

# TOTAL AND COMPLETE SHUTDOWN



How the Trump Administration is Working to  
**Ban Muslims from the United States**

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Muslim Advocates is a national legal advocacy and educational organization that works on the frontlines of civil rights to guarantee freedom and justice for Americans of all faiths.

**Muslim Advocates**

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# **TOTAL AND COMPLETE SHUTDOWN**

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# I.

## EXECUTIVE SUMMARY

On January 27, 2017—just seven days after his inauguration—President Donald Trump issued an executive order banning the entry of nationals from seven predominantly Muslim countries.<sup>1</sup> This was President Trump’s first attempt to make good on one of the central promises of his campaign: a “total and complete shutdown” of Muslims entering the United States.<sup>2</sup> That order quickly became known around the country and across the globe as the “Muslim Ban.”

To those who have casually followed the Muslim Ban since that weekend in January 2017—the chaos at airports, the various iterations of the policy, the steady stream of legal filings, the broad public mobilization—it may appear as though this has been a poorly executed and largely ineffective effort.

The reality, however, is starkly different.

Away from the din and drama of airports and courtrooms, the Trump administration has designed and implemented an unprecedented, thorough, and sophisticated effort to stigmatize Muslims, vilify Islam, and circumvent the Constitution’s promise of freedom from religious discrimination.

As this report will detail, President Trump and his administration have relentlessly committed to their anti-Muslim agenda. In addition to vigorously defending the Muslim Ban in court, they have been hard at work behind the scenes to enact a web of policies and practices across a range of federal agencies, all with the goal of restricting the entry of Muslims into the country.

They include:

- Abusing executive authority on immigration and refugee policy by hiding many barriers and their official justifications under shrouds of secrecy;
- Implementing a complicated, intrusive, and opaque set of hurdles to visa approvals for Muslims seeking to enter the United States;<sup>3</sup>
- Widespread harassment and discrimination of travelers who are or are perceived to be Muslim;<sup>4</sup>
- Significant decline in both visa issuance and immigration and refugee admissions to persons from Muslim countries in the first year of the Trump presidency;<sup>5</sup>
- Creating such a toxic atmosphere that many Muslims—even those who do not come from one of the countries directly impacted by the Muslim Ban—are shut out or deterred from even trying to travel to the United States.<sup>6</sup>

The stories behind these numbers are tragic. Muslims have been separated from their families, stranded in dangerous circumstances abroad, and made to feel threatened in their own country. This report details the many ways in which the Trump administration has successfully implemented its efforts to ban and disparage Muslims and highlights the need for continuing advocacy and resistance to this brazenly discriminatory and fundamentally un-American agenda.

As a nation founded in part by those seeking refuge from religious persecution, the Constitution's prohibition on the government favoring one religion over another and its protections from discrimination based on religion are well-established. The Trump administration's efforts to trample on these cherished protections run afoul of longstanding anti-discrimination laws enacted by Congress to ensure that no one suffers mistreatment simply because of where they come from or what they believe. This is why courts across the country have consistently rejected the Muslim Ban and similar policies put forward by the Trump administration.

## II. A FOUNDATION OF ANTI-MUSLIM BIGOTRY

“

*A total and complete shutdown of  
Muslims entering the United States.*

**Donald J. Trump, 2015**

From the earliest days of his presidential campaign, Trump has consistently attacked and denigrated immigrants and communities of color. Muslims—those living in the United States as well as those who reside abroad—have been particularly frequent targets of his attacks.

Over the course of his campaign, then-candidate Trump disparaged Muslims as “problems,” promoted demonstrably false and inflammatory anti-Muslim propaganda, called for the surveillance and closure of the country’s mosques, proposed a national Muslim registry, and endorsed the practice of profiling Muslims on the basis of their religion. In December 2015, Trump called for “a total and complete shutdown of Muslims entering the United States.”<sup>7</sup> President Trump has never distanced himself from the anti-Muslim rhetoric that was the hallmark of his campaign. Instead, as courts have recently noted, he has doubled down on his anti-Muslim rhetoric,<sup>8</sup> and made clear that his animus against Muslims is the foundation of policies including the Muslim Ban and the heightened vetting and surveillance of immigrants.

