muslim Ban 1.0”).⁵ This order, which banned entry into the U.S. for 90 days of all nationals from seven Muslim-majority countries (Iran, Iraq, Libya, Somalia, Syrian, Sudan, and Yemen), banned the entry of all refugees for 120 days, and indefinitely banned the entry of all Syrian refugees, was the first of four successive attempts by the Trump administration to prevent Muslims from coming to the U.S.

MUSLIM BAN 1.0 ISSUED: 1/27/17

Targeted population: All nationals from the below countries + **all refugees**



Libya Sudan Syria Iraq Yemen Iran Somalia

Impact on refugees: Halted entire program

Duration: 90 days for all nationals (not dual citizens) of targeted countries; 120 days for refugees; indefinite for Syrian refugees

KEY COURT ACTIONS: On 2/9/17, the Ninth Circuit held that the ban should be blocked.

CURRENT STATUS: Revoked - Muslim Ban 2.0 was issued on 3/6/2017 and replaced the prior version.

Muslim Ban 1.0 went into effect immediately, prompting chaos not only at airports elsewhere in the world, where people from those seven countries were prevented from boarding planes bound for the U.S., but also at airports in the U.S., where individuals from banned countries were denied entry and detained.⁶ Thousands of people across the country rushed to airports in protest, and multiple lawsuits were filed challenging Muslim Ban 1.0.

On January 28, 2017, the U.S. District Court for the Eastern District of New York issued a nationwide temporary stay enjoining the government from detaining and

removing anyone pursuant to the ban, but this ruling did not apply to individuals who had not already arrived in the U.S. On February 3, 2017, the U.S. District Court for the Western District of Washington issued a temporary restraining order that blocked key provisions of Muslim Ban 1.0. The federal government appealed, and on February 9, 2017, the Ninth Circuit Court of Appeals issued a decision affirming the Washington court's order. The implementation of Muslim Ban 1.0 has been blocked ever since.

Muslim Ban 2.0

After the preliminary injunction was issued blocking Muslim Ban 1.0 from going into effect, President Trump signed Executive Order 13780 ("Muslim Ban 2.0") on March 6, 2017.⁷ Muslim Ban 2.0, which the Trump administration freely admitted was intended to replace and replicate Muslim Ban 1.0, banned from entering the U.S. all nationals from six Muslim-majority countries (Iran, Libya, Somalia, Syria, Sudan, and Yemen; Iraq was removed from the original list of Muslim-majority countries in Muslim Ban 1.0) for 90 days and banned the entry of all refugees for 120 days. Like its predecessor, Muslim Ban 2.0 faced immediate legal challenges.

On March 15, 2017, a day before its effective date, a U.S. district court in Hawai'i and another in Maryland preliminarily enjoined Muslim Ban 2.0. The government appealed in both cases.

The Ninth Circuit Court of Appeals heard the appeal in *Hawaii v. Trump* on May 9, 2017;⁸ the Fourth Circuit Court of Appeals heard *International Refugee Assistance Project [IRAP] v. Trump*, the Maryland case, on May 15, 2017.⁹ Each court of appeal affirmed its lower court's decision to issue a preliminary injunction. The ten judges from the en banc Fourth Circuit Court of Appeals who voted to affirm found that Muslim Ban 2.0 violates the U.S. Constitution, and wrote that it "speaks with vague



“The Court will not crawl into a corner, pull the shutters closed, and pretend it has not seen what it has seen.”

— Federal District Judge Derrick Watson
citing the Trump campaign's discriminatory remarks as legal reasoning to extend blocking Trump's Muslim Ban indefinitely

SUMMARY OF EACH VERSION OF THE MUSLIM BAN

words of national security, but in context drips with religious intolerance, animus, and discrimination.”¹⁰

The federal government subsequently appealed to the Supreme Court, which set oral arguments for October 18, 2017. On June 26, 2017, however, the Supreme Court issued an interim decision limiting the district courts’ preliminary injunction to only those individuals with a “bona fide relationship” to a person or entity in the U.S.¹¹ — in other words, only those individuals with a close family relationship or formal offer or letter from a U.S. institution would be considered exempt from the ban.¹²

On September 24, 2017, the day that Muslim Ban 2.0’s 90-day ban on nationals from the six countries was set to expire, President Trump signed Muslim Ban 3.0, prompting the Supreme Court to cancel oral arguments on Muslim Ban 2.0. On October 24, 2017, the day that Muslim Ban 2.0’s 120-day ban on refugees expired, the Supreme Court dismissed *IRAP v. Trump* and *Hawaii v. Trump* as moot.¹³

MUSLIM BAN 2.0 ISSUED: 3/6/17

Targeted population: All refugees & nationals from the below countries



Libya



Sudan



Syria



Yemen



Iran



Somalia

Impact on refugees: Halted entire program

Duration: 90 days for all nationals of targeted countries;
120 days for all refugees

KEY COURT ACTIONS: On 6/26/17, the Supreme Court (SCOTUS) allowed part of the ban to go into effect, applying it to those lacking a **bona fide relationship** to the U.S.

CURRENT STATUS: 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.

Muslim Ban 3.0

On September 24, 2017, President Trump signed Presidential Proclamation 9645 (“Muslim Ban 3.0,” or “the proclamation”).¹⁴ Under Muslim Ban 3.0, most people from Chad, Iran, Libya, Somalia, Syria, Yemen, or North Korea, and certain government officials from Venezuela, are indefinitely banned from obtaining most

SUMMARY OF EACH VERSION OF THE MUSLIM BAN

immigrant and nonimmigrant visas to the U.S. There are no longer exceptions for qualifying “bona fide relationships.”¹⁵ Only individuals who obtain a “waiver” under the proclamation may be granted a visa.

Muslim Ban 3.0 was set to go into full effect on October 18, 2017, but a day prior, a U.S. district court in Hawai’i, followed one day later by a U.S. district court in Maryland, issued temporary restraining orders against it.¹⁶ While appealing these injunctions to the courts of appeal corresponding to each district, the federal government petitioned the Supreme Court for a stay of the injunctions. On December 4, 2017, the Supreme Court allowed Muslim Ban 3.0 to go into full effect while the cases continued through the lower courts. The impact of this decision was immediate and devastating: Thousands of people waiting for visas to unite with family, obtain urgent medical care, or pursue studies in the U.S. were issued mass denials of waivers under the proclamation.

MUSLIM BAN 3.0

ISSUED: 9/24/17

Targeted population: All refugees & nationals from the below countries
+ government officials from Venezuela and their families



Libya Syria Yemen Iran Somalia N. Korea

Impact on refugees: N/A

Duration: Indefinite

KEY COURT ACTIONS: On 12/4/17, SCOTUS allowed the ban to go into full effect until SCOTUS enters a judgment on the case.

CURRENT STATUS: Permanently in Effect - 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.

Once again, the Ninth and Fourth Circuit Courts of Appeal upheld their lower courts’ injunctions, this time of the latest iteration of the Muslim ban. On December 22, 2017, the Ninth Circuit found that the ban violates the Immigration and Nationality Act (INA); and on February 14, 2018, the Fourth Circuit found that it violates the Establishment Clause of the U.S. Constitution.¹⁷ By this point, the Supreme Court had set oral arguments in *Trump v. Hawaii* for April 25, 2018. Shortly before oral arguments, on April 11, 2018, President Trump signed an order removing

SUMMARY OF EACH VERSION OF THE MUSLIM BAN

Chad, a Muslim-majority country, from the list of countries subject to the proclamation, in an attempt to demonstrate that countries can be removed or added from the list in the proclamation.

On June 26, 2018, in a 5-4 decision that will forever stain our country's history and the legacy of the Supreme Court, the Court ruled in favor of the Muslim ban, finding that the plaintiffs had not shown a likelihood of success in demonstrating that the ban is unconstitutional. The *Hawaii* and *IRAP* cases were remanded to the respective U.S. district courts, and litigation in the *IRAP* case continues, to try to win "discovery" related to the government's development and implementation of the Muslim bans.¹⁸ Additional lawsuits are challenging the unlawful implementation of the Muslim ban and the waiver process that is purportedly available under the proclamation.

Muslim Ban 4.0

On October 24, 2017, the day that Muslim Ban 2.0's 120-day ban on refugees expired and the Supreme Court dismissed *Hawaii v. Trump* as moot, the Trump

MUSLIM BAN 4.0 ISSUED: 10/24/17

Targeted population: All refugees from the below countries
+ certain stateless individuals

Libya Syria Yemen Iran Somalia N. Korea

Iraq Sudan Egypt Mali South Sudan

Impact on refugees: Halted program for targeted populations and extreme vetting measures for all other refugees

Duration: 90-day ban for all nationals from targeted countries; indefinite ban for follow-to-join relatives

KEY COURT ACTIONS: On 12/4/17, SCOTUS allowed the ban to go into full effect until SCOTUS enters a judgment on the case.

CURRENT STATUS: Permanently in Effect - 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.

administration announced Muslim Ban 4.0. This new iteration of the ban effectively imposed a 90-day ban on the resettlement of Muslim refugees by requiring refugees from Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, Sudan, South Sudan, Syria, or Yemen, who are already subject to heightened scrutiny, to undergo additional extreme vetting measures before they would be allowed to enter the U.S. It also indefinitely paused the follow-to-join program, which reunites spouses and children with refugees already in the U.S. and which has primarily benefited Muslim refugees in recent years. Muslim Ban 4.0 specifically targets the parts of the U.S. Refugee Admissions Program (USRAP) that have accounted for approximately 80 percent of all Muslim refugees resettled in the U.S. in the past two years. As a result, there has been a 91 percent decline in the number of Muslim refugees entering the U.S. in the last two years.¹⁹

Muslim Ban 4.0 was immediately challenged in two separate cases, *Jewish Family Service of Seattle v. Trump* and *Doe v. Trump*.²⁰ On December 23, 2018, a U.S. district court in Washington State preliminarily enjoined the implementation of Muslim Ban 4.0 as to those refugees with a bona fide relationship with a person or entity in the U.S.²¹ Although the federal government asked the court to reconsider this decision, on January 5, 2018, the court rejected this request as well as the government's request to stay the injunction.²² *Jewish Family Service of Seattle v. Trump* and *Doe v. Trump* were subsequently consolidated. On July 18, 2018, the U.S. district court denied the government's motion to dismiss the refugee ban case as moot and granted the plaintiffs discovery, which has since revealed that the government may not have complied with the court's injunction.

