

# UNDERSTANDING THE MUSLIM BANS

*\*\*Current as of January 9, 2018 at 1 pm EST\*\**



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

## **BEYOND THE BAN: OTHER DISCRIMINATORY POLICIES AGAINST MUSLIMS**

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

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

**Ending Temporary Protection Status (TPS) for Sudan** – On 9/19/2017, a few days before Sudan was removed from Muslim Ban 3.0, the Trump administration announced an end to TPS for Sudan, effective 11/2/2018. Sudanese TPS holders may be forced to return to a country that is still unstable, despite this being the very reason for originally granting TPS to people from Sudan. These measures raise concerns about what is to come next for over 400,000 people with TPS from different countries.

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

**Slashing Annual Refugee Admissions** – On 9/27/2017, the Trump administration drastically lowered the annual refugee admission cap from 110,000 to 45,000, the lowest cap since 1980, and Muslim Ban 4.0 specifically targets countries that account for approximately 80% of all Muslim refugees resettled in the U.S. in the past two years.

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

**WHAT'S IN EACH VERSION OF THE MUSLIM BAN?**

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| <b>Ban #</b> | <b>Date Issued</b> | <b>Targeted Populations<sup>1</sup></b>   | <b>Impact on Refugees</b>   | <b>Duration</b>  | <b>Key Court Actions</b>  | <b>Current Status</b>   |
|--------------|--------------------|---|---|--|---|---|
| 1.0          | 1/27/17            | All refugees and nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen   | Halted entire program   | 90 days for all nationals (not dual citizens) of targeted countries; 120 days for refugees; indefinite for Syrian refugees | On 2/9/17, the Ninth Circuit held that the Ban should be blocked  | Revoked by Muslim Ban 2.0 on 3/6/2017   |
| 2.0          | 3/6/17             | All refugees and nationals from Iran, Libya, Somalia, Sudan, Syria, and Yemen   | Halted entire program   | 90 days for all nationals of targeted countries, 120 days for all refugees   | On 6/26/17, the Supreme Court (SCOTUS) allowed part of the ban to go into effect, applying it to those lacking a <i>bona fide relationship</i> <sup>2</sup> to the U.S. | On 9/24/17, the Ban on nationals from the targeted countries expired and on 10/24/17, the Ban on refugees expired. SCOTUS dismissed the cases challenging the ban as moot.  |
| 3.0          | 9/24/17            | Most or all nationals from Chad, Iran, Libya, North Korea, Somalia, Syria, and Yemen and government officials from Venezuela and their families | N/A   | Indefinite   | On 12/4/2017, SCOTUS allowed the ban to go into full effect until SCOTUS either declines to hear or enters a judgment on the case                                       | On 12/22/17, the Ninth Circuit Court issued a preliminary injunction for those that had a bona fide relationship. The Fourth Circuit Court of Appeals, who heard the case on 12/8/17, has not issued a decision. The ban remains in full effect pending a SCOTUS decision |
| 4.0          | 10/24/17           | Refugees from Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, Sudan, South Sudan, Syria, Yemen and any stateless individuals              | Halted program for targeted populations and extreme vetting measures for all other refugees | Indefinite   | On 12/23/17, the District Court of Washington issued a preliminary injunction for refugees that have a bona fide relationship to the U.S.                               | Preliminary injunction in effect, pending higher court review   |

<sup>1</sup> Waivers may be granted under circumstances set in each Executive Order or Proclamation.

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