## Candidacy

In September 2015, just months after announcing his candidacy for president, Trump held a town hall event in New Hampshire during which an audience member stated: “[w]e have a problem in this country; it’s called Muslims,” and asked “[w]hen can we get rid of them?”<sup>9</sup> Trump replied by asserting that “a lot of people” were voicing this concern and that “[w]e’re going to be looking at that and plenty of other things.”<sup>10</sup> As his campaign continued to unfold, Trump put forward a steady stream of anti-Muslim proposals.

On November 16, 2015, Trump stated that he would consider closing down mosques in the United States, declaring that “it’s something that you’re going to have to strongly consider because some of the ideas and some of the hatred – the absolute hatred – is coming from these areas.”<sup>11</sup> Two days later, after being asked whether or not he would actually shut down mosques, Trump confirmed his position, stating that there was “absolutely no choice” in the matter.<sup>12</sup>

On November 16, 2015, Trump called for a policy of surveilling Muslim places of worship, asserting that “[y]ou’re going to have to watch and study the mosques, because a lot of talk is going on at the mosques.”<sup>13</sup>

On November 19, 2015, in response to being asked if he would agree with the creation of a database tracking Muslims in the United States, Trump stated, “I would certainly implement that. Absolutely.”<sup>14</sup> Several days later, on November 23, 2015, he reiterated that “[w]e have to be really vigilant with respect to the Muslim population...we have to surveil; we have to create lists.”<sup>15</sup>

*We have to be really vigilant with respect to the Muslim population...we have to surveil; we have to create lists.*

Presidential candidate **Donald J. Trump**



These proposals all culminated in his announcement on December 7, 2015 that “Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States.”<sup>16</sup> He referred to the proposal as “a very important policy statement on the extraordinary influx of hatred & danger coming into our country.”<sup>17</sup> When, over the course of the next several months, he was asked to defend this policy, Trump stood by banning Muslims, maintaining that “we’re having problems with Muslims coming into this country.”<sup>18</sup>



Trump also encouraged anti-Muslim bigotry throughout his candidacy by spreading misinformation and making blatantly anti-Muslim comments. In November 2015, for example, he falsely claimed to have watched “thousands and thousands of people” celebrate in Jersey City, New Jersey as the World Trade Center collapsed on September 11, 2001.<sup>19</sup> Despite the widespread and near-immediate discrediting of this story,<sup>20</sup> Trump stubbornly repeated it for several days, noting as he did so that Jersey City is a place “where you have large Arab populations.”<sup>21</sup> Weeks later, in December 2015, Trump made a series of statements on Twitter in which he referred to a “massive Muslim problem”<sup>22</sup> in the United Kingdom and offered praise for a right-wing British columnist’s “powerful writing on the U.K.’s Muslim problems.”<sup>23</sup> In March 2016, he asserted his belief that “Islam hates us,” that its adherents harbor a “tremendous hatred,” and that it is “very hard” to make any distinction between “radical Islam” and the religion as a whole.<sup>24</sup>



*Islam hates us.*

Presidential candidate **Donald J. Trump**

## Presidency

Since his inauguration, President Trump has not disavowed—and instead has continued to put forward—the same anti-Muslim statements and positions that he promoted during his campaign. When signing the initial Muslim Ban executive order, which was formally entitled “Protecting the National from Foreign Terrorist Entry into the United States,” he looked up at the assembled crowd and remarked: “we all know what that means.”<sup>25</sup> In discussing subsequent versions of the ban, President Trump decried the encroachment of “political correctness” onto his policy, referring to the second version of the Muslim Ban, for example, as “a watered down version of the first order” and stating his desire to “go all the way” and do “what [he] wanted to do in the first place.”<sup>26</sup> In the context of President Trump’s history of comments about Muslims and their entry into the United States, those statements can only be understood as references to his longstanding desire to close off Muslim immigration into the United States.