Waiver Process

Under Muslim Ban 3.0, technically the only mechanism and hope for people from banned countries to enter the U.S. is by obtaining a waiver.²³ In creating this opportunity for a waiver, the president's proclamation of September 24, 2017, states that "[t]he Secretary of State and the Secretary of Homeland Security *shall* coordinate to adopt guidance addressing the circumstances in which waivers may be appropriate for foreign nationals seeking entry as immigrants or nonimmigrants."²⁴

Waivers are purportedly available to visa applicants who can show that (1) being denied entry to the U.S. would cause them undue hardship, (2) their entry to the U.S. would not pose a threat to the national security or public safety of the U.S., and (3) their entry would be in the national interest of the U.S.²⁵ The proclamation clearly lists ten different exemplar situations in which the grant of a waiver would be appropriate, such as when medical care is urgently needed or the visa applicant is a young child, but in practice this is not being followed at all, and this fact has caused heartbreaking circumstances for families seeking a waiver.

During the oral argument on the constitutionality and legality of Muslim Ban 3.0, Supreme Court Justices Stephen Breyer and Sonia Sotomayor inquired about the process by which waivers are granted under the proclamation. Each said, in their own way, that if the waiver process were merely "window dressing," that would bear upon the ban's constitutionality. And, indeed, even the majority opinion, which allows the ban to remain in effect, cites the availability of a waiver as an example of why the Muslim ban represents, in the Court majority's view, a reasonable, legal, and constitutional exercise of the president's executive powers. As set forth below, however, all publicly available information suggests that the waiver process is effectively a sham and has become part and parcel of the ban itself.

Waiver Denials

Shortly after the proclamation went into effect on December 4, 2017, the U.S. State Department published a set of "Frequently Asked Questions" (FAQ) on its website in which it confirmed that "[t]here is no separate application for a waiver," without providing any further guidance about what kind of information or documentation visa applicants affected by the ban should disclose to demonstrate their eligibility for a waiver.²⁶ The lack of a formal process has caused widespread confusion among visa applicants, who have no idea how to show that they qualify for a waiver. Many applicants have either been denied waivers or indefinitely placed in the limbo of "administrative processing" without an explanation or, in many cases, without an opportunity to demonstrate why they should be granted a waiver. Even individuals who had received notices that their visa applications had been approved

subsequently received notices that they had been denied waivers and would therefore not receive the visa they had ostensibly been granted.

Further confusion stems from the fact that communications from U.S. consulates abroad rarely, if ever, indicate whether an individual who has been denied a waiver has also been denied their underlying visa petition or application. It is unclear whether someone with an approved I-130 petition (a family-based petition for an immigrant visa), for example, must now resubmit that petition — a process that for some individuals can take years or even decades.

This lack of clarity extends even to whether a waiver has been denied. Many individuals who have checked the status of their pending applications and petitions online through the State Department’s Consular Electronic Application Center (CEAC) have observed that their case status indicated “refused,” without any indication as to what has been “refused” — their waiver or their visa application, or both — or whether they are being or have been considered for a waiver. Individuals in this situation do not know whether they can or should file another waiver application, or when.

Compounding the confusion of visa applicants and immigration attorneys is the fact that numerous individuals have been denied waivers despite presenting one or more of the exemplar circumstances that the proclamation states may warrant a waiver.

Congressional Requests for Information

Besides the president’s proclamation of September 24, 2017, and the FAQ published in December of that same year on the State Department’s website, for months the primary source of information on the administration’s implementation of the waiver provision came from two letters that the State Department sent on February 2018 and June 2018 in response to inquiries from Senator Chris Van Hollen (D-MD). The responses to both these letters provided dismal statistics about the number of waivers granted under the proclamation.²⁷

February 22, 2018, Response to Senator Van Hollen’s Inquiry

The February 22, 2018, letter states that only two waivers had been granted since the proclamation went into effect almost three months earlier. Although the letter states that “[t]he State Department’s worldwide guidance to consular officers regarding when a waiver ... may be granted is drawn directly from PP 9645 itself,” the fact that only two waivers had been granted, out of a pool of over 8,400 visa applicants, strongly indicates that being granted a Muslim Ban 3.0 waiver requires more than simply satisfying the three criteria set out in the president’s proclamation. Nevertheless, the State Department did not provide any further procedural guidance about how the waivers were granted. The abysmal statistics on the number of waivers

granted — a mere 0.02 percent grant rate — suggest that the waiver process is indeed, in the words of Justice Breyer, merely “window dressing.”

June 22, 2018, Response to Senator Van Hollen’s Inquiry

On April 19, 2018, Senator Van Hollen requested further information from the State Department and the U.S. Department of Homeland Security on the implementation of the waiver provision.

According to figures provided in the June 22, 2018, response, fewer than 2 percent of visa applicants had been “cleared” for waivers over the course of more than five months. The June 22, 2018, letter, however, also establishes that the fact that an individual has been cleared for a waiver does not necessarily mean that the individual has received a visa and been granted entry to the U.S. It is therefore uncertain whether the promise of waivers under the president’s proclamation is real or merely illusory, as it is unclear how many people from the banned countries have been able to enter the U.S. under a waiver. Like the February 22 letter, the June 22 letter provides no procedural guidance as to how waivers are granted or denied, repeating only the statement, “The State Department’s worldwide guidance to consular officers regarding when a waiver ... may be granted is drawn directly from PP 9645 itself.”

FY 19 Appropriations Amendment

In June 2018, at the urging of many organizations, Senator Van Hollen introduced an amendment, adopted by the Senate Appropriations Committee, that would require more oversight of the ban and a reporting structure in which the secretary of State would be required to report, every 90 days, how many visas have been denied and granted under Muslim Ban 3.0’s waiver provision. As the FY 2019 appropriations process continued to be debated over many months and into FY 2020, Congress continued to press for more information, including through bicameral efforts demanding transparency in the waiver process.

In February 2019, just weeks after a record-long federal government shutdown ended, the appropriations amendment language was ultimately included in an omnibus spending bill conference report and will finally allow Congress and the American public more access to and accountability about the waiver process.

Quarterly Report on Implementation of Muslim Ban 3.0

The Consolidated Appropriations Act of 2019 requires the U.S. State Department to report every 90 days until September 30, 2019, on the implementation of Presidential Proclamation 9645. According to the report that includes information for the period from early December 2017 through March 2019,²⁸ since December 8, 2017,

only a dismal five percent of visa applicants who applied for a waiver under Muslim Ban 3.0 were granted one.

Waiver Litigation

Following the Supreme Court's decision allowing the Muslim ban to go into full effect, two federal lawsuits were filed challenging the manner in which the Muslim ban's waiver provision have been implemented: *Emami v. Trump*,²⁹ filed in San Francisco, and *PARS Equality Center v. Pompeo*,³⁰ filed in Seattle. The two cases have since been joined and related in the same court in San Francisco, both seeking to represent individuals from all impacted countries and bring transparency and accountability to a waiver process that, for the time being, remains the only means by which people from the banned countries may enter the U.S. and reunite with family members.

Impacts of the Muslim Ban

The Muslim ban has had a devastating impact on people across the globe, including countless U.S. citizens. It has deferred dreams, separated families, deprived people of life-saving health care, and blocked access to education and professional opportunities. Below are just a few examples of the thousands of families who have felt the horrific effects of this unconstitutional and discriminatory ban.

Shaima Swileh (Yemen)³¹

Shaima Swileh, a 21-year-old Yemeni mother, was banned from coming to the U.S. with her husband and toddler son — both of whom are U.S. citizens — when her son needed life-saving treatment for a degenerative brain disease. She remained

Shaima Swileh, a 21-year-old Yemeni mother, was banned from coming to the United States with her husband and toddler son when her son needed treatment for a degenerative brain disease. She remained banned for months, unable to be with her child, as his condition deteriorated so severely that he was put on life support. It was only through immense political, media, and public pressure that she was granted a waiver and a visa to come to the United States and hold him one last time before he died.

YEMEN



banned for months, unable to be with her child as his condition deteriorated so severely that he was put on life support. It was only through immense political, media, and public pressure that she was granted a waiver and a visa to come to the U.S. and hold him one last time before he died.

Ms. Swileh met and married her husband, a U.S. citizen, in Yemen, where they had a baby boy in 2016 and named him Abdullah. Although Abdullah seemed healthy at first, it became clear after several months that he had health problems. They eventually learned that he had a form of hypomyelination, a disease that prevents formation of the fatty tissue that surrounds nerve cells and helps them communicate with one another.

Because of Abdullah's condition, and because the civil war in Yemen was making it dangerous to remain there, Ms. Swileh and her husband agreed that their entire family needed to be together in the U.S. When Abdullah was eight months old, she moved him to Cairo and met her husband there, where he applied for an immigrant visa for her and was also able to establish their son's U.S. citizenship. Ms. Swileh subsequently appeared for an interview at the U.S. embassy in August 2017.

