



**Welcome the stranger.
Protect the refugee.**

Statement submitted to the U.S. House of Representatives Committee on the Judiciary

Markup of: H.R. 2214, the “National Origin-Based Antidiscrimination for Nonimmigrants Act” or the “NO BAN Act”

February 12, 2020

For 139 years, HIAS, the American Jewish community’s refugee organization, has stood for welcome. We have helped more than 4.5 million people escape persecution, and we understand that hatred, bigotry and xenophobia must be expressly prohibited in our domestic laws. While we started helping Jewish refugees fleeing religious persecution, we recognize that the right to refuge is a universal human right, and HIAS is now dedicated to providing welcome, safety, and freedom to refugees of all faiths from around the world. **We therefore urge committee members to pass H.R. 2214, the *National Origin-Based Antidiscrimination for Nonimmigrants Act (No Ban Act)*.**

In January 2017, the Trump Administration issued an executive order stopping refugee admissions for 120 days, reducing the number of refugee allowed to resettle to the U.S. that fiscal year from 110,000 to 50,000, and prohibiting the entry of foreign nationals from seven (later changed to six) Muslim-majority countries. Following several iterations of the Muslim Ban, in October 2017, the administration issued another refugee ban, prohibiting refugee arrivals for 90 days from some of the world’s largest refugee producing countries, including Iran, Iraq, Somalia, Syria, and Yemen, in addition to seven additional countries. That particular executive order also suspended an important family reunification mechanism for refugee families, leaving families torn apart indefinitely.

Just this week, a settlement was reached with plaintiffs in *Jewish Family Service v. Trump*, for which HIAS was co-counsel. The case challenged the October 2017 refugee ban, and the settlement requires the U.S. government to expedite the refugee resettlement applications of more than 300 refugees who were affected by the ban, including refugees who had reached the final stages of refugee processing in October 2017, but still have pending applications.

Just as HIAS could not stand by when the U.S. turned away Jewish refugees fleeing Europe during the 1930s and 40s, we could not remain silent as Muslim refugees were turned away just for being Muslim. HIAS sued the Administration over its first refugee ban and three years later, we continue to battle executive orders and policies that bar refugees, Muslims, and asylum seekers from our country.

Through the U.S. Refugee Admissions Program (USRAP), established with the passage of the *1980 Refugee Act*, the U.S. has successfully provided protection to more than three million refugees. The U.S. traditionally resettles the most vulnerable refugees including women and children, victims of torture, and religious minorities. However, since the initial Muslim and refugee bans were implemented, thousands of refugees have been blocked from resettlement in the United States.

The overall number of refugees arriving through the USRAP has dropped due to the reduction in the annual admissions ceilings (also known as the Presidential Determination, or PD). For example, for FY 2020, the PD is 18,000, an all-time historic low. Robust arrivals for refugees of all faiths have therefore decreased, but the arrivals of Muslim refugees have dropped the most dramatically. According to the Pew Research Center, in FY 2019, 79% of refugee arrivals, or 23,800 refugees, were Christian, in comparison to approximately 4,900 Muslims. Whereas, in FY 2016, 46%, of arrivals, or 38,900 refugees, were Muslim¹.

The administration's defense of their refugee, Muslim and asylum bans is rooted in their interpretation of provision 212(f) of the *Immigration and Nationality Act (INA)*, which allows the President to restrict the entry of individuals to the United States that he or she deems would be detrimental to the United States. However, their application of 212 (f) has a "well-documented ideological focus" targeting Muslims.²

The No Ban Act will amend the INA to prohibit discrimination based on religion, and it will repeal all versions of the Muslim Ban authorized through executive order over the past three years. Additionally, it will amend 212(f) that has allowed the implementation of the refugee, Muslim, and certain asylum bans by imposing stricter implementation requirements and greater congressional oversight.

The U.S. government must not implement policies that cause harm to people based solely on their religion or nationality. When it does, Congress must act.

HIAS is grateful to the House Judiciary Committee for moving the *No Ban Act* forward, and we urge all members of the committee to support H.R. 2214 and uphold our country's legacy as a place that welcomes the stranger, regardless of faith or national origin.

¹ <https://www.pewresearch.org/fact-tank/2019/10/07/key-facts-about-refugees-to-the-u-s/>

² <https://www.lawfareblog.com/does-presidents-immigration-order-violate-rule-against-ideological-exclusion>