©Cage Skidmore

President Trump has also continued to spread false, misleading, and inflammatory anti-Muslim propaganda. In August 2017, for example, the President responded to a terror attack in Barcelona, Spain by imploring the American public to “Study what General Pershing of the United States did to terrorists when caught. There was no more Radical Islamic Terror for 35 years!”<sup>27</sup> The President’s statement referred to a long-debunked myth claiming that U.S. Army General John J. Pershing once quashed a Muslim insurgency in the Philippines by summarily executing several dozen prisoners with bullets dipped in pigs’ blood.<sup>28</sup>

In November 2017, President Trump again took to Twitter to spread messages of anti-Muslim hate and bigotry, this time sharing three propaganda videos originally posted by Jayda Fransen, the deputy leader of an extreme right-wing British organization called Britain First.<sup>29</sup> Britain First is a Southern Poverty Law Center-designated anti-Muslim hate group<sup>30</sup> whose members have threatened to take “militant direct action” against Muslims elected to public office,<sup>31</sup> and Fransen herself was recently found guilty of religiously aggravated assault after an incident in which she shouted insults and slurs at a Muslim woman out with her children in a London park.<sup>32</sup>

President Trump’s continuing promotion of these stories and of known anti-Muslim organizations confirms that the policies he is putting forward as President are grounded in the same anti-Muslim beliefs he has shamelessly articulated for years.

### III.

## MULTIPLE VERSIONS, SAME MUSLIM BAN

“

*Each version of the Muslim Ban has “fundamentally ... the same basic policy outcome.”*

Senior White House advisor **Stephen Miller**

Since the start of his administration, President Trump has issued three versions of his Muslim Ban. Although there have been slight variations in each iteration, they all have been constructed with the purpose of blocking individuals from entering the United States simply because they are Muslim. As Stephen Miller, President Trump’s senior advisor for policy, has admitted, each version of the Muslim Ban has “fundamentally ... the same basic policy outcome.”<sup>33</sup>

## Muslim Ban 1.0

The first version of the Muslim Ban—Executive Order 13769, entitled “Protecting the Nation from Foreign Terrorist Entry into the United States”—was issued on Friday, January 27, 2017.<sup>34</sup>

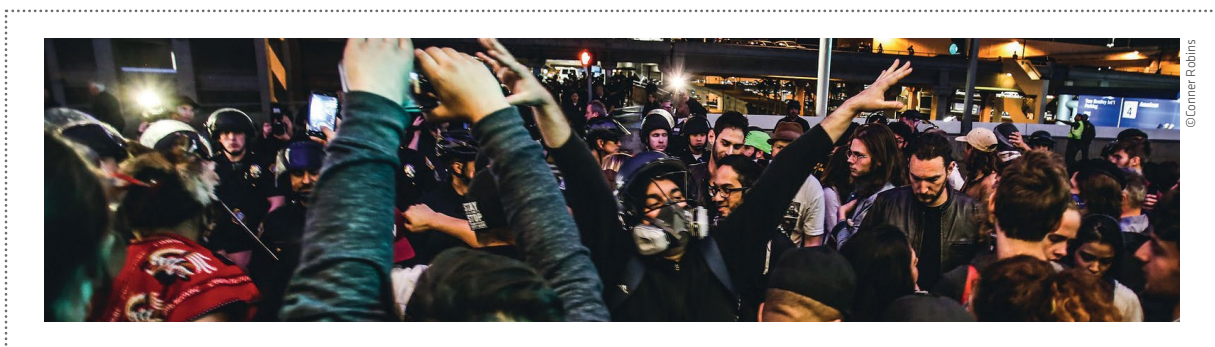
- The order suspended the entry of nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen, all countries that are 90 to 99 percent Muslim,<sup>35</sup> for at least 90 days;
- It suspended all refugee resettlement for 120 days, with an exception for individuals who are religious minorities in their native country;
- Included an indefinite ban on the processing and entry of Syrian refugees.

In a television interview on January 27, President Trump made clear that the refugee provisions were designed to give Christians priority for entry into the United States.<sup>36</sup>

The order mandated that a number of federal agencies, including the Departments of State and Homeland Security, review visa issuance policies and make recommendations to adjust those policies as necessary. The President also ordered the Secretary of Homeland Security and the Attorney General to regularly publish a report detailing the terrorism threat posed by foreign nationals and documenting acts of gender-based violence, including “honor killings”, carried out by foreign nationals.