A month after the interview, Ms. Swileh and her husband contacted the embassy to inquire about her visa. They were told to wait. After another month, they tried again, and again they were told to wait. More months passed as they continued contacting the embassy, but to no avail; each time they contacted the embassy, they were simply told that Ms. Hassan's application was being processed and that they should wait. In the meantime, Abdullah's condition continued to deteriorate.

After a year of waiting, Ms. Swileh and her husband could not bear to see their son suffering more and more in Cairo. They realized that Abdullah could not wait for his mother to receive her visa — that for his health, he needed to go to the U.S. to receive treatment without her. Ms. Swileh's husband left for the U.S. with Abdullah in August 2018. She remained behind in Cairo, waiting and persistently trying to contact the embassy to inquire about the status of her visa.

What Ms. Swileh and her husband didn't know at that time was that Abdullah's condition would be fatal. She didn't know that when he left her, it would be the last time her son would ever see her. All she knew was that during the entire ordeal, she tried to contact the U.S. embassy 28 times and each time received an automated response, telling her to wait.

Abdullah's health declined severely in the span of several months after he arrived in the U.S. The hypomyelination began to affect his breathing, and he was put on life support in November 2018. He never got to see his mother again while he was still conscious. Eventually, Ms. Swileh's desperation for a visa stemmed not from an urgency to be with her ailing son as he received treatment, but from the anguish of simply wanting to hold his body one last time before he died.

It was only after a lawsuit filed by CAIR Sacramento Valley, media attention, thousands of letters written to Congress and the U.S. embassy in Cairo, and inquiries by three members of Congress that Ms. Swileh was finally granted a visa. She came to the U.S. on December 19, 2018. Abdullah passed away nine days later.

On February 5, 2019, Ms. Swileh and her husband attended the State of the Union address as guests of Representatives Zoe Lofgren (D-CA) and Jerry McNerny (D-CA), respectively, to remind the American public of the unjust human consequences of the Muslim ban. It was also the first time that Ms. Swileh spoke directly to the press about her grief and the toll the ban has taken on her and her family.³²

Nicolas Hanout (Syria)³³

Nicolas Hanout is a U.S. citizen in his mid-twenties whose life has been on hold for the past two years because his wife remains stranded in Syria, having been denied permission to enter the U.S. He does not know if or when they will be able to live together or whether they will be able to have children together. He has been forced to delay significant life decisions, such as whether to attend graduate school or pursue a more financially stable job, or whether to buy a house, because all his time, energy,

and resources are devoted to supporting his wife in Syria and finding ways to visit her.

After marrying his wife in 2015, Mr. Hanout filed an immigrant visa petition on her behalf in 2016. The petition was approved, and she appeared for a consular interview at the U.S. embassy in Jordan in April 2018. Although the consular officer told her that she was eligible for a waiver, Mr. Hanout and his wife were told to wait for the embassy to call them. Months later, they still had not heard back from the embassy.

The separation from his wife has placed great emotional and financial strain on Mr. Hanout.³⁴ It pains him that he has missed birthdays and wedding anniversaries with his wife. Although they would like to start a family, they don't know when this will be possible because there is no certainty as to when and where they will be together permanently.

Because his wife cannot come to the U.S. to be with him, Mr. Hanout tries to visit her as much as he can, even though this is no real substitute for being together in the

same place and being able to plan their life together. But traveling to be with his wife in Syria is expensive and dangerous. Every trip requires four days of round-trip travel and thousands of dollars for fares, and all entry points to Syria are through or near conflict zones, where international travelers are vulnerable to attack, extortion, harassment, and detention.

Nicolas Hanout is United States citizen in his mid-twenties whose life has been on hold for the past two years because his wife is banned and remains stranded in Syria. He does not know if or when they will be able to live together or whether they will be able to have children together. He has been forced to delay significant life decisions, like whether to attend graduate school or pursue a more financially stable job, or whether to buy a house, because all his time, energy, and resources are devoted to supporting his wife in Syria and finding ways for him to visit her.



As a result, Mr. Hanout has remained self-employed as a caregiver (because of the flexibility this occupation affords him), and he has had to postpone his graduate studies and pass up professional opportunities in order to maintain the necessary level of flexibility and income that will allow him to see his wife for more than only a couple weeks out of the year. Indeed, both he and his wife have had to postpone pursuing their master's degrees in computer science. Because he spends all his nonwork time and his would-be savings traveling to visit his wife, he has been unable to save to buy a home for the family he and his wife wish to have.

Not being able to live with his wife, have a family, and start their lives together is excruciating for Mr. Hanout. He is concerned about his wife's well-being because their separation has caused her to suffer from depression. Their constant worry about

their future makes it impossible for them to talk about normal, everyday things in the course of their daily lives, because their indefinite separation always intrudes on their thoughts and conversations. The waiver process is now prolonging Mr. Hanout's separation from his wife, and he is afraid they will never be allowed to live together in the U.S.

Siraji Etha Siraji (Somali)³⁵

Siraji Etha Siraji is a U.S. citizen who has been separated from his wife and four children for years. He was on the cusp of bringing them to the U.S. when the Muslim ban went into full effect in December 2017. Now he does not know when, if ever, he will be able to bring them to the safety of the U.S.

Although Mr. Siraji is a U.S. citizen, his wife is a refugee, displaced from her home country of Somalia for over a decade, and lives in Kenya with their four children. In 2013, Mr. Siraji filed a I-130 immigrant visa petition for his wife, as well as Consular Reports of Birth Abroad (CRBAs) to prove his children's U.S. citizenship and obtain passports for them.

After Mr. Siraji's I-130 petition for his wife was approved in 2014, she appeared for her consular interview at the U.S. embassy in Kenya in February 2015. The consular officer told

her that her visa application was complete, but that it would be held until the children's CRBAs were approved. However, it took almost two years longer before the embassy in Uganda approved their

CRBAs, despite diligent follow-up by Mr. Siraji, his wife, and their immigration attorney. The embassy in Kenya then took almost another year requiring that Mr. Siraji's wife update her medical reports, her DS-260 Immigrant Visa Electronic Application, and other paperwork.

If it hadn't been for these delays by the embassies, Mr. Siraji's family could very well have reunited with him in the U.S. years ago. Instead, in the cruelest of ironies, the embassy delays meant that Mr. Siraji's family became subject to the Muslim ban. When Mr. Siraji's wife appeared at the embassy in Kenya in December 2017 for what she thought was the final step in this ordeal — swearing that her DS-260 form was

Siraji Etha Siraji is a United States citizen who has been separated from his wife and four children for years. He was on the cusp of bringing them to the United States when the Muslim Ban went into full effect in December 2017. Now he does not know when, if ever, he will be able to bring them to the safety of the United States.

SOMALIA



correct — she was told that she would need a waiver under the president’s Muslim Ban 3.0 proclamation.

Although Mr. Siraji’s wife asked if she could submit more information, she was told that the embassy would contact her if any further information from her was needed. She still has not received a waiver, and Mr. Siraji remains separated from his wife and U.S. citizen children.

The separation from his family has taken an emotional and financial toll on Mr. Siraji. Because his wife is a Somali refugee, she is constantly at risk of being arrested by Kenyan authorities and deported with the children to Somalia, where much of the country is a conflict zone, with rampant kidnapping, assault, and murder. But remaining in Kenya is dangerous, because as Somali refugees, people such Mr. Siraji’s family do not have the full protection of the government and have no legal guarantee that they can remain in the country indefinitely. This exposes them to corruption and abuse from exploitative government officials.

And because his wife cannot work in Kenya, Mr. Siraji must send money to support her and their children, which is a constant and significant drain on his resources. He worries constantly about the safety and well-being of his family, and he is desperate to bring them to the U.S. so they can be together in a place where his wife and children do not have to live in constant fear of being kidnapped, or of being victimized by a criminal assault or terrorist act.

Afshin Raghebi (Iran)³⁶

Afshin Raghebi is an Iranian national who left the U.S. in March 2018 as part of the required process of being interviewed by a U.S. consular officer abroad to obtain

his permanent resident (or “green”) card.

During his interview at the U.S. embassy in Abu Dhabi, he was told that he would receive a decision on his green card petition and a waiver in two to three months. It has now been nearly a year, and he has still received no decision. He is stranded in Turkey while his wife in the U.S. struggles to keep afloat the glass and

Afshin Raghebi is an Iranian national who left the United States in March 2018 as part of the required process to interview at a U.S. consulate to obtain his green card. At his interview, he was told that he would receive a decision on his green card petition and a waiver in two to three months. It has now been nearly a year, and he has still received no decision. He remains stranded in Turkey while his wife in the United States struggles to keep afloat the glass and window installation business they started together. With Mr. Raghebi gone, the business’s revenues have fallen by at least a third.

IRAN



window installation business they started together. With Mr. Raghebi gone, the business's revenues have fallen by at least a third.

Afshin Raghebi fled to the U.S. from Iran in 2006 because of religious persecution. Although he wanted to apply for asylum, he never did because he feared that applying could lead to his being deported. He met Pamela Whitehall in 2010 when he was installing windows in the residence facility for seniors where she was a receptionist. They fell in love and married, and together they started a glass and window installation business. Mrs. Raghebi handled the accounting, and Mr. Raghebi was the primary glass installer at the company.

In January 2016, Mrs. Raghebi filed an I-130 immigrant visa petition to start the process for Mr. Raghebi to adjust to lawful permanent residence. Although the petition was approved in April 2016, Mr. Raghebi also had to file for an I-601A waiver of the "unlawful presence" grounds of inadmissibility, because he had been living in the U.S. without authorization. U.S. Citizenship and Immigration Services (USCIS) eventually approved an I-601A waiver for Mr. Raghebi in February 2017, finding that Mrs. Raghebi would suffer extreme hardship if her husband were not granted permanent residency.

