



Written Statement of the Council on American-Islamic Relations On  
Markup of H.R. 1333, the “National Origin-Based Antidiscrimination for  
Nonimmigrants Act” or the “NO BAN Act.”

U.S. House Committee on The Judiciary

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Dear Honorable Chairman Jerrold Nadler, Vice Chair Madeleine Dean and Ranking Member Jim Jordan:

On behalf of the Council on American-Islamic Relations (CAIR), the nation's largest Muslim civil rights and advocacy organization, thank you for the opportunity to submit this statement for the record for today's markup of H.R. 1333, the "National Origin-Based Antidiscrimination for Nonimmigrants Act" or the "NO BAN Act." CAIR applauds the members of the U.S. House Committee on the Judiciary for reconsidering the NO BAN Act and advancing it once again through the U.S. House of Representatives in the new congressional session.

The prior administration's Muslim and African bans were discriminatory, ill-intended and misrepresented executive orders. While President Joe Biden's termination of the previous administration's Muslim and African bans was a welcomed first step – now it is up to Congress to ensure no future president has the same authority to create another discriminatory travel ban.

CAIR and the American Muslim community celebrated last year when the U.S. House passed the NO BAN Act in the prior 116<sup>th</sup> session of Congress, advancing the act with a bipartisan vote of 233-183. It was disappointing to watch the act stall in the U.S. Senate. We expect the NO BAN Act will once again be adopted in the House and CAIR is calling on the Senate's new Democratic leadership to advance the bill without delay.

First authorized on January 27, 2017, the Muslim ban was amended several times to place varying levels of discriminatory travel restrictions on mostly Muslim and African citizens and government officials from Burma, Eritrea, Kyrgyzstan, Libya, Nigeria, North Korea, Somalia, Sudan, Syria, and Tanzania, Venezuela, and Yemen.

Because of the ban, families have been ripped apart, students have been deprived of educational opportunities, the sick have been blocked from receiving treatment, talented workers have lost out on jobs, and refugees have been trapped in dangerous conditions.

On January 20, CAIR welcomed President Joe Biden's termination — on his first day in office — of the previous administration's discriminatory Muslim and African Bans. However, CAIR believes that it is now the responsibility of the Biden-Harris administration and Congress for determining how to holistically address the damage already done by the Muslim ban and how to help those who were denied entry into the United States.

CAIR, however, believes that the U.S. State Department's 45-day review of immigration processes, mandated by an executive order President Biden signed repealing the Muslim Ban, could still do more to undo the damage caused by the Muslim Ban.

In response to the State Department's review, CAIR is challenging the Biden-Harris Administration and Congress to work together to waive all visa fees and fast-track applications for all immigrants who were unjustly denied visas due to their nationalities.

According to the State Department, visa applicants whose applications were denied on or after January 20, 2020, due to the Muslim Ban can be reconsidered without submitting a new application or paying new fees. However, anyone denied a visa because of the Muslim Ban prior to Jan. 20, 2020, must submit a new application and pay the costly application fees all over again.

The department's announcement also states, "Applicants from the affected countries may no longer be denied on the basis of nationality, and the Department has taken a number of steps to ensure that applicants previously refused visas under Proclamations 9645 and 9983 will not have future visa applications prejudiced in any way by those prior decisions."

CAIR believes that starting over is not a solution. Instead, any immigrants whose visa applications were unjustly denied because of the Muslim Ban should receive both fast-tracked reconsideration and a waiver of the application fees they have already paid.

**Again, CAIR is calling on the Biden-Harris administration to be creative and work with community-based groups to bring relief to all the families that were separated and harmed because of the discriminatory and xenophobic bans.**

**CAIR is also calling on the Congress to find a legislative solution to empower the State Department to do more for Diversity Visa application winners who were not issued visas due to the Muslim and African Bans.** Congress must find alternative immigration pathways for these would-be immigrants who are being denied a chance at the American dream.

Therefore, **CAIR is requesting Congress amend the NO BAN Act** – one of the greatest legislative vehicles to address the damages that resulted from the Muslim and African ban – **to ensure there is a pathway to citizenship for all those who were denied a Diversity Visa.**

America should not remain closed to these would-be immigrants who are being denied a chance at the American dream.

#### Next Steps Following the Adoption of the NO BAN ACT

Dismantling the prior administration's Muslim and African travel bans still does not address the existing discriminatory framework of anti-immigrant and anti-Muslim immigration laws and other anti-Muslim extreme vetting programs and policies that also need to be overturned.

Following the passage and adoption of the NO BAN Act into law, U.S. embassy and consulates will continue to apply unequal and biased extreme vetting screening procedures against numerous would-be visa applicants from Muslim countries.

In comparison to other travelers, Muslim travelers continue to face higher screening standards in their attempts to obtain a U.S travel visa.

As such, CAIR is urging the U.S. House Judiciary Committee and Congress to work with the Biden-Harris Administration to lowering the overall processing times for visa applicants, especially from Muslim countries that have been targeted by discriminatory “extreme vetting programs.” That includes:

1. Dismantling the US Citizenship and Immigration Services’ application of the Controlled Application Review and Resolution Program (CAARP), which has been used to routinely target Muslims, Arabs, Middle-Easterners and South Asians.
2. Repealing the Visa Waiver Program (VWP) Improvement and Terrorist Travel Prevention Act of 2015, re-evaluate all countries currently designated by the federal government under the VWP, and end all other discriminatory anti-Muslim “extreme vetting programs.”

On December 18, 2015, the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015 became law as part of the Consolidated Appropriations Act 2016.

At that time, more than half the nation’s governors declared Syrian refugees were not welcome in their states as the U.S. rejected those fleeing war and persecution. By doing so America abandoned our ideals and projected our fears onto the world.

CAIR notes the initial policy framework of the Muslim Ban was a combination of prior DHS and the State Department extreme vetting programs, which primarily targeted visa applicants from Muslim countries, with the implementation of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act

This act places a higher burden on Muslim travelers from VWP countries seeking to come to the US – even if they worked for well-known humanitarian organizations or news outlets in those listed countries. Subjected to DHS and the State Department’s “Extreme Vetting Programs,” Muslim travelers who have visited those listed countries, or hold dual citizenship, have endured extremely long administrative holds on their visa applications, doubling or tripling of their paperwork, in some cases lasting years, or resulting in the arbitrary rejection of their applications.

Today, this discriminatory act continues to impact travelers that are:

- Nationals of Visa Waiver Program countries who have traveled to or been present in Iran, Iraq, North Korea, Sudan, Syria, Libya, Somalia, and Yemen on or after March 1, 2011 (with limited exceptions for travel for diplomatic or military purposes in the service of a VWP country).
- Nationals of VWP countries who are also nationals of Iran, Iraq, North Korea, Sudan, or Syria.

Until the act can be repealed, CAIR is calling on Congress to work with the Biden-Harris

administration to use the legal authority it has under this act to review and consider delisting countries currently designated by the act.