The same night the ban went into effect, a number of organizations filed legal challenges arguing that the ban was unconstitutional and violated the Immigration and Nationality Act (INA).<sup>37</sup> Soon thereafter, Acting Attorney General Sally Yates issued a directive to all U.S. Department of Justice (DOJ) staff instructing them not to defend the policy since she determined that it contravened fundamental legal rights and protections.<sup>38</sup> She was soon thereafter fired by President Trump.<sup>39</sup>

Courts all across the country issued orders blocking the federal government from implementing the policy. On the night of January 29, a judge in the Eastern District of New York ordered a nationwide stay of the ban, finding “that the removal of the petitioner and others similarly situated [likely] violates their rights to Due Process and Equal Protection.”<sup>40</sup> The same day, another judge in the U.S. District Court for the District of Massachusetts temporarily blocked the ban, finding that there was a strong likelihood that the ban violated the petitioners’ rights to due process and equal protection.<sup>41</sup>



Soon after these decisions, the states of Hawai'i, Washington, Virginia, and Minnesota, along with a number of advocacy organizations, filed lawsuits across the country to block implementation of the ban. In the Washington and Minnesota lawsuit filed in the U.S. District Court for the Western District of Washington, the judge issued a nationwide temporary order halting the implementation of the Muslim Ban.<sup>42</sup> The Trump administration moved for a stay of the decision in the U.S. Court of Appeals for the Ninth Circuit. Denying the administration's motion, the Ninth Circuit unanimously upheld the district court's stay.<sup>43</sup>

Significantly, the Trump administration failed to provide its own agencies with any advance warning or guidance before issuing Muslim Ban 1.0, resulting in widespread confusion.<sup>44</sup> Hundreds of travelers from the impacted countries were detained, sometimes for hours, and federal agents struggled to understand which individuals were not allowed to enter the country.<sup>45</sup> A January 2018 report from the Department of Homeland Security's inspector general detailed the extent of the chaos, noting that the agencies had "practically no advance notice" and had to "improvise policies and procedures in real time."<sup>46</sup> The report also found that Customs and Border Protection (CBP), the agency primarily responsible for implementing the Muslim Ban, violated at least two court orders by aggressively ordering airlines not to allow passengers in foreign airports to board their flights, even after courts had halted implementation of the ban.<sup>47</sup>

CUSTOMS  
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**BOARD THEIR**  
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AFTER COURTS  
HAD HALTED  
IMPLEMENTATION  
OF THE BAN.

## Muslim Ban 2.0

Rather than continue to defend Muslim Ban 1.0, on March 6, 2017, President Trump issued a revised version, Executive Order 13780, revoking the first iteration and replacing it with a substantially similar policy.<sup>48</sup> Like the prior version, the order suspended entry, for 90 days, of nationals of six predominantly Muslim countries: Iran, Sudan, Syria, Libya, Yemen, and Somalia. Iraq, which had been included in the first ban, was removed from the list, although the order stated that Iraqi nationals would be subjected to heightened vetting requirements. The order also suspended the refugee resettlement process for 120 days worldwide, but eliminated the indefinite ban on Syrian refugees. As with Muslim Ban 1.0, the new executive order also called for federal agencies to review visa processes and policies and maintained the reporting requirement for "honor killings" and other crimes committed by foreign nationals. In order to avoid the massive popular demonstrations and chaos at the airports that erupted after Muslim Ban 1.0, the order stated that Muslim Ban 2.0 would not go into effect until ten days later, on March 16, 2017.

## AN ATTACK ON RELIGIOUS LIBERTY

### Learn about Muslim Advocates' lawsuit, *UMAA v. Trump*, which challenged Muslim Ban 2.0.

In March 2017, Muslim Advocates and our partners, the Southern Poverty Law Center, Americans United for Separation of Church and State, and the law firm Arnold & Porter filed *UMAA v. Trump* in the U.S. District Court for the District of Columbia to challenge Muslim Ban 2.0. This lawsuit was the only one that comprehensively described the Muslim Ban's threat to American Shi'a Muslims' freedom of worship.

One of the named plaintiffs was the Universal Muslim Association of America (UMAA), the country's largest organization of Shi'a Muslims, whose members were deprived of religious learning, worship, and services because their religious scholars almost exclusively hail from Iran, Iraq and Syria. Because of this, the ban violated the American Shi'a community's freedom to worship. Until it was presented in *UMAA v Trump*, this argument had not been heard by any court.