After receiving the approved I-601A waiver, Mr. Raghebi was required to leave the U.S. to interview at a U.S. consulate and complete the I-130 petition process. He left in March 2018 with the belief that he would be able to return under the waiver process outlined in the proclamation, not least because USCIS had already found, in approving his I-601A waiver, that his U.S. citizen wife would suffer extreme hardship if he were not granted a green card and allowed to reenter the U.S. At his interview, however, the consular officer did not ask Mr. Raghebi any questions related to his eligibility for a waiver and did not look at any materials Mr. Raghebi attempted to present to demonstrate that he qualified for a waiver. Mr. Raghebi was told he would learn in two or three months whether he could return to the U.S., but it has now been nearly a year and he is still awaiting a decision on his immigrant visa and a waiver.

Mr. Raghebi is currently living in Turkey, since it is one of the few countries that does not require a visa for Iranian nationals. The cost of maintaining a residence in a foreign country is financially draining on him and his wife, especially since their business is foundering in Mr. Raghebi's absence. Although the couple speaks every day on the phone, Mrs. Raghebi must now take antidepressants to help her cope with the emotional toll of being separated from her husband of eight years.

John Doe #1 (Libya – PARS Equality Center)³⁷

John Doe #1 in *PARS Equality Center v. Pompeo* is a native-born U.S. citizen who is desperate to bring his parents from Libya to the U.S. Ever since the Arab Spring in Libya in 2011, the country has become increasingly unstable, and he fears for their safety as well as being concerned about their deteriorating health. He and his parents

were devastated when they learned that their visa petitions had been denied under the president’s Muslim Ban 3.0 proclamation.

The visa denials are especially frustrating for John Doe #1 because, although his I-130 petitions for his parents were approved in 2014, delays by the U.S. consulate in Morocco have so protracted the entire process that his parents became subject to the ban. His parents were not scheduled for an interview for over two years after the I-130 petitions were approved. After the interview, it took the consulate four months to inform John Doe #1 that he needed to provide originals of his parents’ police records, not copies. When the consulate finally confirmed that it had all the information it required from John Doe #1 and his parents, it was October 2017. Three months later, in January 2018, John Doe #1 received a form email stating that his parents’ visas had been denied under the proclamation.

It was only in March 2018, after consulting with an attorney, that John Doe #1 became aware of the purported availability of waivers. He promptly emailed the consulate to request a waiver for his parents, providing documentation of their

eligibility. A week later, he received a form email, identical to the one he had received in January, stating that his parents’ visas had been denied under the proclamation.

The uncertainty about his parents’ visas, as well as the difficult situation his parents are living in, has frustrated and depressed John Doe #1,

driving him to consider seeking psychiatric treatment. He worries about his parents’ safety constantly because Libya is politically unstable and civilians such as his parents are at the mercy of armed militias and gangs, who regularly kidnap people for ransom. An old high school classmate who lives in the same town as John Doe #1’s parents was recently kidnapped and held for over \$100,000 in ransom, and John Doe #1 fears that this could happen to his parents, too. Apart from the danger presented by the militias, his parents have health issues and do not always have access to food and health care because of the poor economy and abysmal health care system in Libya.

John Doe #1 simply wants to bring his parents to the U.S. so he can take care of them and make sure they are safe in their old age. He does not understand how he, a U.S. citizen, can be prevented from seeing his parents and bringing them to safety. The cut-and-paste language in the form emails he has received from the consulate

John Doe #1 is a native-born United States citizen who is desperate to bring his parents from Libya to the United States. Ever since the Arab Spring happened in Libya in 2011, the country has become increasingly unstable, and he fears for their safety, as well as for their deteriorating health. He and his parents were devastated when they learned that their visa petitions had been denied under the Proclamation.



make it seem to him that the U.S. government won't even acknowledge his existence or his humanity.

John Doe #1 (Iraqi refugee – *Jewish Family Service of Seattle*)³⁸

John Doe #1 in *Jewish Family Service of Seattle v. Trump* is an Iraqi national who worked with the U.S. Army as an interpreter and assisted with efforts to restore local government stability in Fallujah, Iraq. He had to flee Iraq and register as a refugee when he faced persecution because of his service for and loyalty to the U.S. Army. After nearly three years of waiting, he was finally told to prepare for travel to the U.S. in October 2017. Then Muslim Ban 4.0 went to effect and suspended the entry of refugees from Iraq and other countries for at least 90 days.

It has now been almost a year and a half since he was initially told to prepare for his resettlement in the U.S., but John Doe #1 remains stranded in Egypt, where he cannot work legally and has to survive on any money that his wife is able to send him from Iraq. He is forced to live in isolation to shield his identity from people who might alert factions in Iraq who want to kill him for his service with the U.S. Army.

John Doe #1 was one of the first Iraqis to volunteer to work with the 3rd Armored Cavalry Regiment (3rd ACR), who were among the first U.S. troops to enter Fallujah, Iraq, in 2003. During his time working with the U.S. Army, John Doe #1 developed strong relationships with his American colleagues and on multiple occasions helped save the lives of American soldiers. Because of his loyalty to the U.S. Army, he began to receive threats from, and in three separate instances was attacked by, people in Fallujah who disapproved of his work for the U.S. He survived a drive-by shooting and a bomb thrown at his house. For a decade between 2004 and 2014, he relocated his family multiple times in Iraq to escape persecution and attempts on his life.

John Doe #1 is an Iraqi national who worked with the United States Army as an interpreter and who assisted with efforts to restore local government stability in Fallujah. He had to flee Iraq and register as a refugee because he faced persecution because of his service and loyalty to the United States Army. After nearly three years of waiting, he was finally told to prepare for travel to the United States in October 2017. Then Muslim Ban 4.0 went to effect and suspended the entry of refugees from Iraq and other countries for at least 90 days. It has now been almost a year and a half since he was initially told to prepare for his resettlement in the United States, and John Doe #1 still remains stranded in Egypt, where he cannot work legally and has to survive on any money that his wife is able to send him from Iraq. He is forced to live in isolation to shield his identity from people who might alert factions in Iraq who want to kill him for his service with the United States army.



To protect not only himself but also his family, he fled to Egypt alone in 2014 and applied for the Direct Access Program for U.S.-Affiliated Iraqis (DAP), which provides a path to refugee resettlement for people such as him who served the U.S. government. He was conditionally approved for resettlement to the U.S. in December 2016. In the meantime, he lived in constant fear for his life in Egypt. Numerous Iraqi interpreters who served the U.S., including two who worked with John Doe #1 for the 3rd ACR, have been murdered by Al Qaeda in Iraq or by ISIS, and he is afraid of meeting the same fate.

Finally, in October 2017, the International Office of Migration (IOM), an intergovernmental organization that works with the U.S. Refugee Admissions Program to resettle refugees, told John Doe #1 to prepare for travel to the U.S. Although he was ready, he was delayed because of problems with his passport. Although he had a current passport, an older passport, which had since expired, had been stamped upon his entry into Egypt. IOM instructed John Doe #1 to have the entry stamp from Egypt transferred to his new passport to avoid any confusion. While he was waiting to update his passport on IOM's advice, Muslim Ban 4.0 took effect.

It was incredibly heartbreaking for John Doe #1 to be told that he would not be able to travel to the U.S. He had been living alone, in constant fear for his life, for three difficult, dangerous years in Egypt. It has now been almost a year and a half since he was told to prepare for travel and, despite a U.S. district court's preliminary injunction of Muslim Ban 4.0, he remains stranded in Egypt. As far as the captain of the 3rd ACR knows, John Doe #1 is the only surviving translator hired by the 3rd ACR in Iraq who has not already been resettled to the U.S.

Mahmood Salem (Yemen)³⁹

Mahmood Salem, a U.S. citizen, was driven to such despair by the Muslim ban and his inability to bring his wife and children to his country that he took his own life

in July 2018. Five days after his suicide, his wife and two eldest children were granted waivers.

Mr. Salem was married in Yemen in 2004, but he alone moved to the U.S. to work because he could earn more in the U.S. than in

Mahmood Salem, a U.S. citizen, was driven to such despair by the Muslim Ban, and by his inability to bring his wife and children to this country, that he took his own life in July 2018. Five days after his suicide, his wife and two eldest children were granted waivers.

YEMEN



Yemen. He visited his wife in Yemen as often as he could, and, over time, they had five children, three of whom became U.S. citizens through him. Finally, in 2013, Mr. Salem decided it was time to bring his wife and children to the U.S. and began the visa process for his wife and two other children. Meanwhile, however, a civil war broke out in Yemen, causing chaos, food shortages, armed conflict, and a cholera outbreak. Mr. Salem was forced to move his family to Djibouti in 2016 for their very survival.

Supporting his family in Djibouti was an impossible task for Mr. Salem. Rents in Djibouti were six times higher than in Yemen, forcing him to borrow thousands of dollars from his brothers to provide for his wife and children. His children were constantly sick, plagued by bug bites and rashes in Djibouti's hot climate, and his wife could not obtain medicine for them. Finally, in November 2017, his wife and children received their visa approvals. The entire family was elated.

In a cruel twist of fate, however, their visas were not actually processed before the Supreme Court allowed the Muslim ban to go into effect a month later. In January 2018, they received the news that their visas had been denied. Mr. Salem was devastated. "What kind of life is this?" his brother remembers him asking. "I can't go see them. I cannot take them back to Yemen. I cannot bring them here."

Six months later, when Mr. Salem learned that his daughter was sick and hospitalized, he told his family that he didn't have enough money to support them, said that he wanted to kill himself, and hung up the phone. When his family called back, there was no answer. They frantically called friends and family in the U.S., trying to find someone who could go and check on him. A childhood friend found him in his room at 3:30 a.m., dead by a self-inflicted gunshot.

