



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

**Statement submitted to the U.S. House of Representatives Committee on the Judiciary  
Subcommittee on Immigration and Committee on Foreign Affairs Subcommittee on Oversight**

**Hearing on “Oversight of the Trump Administration’s Muslim Ban”**

**September 24, 2019**

At HIAS, the American Jewish community’s global refugee organization, we are proud of our country’s legacy as a safe haven to people who are forced to flee their homes in search of protection. That is why we write today to speak out against *Proclamation 9645, “Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats,”* better known as the Muslim Ban. Under this policy, families have been torn apart and refugees have been turned away just because they are Muslim.

HIAS was one of the first organizations to file a court challenge to the administration’s first Muslim and refugee ban, announced just a week into the administration on January 27, 2017. We said that:

[t]he Executive Order violates two of our most cherished constitutional protections: the guarantee that the government will not establish, favor, discriminate against, or condemn any religion, and the guarantee of equal protection of the laws. Like the Religion Clauses, the equal protection guarantee of the Fifth Amendment reflects this country’s rejection of official preferences on the basis of race, color, creed, or national origin. The Executive Order—which was motivated by animus toward Muslims and expressly discriminates on the basis of national origin—runs afoul of this core constitutional value.

There is no basis in the Refugee Act of 1980, as amended—which governs the admission of refugees to the United States and their resettlement herein—to prioritize refugees fleeing persecution on the basis of religion, as opposed to the other congressionally-recognized bases. Consistent with this expressed religious animus towards Muslims and preference for Christians, the Executive Order will clearly disfavor Muslims while giving special treatment to non-Muslims.

Later that year, HIAS challenged the legality of *Proclamation 9645*, or Muslim Ban 3.0. We asserted that the ban, which presumes someone is a threat simply because of their religion or nationality, is also unconstitutional.

In 2017, the first Muslim Ban blocked the admission of nearly 2,000 refugees who had been scheduled to be resettled in the U.S. by HIAS and our local partners around the country. More than 1,360 of these refugees had already completed the vetting process and had their travel to the U.S. booked when the ban went into effect.



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Since the Supreme Court upheld Muslim Ban 3.0, there has been a significant decrease in the number of refugees resettled from Muslim majority countries, with a 95 percent decrease in Syrian and Somali refugee arrivals between 2016-2019. This is at a time when the resettlement needs of these populations is at a historic high, and countries in the region are struggling to provide them with basic services and support.

Many of the people who are affected by the Muslim ban are refugees who have already suffered immensely and who want nothing but to be reunited with their loved ones and to live in safety and freedom — and their families in the United States. It hurts individuals like Magan\*, an elderly refugee in the United States, who was devastated when his daughter and grandchildren had their flights to the U.S. cancelled because of the ban. This Executive Order will impact families in the U.S. who will wait years to be reunited with their children, parents, and siblings.

We are grateful to the subcommittees for holding this hearing to review the Muslim Ban. We urge the committee to hold a hearing on the NO BAN Act (H.R. 2214) and work to advance this, and other legislation to reverse this un-American policy that has caused needless suffering for so many based solely on their faith.