In May 2017, the court issued a stay in the case, ruling that it could very well block the Muslim ban a third time if two other injunctions against it got overturned. This was a victory. The decision added to a growing tally of federal courts standing on the side of religious liberty.

As with the prior version, legal challenges were immediately filed against Muslim Ban 2.0. On March 7, the Hawai'i plaintiffs amended their original complaint against Muslim Ban 1.0 and asked the court to block Muslim Ban 2.0. A few days later, the plaintiffs in an action pending in a federal district court in Maryland, *IRAP v. Trump*, also amended their complaint doing the same. Both sets of plaintiffs argued that Muslim Ban 2.0 violated the INA's prohibition on nationality-based discrimination and exceeded the President's statutory authority to suspend entry into the United States. They also argued that Muslim Ban 2.0 was unconstitutional under the Establishment Clause as well as the Equal Protection Clause. On March 15, hours before Muslim Ban 2.0 was set to go into effect, the judge presiding over the Hawai'i action halted the policy, finding that it violated the INA.<sup>49</sup> That same night, a federal district court judge in Maryland also blocked the ban from going into effect, finding that it likely violated the U.S. Constitution.<sup>50</sup>

Both of these injunctions were upheld in the U.S. Courts of Appeals for the Ninth and Fourth Circuits, respectively. On May 25, 2017, the Fourth Circuit issued an en banc decision upholding the injunction on the grounds that it violated the Constitution’s prohibition against the government favoring one religion over another, writing that the order “drips with religious intolerance, animus, and discrimination” against Islam.<sup>51</sup> On June 12, 2017, the Ninth Circuit also upheld the Hawai’i court’s injunction on the ground that it violated the INA.<sup>52</sup>

The federal government appealed both decisions to the Supreme Court. On June 26, 2017, the Supreme Court agreed to hear the cases in October 2017. It also allowed Muslim Ban 2.0 to go into effect against “foreign nationals who lack any bona fide relationship with a person or entity in the United States.”<sup>53</sup> In other words, the court did not allow enforcement of the ban against persons with close family in the United States or with ties to U.S.-based institutions, such as an offer of employment or acceptance at a university or college. But for persons without such ties, regardless of their circumstances, the court allowed the government to deny them visas and stop them from entering the United States.



*The Muslim Ban “drips with religious intolerance, animus, and discrimination” against Islam.*

Opinion of the **U.S. Court of Appeals for the Fourth Circuit**

### **Muslim Ban 3.0**

The Muslim Ban 2.0 travel restrictions, which were set to last for 90 days, expired on September 24, 2017. That same day, President Trump issued Muslim Ban 3.0—Presidential Proclamation 9645—which imposed new restrictions on certain nationals of Chad, Iran, Libya, Syria, Somalia, North Korea and Venezuela.<sup>54</sup> Sudan, which had been included in both prior versions of the ban, was removed. Unlike bans 1.0 and 2.0, the travel restrictions imposed in this iteration were indefinite, with no specific end date. Despite the addition of Venezuela and North Korea, the impact of the ban continued to be predominantly directed at Muslims: only a handful of Venezuelan diplomats seeking visitor visas were banned, and North Korea already accounted for almost no immigration to the United States.<sup>55</sup> Other than the superficial alteration of banned countries, the content of Muslim Ban 3.0 was largely identical to the first two.

As a result of this new policy, the Supreme Court dismissed as moot the challenges to Muslim Ban 2.0 that it was set to hear in October 2017.

Once again, legal challenges were quickly filed against Muslim Ban 3.0. A week after its signing, Muslim Advocates filed *Iranian Alliances Across Borders v. Trump*, the first lawsuit challenging the proclamation, in federal district court in Maryland.<sup>56</sup> The lawsuit sought a nationwide injunction to bar

## MUSLIM BAN 3.0'S FIRST COURT CHALLENGE

### Learn about Muslim Advocates' lawsuit, *IAAB v. Trump*, the first to challenge Muslim Ban 3.0.

In October 2017, Muslim Advocates and our partners, Americans United for Separation of Church and State and the law firm Covington & Burling LLP, filed *Iranian Alliances Across Borders v. Trump*, the first lawsuit to challenge Muslim Ban 3.0. The lawsuit was prepared in consultation with the National Iranian-American Council (NIAC).