Five days later, his wife and children were granted waivers. Two days after that, they finally set foot on U.S. soil — too late to attend his funeral.

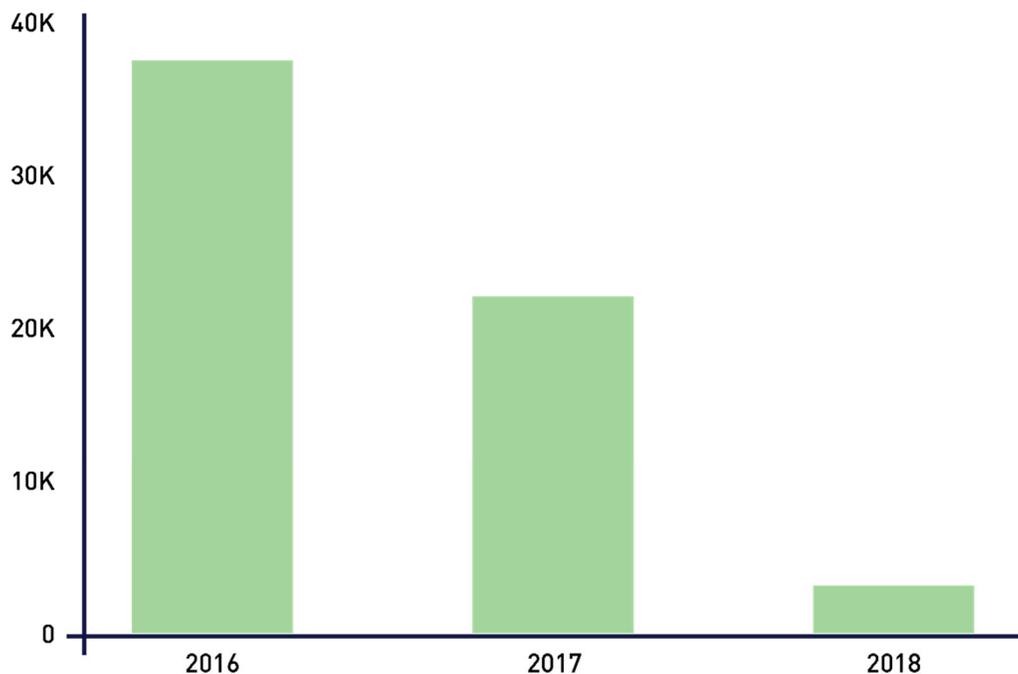
Collateral Consequences of the Muslim Ban

Separate and apart from the direct, personal impacts the Muslim ban has inflicted on specific individuals and their families, the ban has had significant broader, wide-ranging consequences: The number of refugees from Muslim majority countries entering the U.S. has declined, the number of visas issued to nationals of Muslim majority countries has declined significantly, and the number of hate crimes against people in MASA communities has risen sharply. These effects manifest and magnify the anti-immigrant, anti-Muslim message implicit in the Muslim ban.

Slashing Annual Refugee Admissions⁴⁰

On September 27, 2017, the Trump administration drastically lowered the annual refugee admission cap for fiscal year 2018 from 110,000 to 45,000. On November 2, 2018, the administration lowered the cap still further, from 45,000 to 30,000 for fiscal year 2019. These are the lowest caps set by a president since 1980. Refugees are also being processed at such a slow rate that the U.S. Refugee Admissions Program was on track to resettle fewer than 50 percent of the FY 2018 cap of 45,000. Under President

Muslim Refugee Admissions FY 2016-2018



Source: U.S. Department of State

Trump, the admission of refugees to the U.S. has been reduced to a mere trickle, reflecting not only how this administration views the annual cap as a ceiling rather than a target goal, but also the administration’s utter lack of regard for the plight of refugees and of the U.S.’s historic policy “to respond to the urgent needs of persons subject to persecution in their homelands.”⁴¹

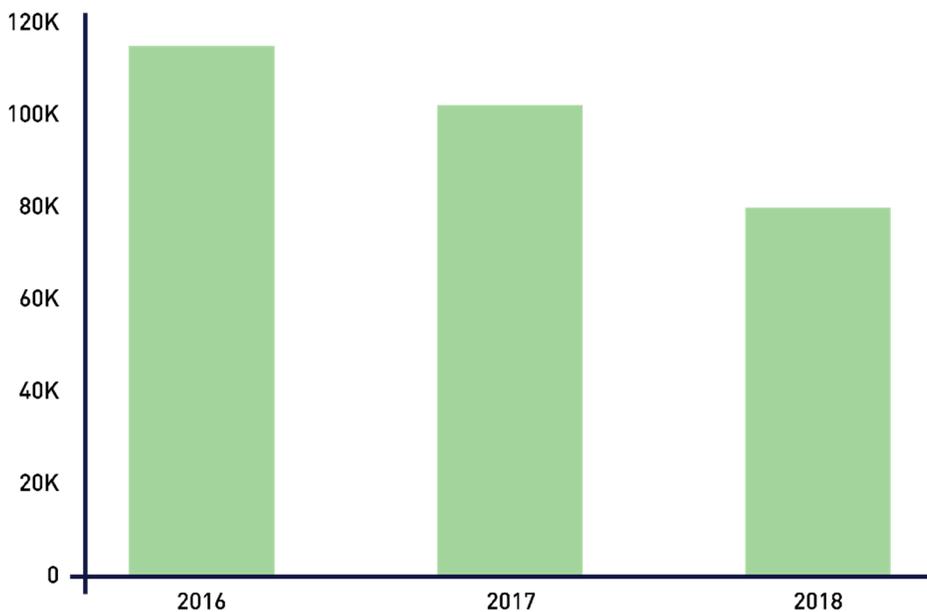
The lowered annual caps, in combination with the effects of Muslim Ban 4.0, meant that in 2018 the U.S. resettled less than half the number of refugees ostensibly allowed entry to the U.S.: 22,491, of whom approximately 70 percent were Christian and approximately 15 percent were Muslim.⁴² This minority percentage of Muslim refugees represents a decrease of 91 percent between 2016 and 2018. The share of refugees who are Muslim dropped from 44 percent in FY 2017 to 15 percent in FY 2018.

For fiscal year 2019, the reduced cap of 30,000, combined with the lingering effects of Muslim Ban 4.0 and the “extreme vetting” imposed for refugees from primarily Muslim-majority countries, means that even fewer refugees, especially Muslim refugees, will be resettled in the U.S. in the coming year.

Visas Issued for Muslim-Majority Countries

The Muslim ban has had a significant impact on the entry of Muslims into the U.S., even including Muslims from nonbanned countries. Immigrant and nonimmigrant visa approvals for Muslims have declined significantly since 2016. Visa

Immigrant Visa Issuances for Nationals of Majority Muslim Countries
FY 2016-2018



Source: U.S. Department of State

approvals for immigrants from 48 majority-Muslim countries plummeted 30 percent since 2016, amounting to 35,000 fewer immigrants from these countries in 2018. Nonimmigrant visa approvals for people from Muslim majority countries accounted for an 18 percent drop — around 155,000 fewer people traveled to the U.S. from the Muslim world this past year than in 2016.⁴³ These statistics indicate that the Muslim ban and the president's anti-Muslim agenda has had far greater effects beyond merely the countries identified in Muslim Ban 3.0.

The Rise in Hate Crimes Since Muslim Ban 1.0

Apart from the direct impact of Muslims either not being allowed to enter or being discouraged from seeking to enter the U.S., the domestic effects of the Muslim bans — and the president's consistent anti-Muslim rhetoric — have been wide-ranging and tragic. A minimum of 213 unique hate incidents occurred against people who identify as or are perceived to be South Asian, Muslim, Sikh, Hindu, Middle Eastern, or Arab between November 8, 2016, and November 7, 2017. This is a 63 percent increase from the year before, when there were about 130 incidents. As a 2018 report by South Asian Americans Leading Together (SAALT) put it, "There is undoubtedly a strong connection between hate incidents and President Trump's xenophobic political rhetoric. Of the 213 documented incidents of hate violence post-election, perpetrators in approximately 1 out of every 5 incidents (21%) referenced President Trump, a Trump policy, or a Trump campaign slogan."⁴⁴

On March 15, 2018, a lone gunman, motivated by Islamophobia and hate, killed 50 worshippers and injured 50 more who were attending Friday prayers at two different mosques in Christchurch, New Zealand. This type of tragic violence is a direct result of politicians exploiting social division and sowing fear for selfish gain: the assailant specifically mentions President Trump in his 74-page racist manifesto.

Legislative Efforts to Repeal the Ban and Prevent Future Bans

The next iteration of the No Muslim Ban Ever Campaign will focus on repealing the ban through legal, legislative, and media strategies, including efforts to delegitimize the ban and its sham waiver process, demand congressional investigations and oversight, and provide more visibility to families injured by the ban. In particular, this first year of a new Congress, with many new members and a new majority in the House of Representatives, is a critical time to focus on ensuring that the ban and its harms remain in the public's eye. The new legislative session gives us a window of opportunity to push for legislative efforts to undo or at least limit President Trump's harmful immigration policies and also to begin laying the longer-term foundation for limiting any future imposition of discriminatory bans.

On October 18, 2017, Senator Chris Murphy (D-CT) introduced **S. 1979**, and on November 7, 2017, Representative Judy Chu (D-CA) introduced **H.R. 4271**,⁴⁵ companion bills that would declare the current version of the Muslim ban illegal and unconstitutional, and prevent taxpayer dollars from being used to implement it.



Senator Mazie K. Hirono (Hawai'i; front row, middle) with the delegation that delivered #RepealTheBan petitions, December 4, 2018.

LEGISLATIVE EFFORTS

In an effort to bring attention to these bills and to tee them up for congressional focus in the 116th Congress, the No Muslim Ban Ever Campaign launched a [#RepealTheBan petition](#) on September 5, 2018.⁴⁶ On December 4, 2018 (one year after the Supreme Court first allowed Muslim Ban 3.0 to go into effect), we delivered the petition, along with similar petitions from partner organizations, to Representative Chu, Senator Murphy, Senator Van Hollen, and Senator Mazie Hirono (D-HI). The campaign had over 150,000 signatures from people calling to repeal the ban.

On January 28, 2019, a day after the second anniversary of the first Muslim ban, Senator Murphy and Representative Chu reintroduced their bills that would defund the ban, [H.R. 810](#) and [S. 246](#) respectively,⁴⁷ as companion bills in the new 116th Congress.

On April 10, 2019, Representative Chu and Senator Chris Coons (D-DE) introduced the No Ban Act, companion bills [H.R. 2214](#) and [S.1123](#) respectively.⁴⁸ These bills are the first to propose explicitly and immediately repealing every iteration of the Muslim ban, including a version that targeted refugees through extreme vetting, as well as a later asylum ban that was issued after the Supreme Court allowed the Muslim ban to remain in effect and was based on the same legal authority as the Muslim ban.

In addition, the No Ban Act would strengthen the nondiscrimination language of the Immigration and Nationality Act (INA) by explicitly prohibiting discrimination based on religion. Significantly, legislation would also change the current and overly broad standard by which the federal government's executive branch can suspend the admission of people seeking to come to the U.S. in the future. By requiring, among other things, stronger limitations, additional criteria that need to be met before banning the entry of a person or class of people, and regular reporting to Congress, the No Ban Act would ensure greater protections are in place before any future ban may be issued.

In order to build awareness and push for more cosponsors for these bills, the No Muslim Ban Ever Campaign launched a [petition drive](#) on March 28, 2019.⁴⁹

Next Steps

In this new Congress, the No Muslim Ban Ever Campaign will focus on pressuring our federal lawmakers to pass legislation that both repeals prior versions of the ban and severely limits the possibility that similar bans will be imposed in the future. One result of the Muslim ban has been that diverse communities across the country have mobilized to fight it. We must now do what we can to ensure that the current ban is dismantled as soon as possible, so it can't continue to lower the bar for and legitimize advancing other anti-Muslim policies.

Together, we have the opportunity to shed more light to the ongoing devastation this xenophobic, unconstitutional ban has caused and finally to put an end not only to it, but to any plans or efforts to impose similar bans in the future.

The No Muslim Ban Ever Campaign

The No Muslim Ban Ever Campaign originated from an organic and powerful response to Muslim Ban 1.0, the first iteration of a discriminatory, xenophobic policy that President Donald Trump touted during his presidential campaign and aggressively pursued immediately after taking office. The first Muslim ban galvanized so many people and prompted such a visceral response in large part because the ban was adopted in the very first week of the Trump administration and because its implementation and harm were immediate and visible, unfolding in our nearest airports.

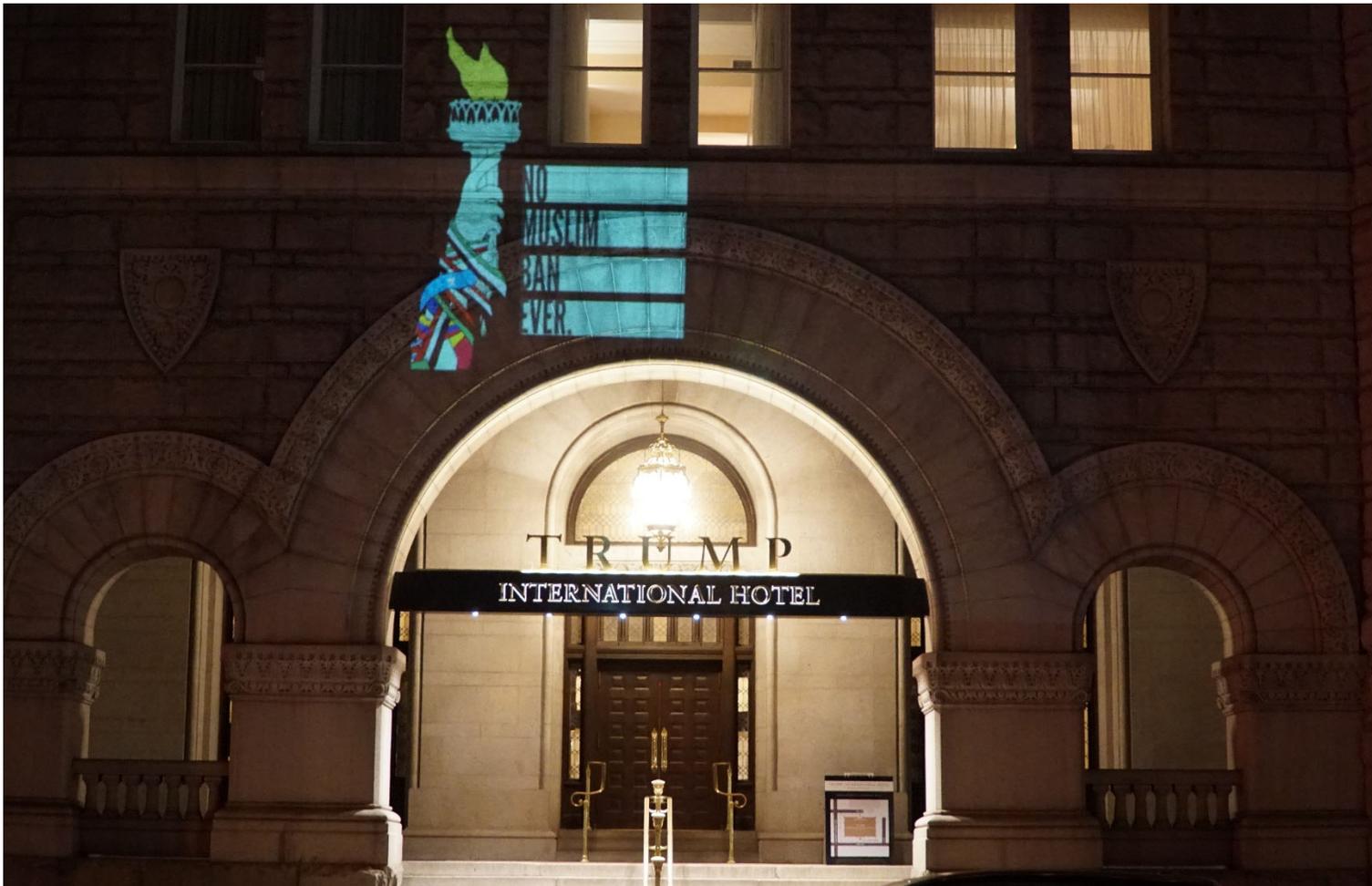
Asian Americans Advancing Justice-Asian Law Caucus (AAAJ-ALC),⁵⁰ the Council on American Islamic Relations-San Francisco Bay Area (CAIR-SFBA),⁵¹ MPower Change,⁵² and the National Immigration Law Center (NILC),⁵³ in partnership with a diverse coalition of Muslim, Arab, and South Asian (MASA) organizations and allies,⁵⁴ led a national campaign called the No Muslim Ban Ever Campaign in response to the Trump administration's efforts to ban Muslims, including refugees, family members, students, and other nationals of certain Muslim-majority countries, from entering the United States.

From 2017 until the U.S. Supreme Court decision in June 2018 that allowed the current version of the ban to remain in effect, the campaign organized around the litigation fighting the four different iterations of the Muslim ban, while also creating opportunities to mobilize and support the leadership of directly affected communities from the banned countries who have been fighting anti-Muslim policies long before and since the ban.

The campaign engaged in the following activities to influence public opinion, mobilize communities in opposition to the ban, and lay the groundwork for long-term efforts to combat a rising tide of anti-immigrant and anti-Muslim sentiment in the country:

- On **September 19, 2017**, Church World Service, National Immigration Law Center, Council on American Islamic Relations, and Advancing Justice – Asian Law Caucus anchored a **Twitter town hall** hosted by 18 Million Rising. There were over **26.1 million impressions**, and **#NoMuslimBanEver trended on Twitter**.
- On **September 28, 2017**, MPower Change, National Network for Arab American Communities, One America, Project South, Yemeni American Merchants Association, and Partnership for the Advancement of New Americans anchored a **Twitter town hall**. There were over **24 million impressions**, and **#NoMuslimBanEver trended on Twitter**.

- On **October 18, 2018**, approximately **3,000 people** participated in a **Muslim-led mobilization in Washington, DC**, and others attended **69 other events across the country**. Participants included members of many communities directly impacted by the ban. October 18 was the day that Muslim Ban 3.0 — the ban currently in place — was originally supposed to take effect before it was blocked by the courts a day earlier.
- On **January 27, 2018**, the one-year anniversary of the first Muslim ban, the No Muslim Ban Ever Campaign **projected quotations from impacted individuals on the Trump International Hotel** to create a highly visible reminder for the public that the ban — which by then had been allowed by the Supreme Court to go into effect temporarily — was hurting people around the world every day and that we were continuing to fight it.
- In **April 2018**, during the week before the Supreme Court heard oral arguments in *Hawaii v. Trump*,⁵⁵ the campaign carried out a **digital week of action**. Each day focused on a topic related to the Muslim ban. In total, content using the hashtag



#NoMuslimBanEver **reached a combined total of more than 130 million people** over the course of the week of action and **earned nearly half a billion impressions.**

- On **April 25, 2018**, the day the Supreme Court heard oral arguments in *Hawaii v. Trump*, the No Muslim Ban Ever campaign **organized a rally with several hundred people** in front of the Court and **brought a group of directly impacted individuals into the courtroom** to witness the oral argument and be present in the sight of the justices. The group included **Karen Korematsu**, the daughter of the named plaintiff in the 1944 case that challenged the federal government's forced internment of Japanese Americans during World War II, which the Court infamously ruled constitutional.⁵⁶ This delegation served as a powerful visual reminder to the justices of the devastating harm that policies such as those they were considering do to people and of the impact their decision in this case will have for generations to come.
- On **June 26, 2018**, the day the Supreme Court issued its decision in *Hawaii v. Trump*, the campaign, together with other civil rights and community organizations, **organized a rally in Washington, DC.** It also **supported grassroots efforts by campaign members to organize similar events in 22 different cities**, to show a strong public condemnation of the Supreme Court's decision to allow Muslim Ban 3.0 to remain in effect indefinitely — despite all the overwhelming evidence of its discriminatory intent and that it is an abuse of the president's authority.