The case was filed in the U.S. District Court for the Southern District of Maryland on behalf of Iranian Alliances Across Borders (IAAB) and six individual plaintiffs, all of whom are U.S. citizens or lawful permanent residents whose relatives were going to be blocked from coming to the United States when Muslim Ban 3.0 went into effect. Several IAAB plaintiffs are profiled throughout this report in text boxes entitled "Speaking Up for Change."

On October 17, 2017, the district court ruled to temporarily block Muslim Ban 3.0--and in February 2018, the U.S. Court of Appeals for the Fourth Circuit upheld this ruling, concluding that "the Proclamation is unconstitutionally tainted with animus towards Islam."

the government from enforcing the ban. The plaintiffs in *IRAP v Trump* amended their complaint a few days later to challenge Muslim Ban 3.0, and a third lawsuit, *Zakzok v. Trump*, was filed a week later in the same court. All three cases were heard on the same day. On October 17, 2017, a day before the ban was set to go into effect, the same Maryland judge once again blocked implementation of Muslim Ban 3.0, for largely the same reasons as his order blocking Muslim Ban 2.0.<sup>57</sup> The plaintiffs in *Hawai'i* also amended their complaint, and the judge in that case also once again issued a nationwide injunction against the ban the day before it was set to go into effect.

The federal government appealed both decisions and asked the Supreme Court to lift the temporary blocks and allow it to move forward with implementation of the ban while the cases were pending in the lower courts. On December 4, 2017, several days before the Fourth and the Ninth Circuits were scheduled to once again hear oral arguments on the various legal challenges to Muslim Ban 3.0, the Supreme Court granted the government's request and allowed the ban to go fully into effect.<sup>58</sup>



On December 22, 2017, the Ninth Circuit upheld the *Hawai'i* court's injunction, once again finding that the ban likely violated the INA and exceeded the President's statutory authority.<sup>59</sup> The government quickly appealed this decision, and on January 19, 2018, the Supreme Court agreed to hear the case.

On February 15, 2018, the Fourth Circuit upheld the Maryland court's injunction, finding "that the Proclamation is unconstitutionally tainted with animus toward Islam."<sup>60</sup> The Fourth Circuit noted that the plaintiffs "offer undisputed evidence of [anti-Muslim] bias: the words of the President. This evidence includes President Trump's disparaging comments and tweets regarding Muslims; his repeated proposals to ban Muslims from entering the United States; his subsequent explanation that he would effectuate this 'Muslim' ban by targeting 'territories' instead of Muslims directly; the issuance of EO-1 and EO-2, addressed only to majority-Muslim nations; and finally the issuance of the Proclamation, which not only closely tracks EO-1 and EO-2, but which President Trump and his advisors described as having the same goal as EO-1 and EO-2."<sup>61</sup> The court therefore concluded that the proclamation likely violates the Constitution's prohibition on official government favoring or disfavoring of a particular religion.



*The [Muslim Ban] Proclamation is unconstitutionally tainted with animus toward Islam.*

Opinion of the **U.S. Court of Appeals for the Fourth Circuit**

The Supreme Court will hear arguments on the legality of Muslim Ban 3.0 in the *Hawai'i* case on April 25, 2018. In the meantime, because of its December 4, 2018 order, Muslim Ban 3.0 is fully in effect, and countless Muslims are indefinitely banned from obtaining visas or entering the United States.



**SPEAKING  
UP FOR  
CHANGE**

**Learn about Iranian Alliances Across Borders (IAAB), a plaintiff in the lawsuit of *IAAB v. Trump*, the first lawsuit challenging Muslim Ban 3.0.**

IAAB is a volunteer-driven community organization that helps Iranian-American youth build community and connect to their roots. Since the ban first went into effect, its members have been harassed and several of its youth from overseas have been unable to participate in its programming.