Since the Supreme Court's ruling allowing Muslim Ban 3.0 to go into effect, the Trump administration has continued its attack on immigrant communities — abuses such as separating families, targeting U.S. citizens for denaturalization, drafting a proposed new rule on “public charge” that imposes a wealth test on people seeking to immigrate or adjust status, and issuing yet another ban, this one targeting Central American asylum-seekers attempting to enter at the U.S.-Mexico border.

Notwithstanding all the other horrific policies that have been introduced and implemented under Trump, the Muslim ban continues to represent one of the administration's worst signature policies. Numerous federal court judges have compared even Muslim Ban 3.0, which of legal necessity is slightly less punitive than the original ban, to the federal government's policy of interning people of Japanese descent, which was litigated in *Korematsu*. These comparisons are most notable in the powerful dissents written by Supreme Court justices to the Court's June 26, 2018, decision.

Despite the grave setback the Court's decision represents, everyone has an opportunity to learn, sooner or later, from their errors. So it's our hope that the MASA community will not (and it *must* not) have to wait more than 70 years for our



highest court to admit that it was wrong in this case, as it has finally admitted that the Court's decision in *Korematsu* was wrong.⁵⁷

What Are the Campaign's Goals?

The goals of the campaign are:

1. **To end policies that discriminate against people based on religion and/or national origin.** End policies, such as bans, walls and raids, that treat our communities as inherently suspect and that foster bigotry and hate.
2. **To expand sanctuary.** Create safe spaces for people under threat by advocating for sanctuary policies, supporting sanctuary communities, and offering physical sanctuary.
3. **To provide a platform for directly impacted people.** Center communities directly affected by the Muslim and refugee bans, namely Muslims, refugees, and nationals from Iran, Libya, Somalia, Sudan, Syria, and Yemen.
4. **To build solidarity.** The Muslim and refugee bans are on a continuum of exclusionary policies, white supremacy, xenophobia, and racism. We are stronger when we understand these connections.
5. **To shift public narrative.** Share stories to alter the public narrative about Muslims and the MASA community, to ensure that Muslim and MASA communities are telling their own stories

More information about the campaign can be found at www.NoMuslimBanEver.com.

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Resources

Factsheets

Frequently Asked Questions: The No Ban Act (No Muslim Ban Ever),
www.nilc.org/faq-the-no-ban-act/.

Looking Back and Fighting Forward on the One-Year Anniversary of Muslim Ban 3.0 (No Muslim Ban Ever), www.nilc.org/muslim-ban3-1-year-anniversary-facts/.

Understanding Trump's Muslim Bans (No Muslim Ban Ever),
www.nilc.org/understanding-the-muslim-bans/.

U.S. Supreme Court Ruling on Muslim Ban 3.0: What You Need to Know (CAIR California), <https://ca.cair.com/sfba/updates/u-s-supreme-court-ruling-on-muslim-ban-3-0-what-you-need-to-know/>.

Petitions

Defund Trump's Muslim Ban (MoveOn),
<https://petitions.moveon.org/sign/defund-trumps-muslim>.

End the Muslim Ban (Oxfam America), <https://secure3.oxfamamerica.org/co/end-the-muslim-ban>.

Faith Leaders Call on Congress to Support the No Ban Act (Groundswell),
<https://action.groundswell-mvmt.org/petitions/faith-leaders-call-on-congress-to-support-the-no-ban-act>.

Repeal Trump's Anti-Immigrant Bans (ACLU),
<https://action.aclu.org/petition/repeal-trumps-anti-immigrant-bans>.

Rescind the Muslim Ban Immediately (ACLU),
<https://action.aclu.org/petition/secure/no-muslim-ban-ever>.

Sign the Petition: Block Trump's Hateful Muslim Ban (Daily Kos),
<https://www.dailykos.com/campaigns/petition/sign-the-petition-block-trumps-hateful-muslim-ban-2>.

Sign the Petition: #RepealTheBan and Support the NO BAN Act (Daily Kos),
<https://www.dailykos.com/campaigns/petitions/sign-the-petition-repealtheban-and-support-the-no-ban-act>.

THE NO MUSLIM BAN EVER CAMPAIGN

Sign This Petition: Demand Congress Act to Repeal the Muslim Ban!

(ActionNetwork.org), <https://actionnetwork.org/petitions/sign-this-petition-demand-congress-act-to-repeal-the-muslim-ban>.

Tell Congress: Support the NO BAN Act! (Win Without War),

<http://act.winwithoutwar.org/sign/support-no-ban-act/>.

Tell Congress: Thoughts and prayers are not enough. Repeal Trump's hateful Muslim ban now. (CREDO Action), <https://act.credoaction.com/sign/no-muslim-ban-2019>.

Tell Congress to Repeal the Travel Ban! (PAAIA), <https://p2a.co/c25foFq>.

U.S. Congress: Rescind the Muslim Ban Immediately: #NoMuslimBanEver

(Change.org), <https://www.change.org/p/u-s-congress-rescind-the-muslim-ban-immediately-nomuslimbanever>.

Notes

¹ Asian Americans Advancing Justice-Asian Law Caucus (AAAJ-ALC), the Council on American Islamic Relations – San Francisco Bay Area (CAIR-SFBA), MPower Change, and the National Immigration Law Center (NILC), in partnership with a diverse coalition of Muslim, Arab, and South Asian (MASA) organizations and allies, lead a national campaign called the No Muslim Ban Ever Campaign in response to the Muslim ban. For more information about the campaign, see pp. 30–33.

² *Jewish Family Service of Seattle v. Trump*, No. 17-cv-01707JLR (W.D. Wash. filed Nov. 13, 2017). The Class Action Complaint for Declaratory and Injunctive Relief is available at www.nilc.org/wp-content/uploads/2017/11/JFSS-et-al-v-Trump-et-al-complaint-2017-11-13.pdf. More information at www.nilc.org/jfss-v-trump/.

³ *PARS Equality Center v. Pompeo*, No. 18-cv-07818-JD (N.D. Cal. filed July 31, 2018). The Class Action Complaint is available at www.nilc.org/wp-content/uploads/2018/08/PARS-Equality-Ctr-v-Pompeo-complaint-2018-07-31.pdf. This lawsuit was filed to challenge the unlawful implementation of the Muslim ban waiver process, on behalf of plaintiffs that include One America and PARS Equality Center. More information at www.nilc.org/pars-equality-center-v-pompeo/.

⁴ Jessica Taylor, “Trump Calls for ‘Total and Complete Shutdown of Muslims Entering’ U.S.,” *NPR*, Dec. 7, 2015, <https://www.npr.org/2015/12/07/458836388/trump-calls-for-total-and-complete-shutdown-of-muslims-entering-u-s>.

⁵ Executive Order 13769 (issued Jan. 27, 2017), <https://www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states/>.

⁶ Aaron Blake, “President Trump’s Travel Ban Is Causing Chaos – Don’t Expect Him to Back Down,” *Washington Post*, Jan. 29, 2017, <https://www.washingtonpost.com/news/the-fix/wp/2017/01/29/president-trumps-travel-ban-is-causing-chaos-dont-expect-him-to-back-down/>.

⁷ Executive Order 13780 (issued Mar. 6, 2017), <https://www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states-2/>.

⁸ *Hawaii v. Trump*, 265 F. Supp. 3d 1140, 1155 (D. Haw. 2017), *aff’d* 878 F.3d 662 (9th Cir. 2017), *rev’d* 138 S.Ct. 2392 (2018).

⁹ *International Refugee Assistance Project v. Trump*, 265 F. Supp. 3d 570, 633 (D. Md. 2017), *aff’d* 833 F.3d 233 (4th Cir. 2018), *vacated* 2018 WL 1256938.

¹⁰ Adam Liptak, “Appeals Court Will Not Reinstate Trump’s Revised Travel Ban,” *New York Times*, May 25, 2017, <https://www.nytimes.com/2017/05/25/us/politics/trump-travel-ban-blocked.html>.

¹¹ Those individuals with a close familial relationship in the U.S. or a formal documented relationship with a U.S. entity.

¹² The Supreme Court provided examples of relationships that qualify as “bona fide,” but the U.S. State Department did not issue its interpretation of what a “bona fide relationship” is

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until a few days later. This limited interpretation said “bona fide relationships” are only those between a parent, spouse, child, adult son or daughter, sibling, son-in-law, or daughter-in-law of a U.S. resident. This policy was quickly challenged, and on July 13, 2017, the U.S. District Court for the District of Hawaii interpreted a bona fide relationship to include grandparents, grandchildren, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and cousins. The U.S. district court judge also held that the relationship between a refugee resettlement agency and a refugee with an assurance to be resettled in the U.S. qualifies as “bona fide.” The federal government appealed this decision to both the Ninth Circuit Court of Appeals and the U.S. Supreme Court. On July 19, 2017, the Supreme Court denied the government’s appeal request but stayed the portion of the district court’s decision about resettlement agencies until the government’s appeal was heard by the Ninth Circuit. On September 7, 2017, the Ninth Circuit affirmed the district court’s order, but on September 11, 2017, Supreme Court Justice Anthony Kennedy temporarily stayed the portion of the Ninth Circuit’s decision having to do with refugees who have assurances from resettlement agencies.

¹³ *International Refugee Assistance Project v. Trump* (note 9, above); *Hawaii v. Trump* (note 8, above).

¹⁴ Presidential Proclamation 9645 (issued Sep. 24, 2017), <https://www.whitehouse.gov/presidential-actions/presidential-proclamation-enhancing-vetting-capabilities-processes-detecting-attempted-entry-united-states-terrorists-public-safety-threats/>.

¹⁵ Those individuals with a close familial relationship in the U.S. or a formal documented relationship with a U.S. entity.

¹⁶ *International Refugee Assistance Project v. Trump* (note 9, above); *Hawaii v. Trump* (note 8, above).

¹⁷ The First Amendment to the Constitution prohibits the government from making any law “respecting an establishment of religion.” This is known as the Establishment Clause.

¹⁸ In civil law cases, the parties use the pretrial *discovery* process to gather information that they can use during the trial.

¹⁹ David Bier, “Trump Cut Muslim Refugees 91%, Immigrants 30%, Visitors by 18%,” *CATO at Liberty*, Dec. 7, 2018, <https://www.cato.org/blog/trump-cut-muslim-refugees-91-immigrants-30-visitors-18>.

²⁰ *Jewish Family Service of Seattle v. Trump* (note 2, above); *Doe v. Trump*, No. 17-00178JLR (W.D. Wash. filed Feb. 7, 2017). For more information on *Doe v. Trump*, see “ACLU Asks for Injunction to Stop Trump’s Muslim Ban from Separating Refugees from Their Families,” ACLU news release, Nov. 7, 2017, <https://www.aclu.org/press-releases/aclu-asks-injunction-stop-trumps-muslim-ban-separating-refugees-their-families>.

²¹ Those individuals with a close familial relationship in the U.S. or a formal documented relationship with a U.S. entity.

²² “Federal Court Rejects Government Request to Stay Injunction Against Trump Policy Banning Admission of Refugees to United States,” ACLU of Washington news release, Jan. 9, 2018, <https://www.aclu-wa.org/news/federal-court-rejects-government-request-stay-injunction-against-trump-policy-banning-admission>.

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²³ Presidential Proclamation 9645 (note 14, above), section 3(c).

²⁴ *Id.*, section 3(c)(ii) (emphasis added).

²⁵ *Id.*, section 3(c).

²⁶ December 4, 2017: Court Order on Presidential Proclamation (Travel.State.Gov., Bureau of Consular Affairs, U.S. Dept. of State), <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/presidential-proclamation-archive/2017-12-04-Presidential-Proclamation.html>.

²⁷ Yeganeh Torbati and Mica Rosenberg, “Exclusive: Visa Waivers Rarely Granted Under Trump’s Latest United States Travel Ban: Data,” *Reuters*, Mar. 6, 2018, <https://www.reuters.com/article/us-usa-immigration-travelban-exclusive/exclusive-visa-waivers-rarely-granted-under-trumps-latest-u-s-travel-ban-data-idUSKCN1GI2DW>; and Yeganeh Torbati, “U.S. Issued Waivers to Trump’s Travel Ban at Rate of 2 Percent, Data Shows,” *Reuters*, June 26, 2018, <https://www.reuters.com/article/us-usa-immigration-ban/us-issued-waivers-to-trumps-travel-ban-at-rate-of-2-percent-data-shows-idUSKBN1JN07T>.

Muslim Advocates and the International Refugee Assistance Project filed Freedom of Information Act (FOIA) requests seeking more information about the waiver process, and the government has produced some limited information in response, but it has provided no further statistics about waivers granted or cleared and no further information about how people are supposed to demonstrate their eligibility for a waiver when there is no real waiver application.

²⁸ *Department of State Report: Implementation of Presidential Proclamation 9645: December 8, 2017, to March 31, 2019* (U.S. Dept. of State), <https://bit.ly/2F9LyB5>.

²⁹ <https://www.muslimadvocates.org/meet-the-plaintiffs-in-emami-v-nielsen/>.

³⁰ www.nilc.org/issues/litigation/pars-equality-center-v-pompeo/.

³¹ Erin Allday, “Trump’s Travel Ban Keeping Mother from Dying Child,” *San Francisco Chronicle*, Dec. 17, 2018, <https://www.sfchronicle.com/bayarea/article/Trump-s-travel-ban-keeping-mother-from-dying-13470703.php>.

³² https://www.huffingtonpost.com/entry/yemeni-mother-travel-ban-dying-son-sotu_us_5c5b169de4b09293b20ab165.

³³ Information for this section taken from the Class Action Complaint in *PARS Equality Center v. Pompeo* (note 3, above), pp. 42–43.

³⁴ “My Entire Life Has Been Put on Hold,” a film by the *Washington Post*, Jan. 29, 2019, <https://www.washingtonpost.com/graphics/2019/opinions/travel-ban-couples/>.

³⁵ Information for this section taken from the Class Action Complaint in *PARS Equality Center v. Pompeo* (note 3, above), pp. 34–35.

³⁶ Information for this section taken from the Class Action Complaint in *PARS Equality Center v. Pompeo* (note 3, above), pp. 30–32.

³⁷ Information for this section taken from the Class Action Complaint in *PARS Equality Center v. Pompeo* (note 3, above), pp. 49–51.

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- ³⁸ Information for this section taken from the Class Action Complaint for Declaratory and Injunctive Relief in *Jewish Family Service of Seattle v. Trump* (note 2, above), pp. 31–32.
- ³⁹ Shirin Jaafari, “‘There Is Real Suffering’: How the Travel Ban Is Tearing Some Families Apart,” *PRI’s The World*, Aug. 17, 2018, <https://www.pri.org/stories/2018-08-17/there-real-suffering-how-travel-ban-tearing-some-families-apart>.
- ⁴⁰ *Understanding Trump’s Muslim Ban* (No Muslim Ban Ever Campaign, Sep. 11, 2018), www.nilc.org/issues/immigration-enforcement/understanding-the-muslim-bans/.
- ⁴¹ Pub. L. No. 96-212 § 101(a), 94 Stat. 102, 102.
- ⁴² Krishnadev Calamur, “Trump’s Refugee Policy Also Hurts the Most Vulnerable Christians,” *The Atlantic*, Oct. 2, 2018, <https://www.theatlantic.com/international/archive/2018/10/trump-refugees-christians/571942/>.
- ⁴³ David Bier, “Trump Might Not Have Gotten His ‘Muslim Ban.’ But He Sure Got His ‘Extreme Vetting,’” *Washington Post*, Dec. 10, 2018, <https://www.washingtonpost.com/opinions/2018/12/10/trump-might-not-have-gotten-his-muslim-ban-he-sure-got-his-extreme-vetting/>.
- ⁴⁴ *Communities on Fire: Confronting Hate Violence and Xenophobic Political Rhetoric* (South Asian Americans Leading Together, 2018), <http://saalt.org/wp-content/uploads/2018/01/Communities-on-Fire.pdf>, p. 10.
- ⁴⁵ S. 1979: <https://www.congress.gov/bill/115th-congress/senate-bill/1979>; H.R. 4271: <https://www.congress.gov/bill/115th-congress/house-bill/4271>.
- ⁴⁶ “Sign this petition: Demand Congress act to repeal the Muslim ban!,” <https://actionnetwork.org/petitions/sign-this-petition-demand-congress-act-to-repeal-the-muslim-ban>.
- ⁴⁷ <https://www.congress.gov/bill/116th-congress/house-bill/810>; <https://www.congress.gov/bill/116th-congress/senate-bill/246>.
- ⁴⁸ <https://www.congress.gov/bill/116th-congress/house-bill/2214>; <https://www.congress.gov/bill/116th-congress/senate-bill/1123>.
- ⁴⁹ <https://act.mpowerchange.org/sign/repealtheban-nobanact/>.
- ⁵⁰ <https://advancingjustice-alc.org/>.
- ⁵¹ <https://ca.cair.com/sfba/>.
- ⁵² <https://mpowerchange.org/>.
- ⁵³ www.nilc.org/.
- ⁵⁴ Another acronym used to name this population is AMEMSA, which stands for Arab, Middle Eastern, Muslim, and South Asian. This acronym includes community members who may be Middle Eastern but not Muslim. For more context, see *AMEMSA Fact Sheet* (Asian American Pacific Islanders in Philanthropy, Nov. 2011), <https://aapip.org/sites/default/files/incubation/files/amemsa20fact20sheet.pdf>.
- ⁵⁵ *Hawaii v. Trump* (note 8, above).

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⁵⁶ *Korematsu v. United States*, 323 U.S. 214 (1944), was a landmark Supreme Court case concerning the constitutionality of Executive Order 9066, which ordered Japanese Americans into internment camps during World War II regardless of their citizenship. In a 6–3 decision, the Court sided with the government, ruling that the order was constitutional.

⁵⁷ In the majority opinion in *Hawaii v. Trump*, Chief Justice John Roberts wrote, “The dissent’s reference to *Korematsu* ... affords this Court the opportunity to make express what is already obvious: *Korematsu* was gravely wrong the day it was decided, has been overruled in the court of history, and — to be clear — ‘has no place in law under the Constitution.’”