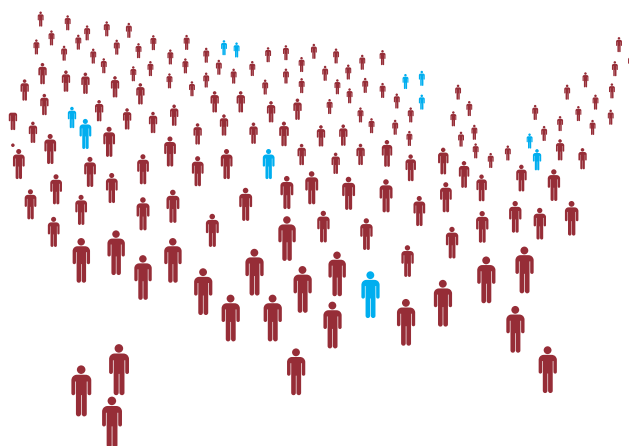
As IAAB's executive director has explained, "the travel bans issued in the past year, and the anti-Muslim rhetoric during the campaign, resulted in our organization having to devote significant time responding to members of our community who were subjected to hate speech and intimidation in public places, and/or were otherwise distressed and stigmatized by these events."

# IV. THE MUSLIM REFUGEE BAN

Muslim refugee  
**ADMISSIONS**

Jan/2017 > Nov/2017

**DOWN 94%**



Muslim **SHARE**  
of all refugees

Jan/2017      Nov/2017

**50%    10%**

More than any other population, refugees have long been a particular target of the Trump administration's anti-Muslim bigotry and discrimination. Over half the world's refugees come from just three predominantly Muslim countries: Syria, Somalia, and Afghanistan.<sup>62</sup>

In recent years, nearly half of all refugees accepted into the United States have been from Muslim-majority countries or have identified as Muslim.<sup>63</sup> During his campaign, President Trump made a number of statements attacking refugees, particularly Syrian refugees, and called for a ban on refugees coming to the United States.<sup>64</sup>

For generations, the United States has had a bipartisan tradition of proudly accepting and resettling refugees who are fleeing war, famine, and persecution. President Trump has abandoned that tradition and has sought to slow down or even halt the entry of refugees into the United States.

His tactics are working. Muslim refugee admissions are down 94 percent from January 2017 to November 2017,<sup>65</sup> and the Muslim share of all refugees resettled in the U.S. has dropped from 50 percent in January to less than 10 percent in November.<sup>66</sup>

## The Trump Administration's Refugee Ban

As described in previous sections, both bans 1.0 and 2.0 included 120-day suspensions of the refugee resettlement program. Muslim Ban 1.0 also included an indefinite ban on Syrian refugees, as well as an exception for religious minorities that the President stated was intended to give preference to Christian refugees.<sup>67</sup>

When Muslim Ban 2.0's refugee ban expired on October 24, 2017, President Trump signed into effect Executive Order 13815—the refugee ban<sup>68</sup>—which continued the suspension of refugee processing from eleven countries, the overwhelming majority of which have predominantly Muslim populations.<sup>69</sup> The refugee ban also indefinitely suspended the process known as “follow-to-join,” which allows refugees admitted to the country to reunite more quickly with their spouses and children who remain abroad.<sup>70</sup>

On November 13, 2017, a group of refugee service organizations and individuals seeking reunification with their family members or close friends filed a lawsuit challenging the refugee ban in federal court in Seattle, Washington. On December 23, 2017, the judge issued a nationwide injunction blocking the refugee ban from going into effect.

On January 29, 2018, the Trump administration announced that it was resuming the admission of refugees from the eleven countries that had been included in the refugee ban, but that refugees from those countries would still have to undergo enhanced security screening.<sup>71</sup> The government moved to dismiss the Seattle case on that basis, but nonetheless refused to offer further specifics on the latest refugee policy.<sup>72</sup> The plaintiff groups opposed the government's motion and have asked the court to allow them to obtain information from the government through discovery about the content of the latest iteration of the refugee ban.<sup>73</sup>

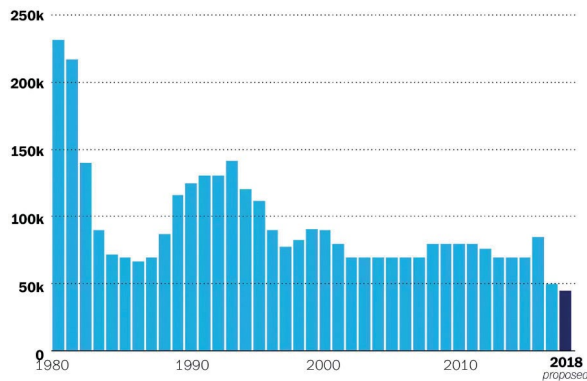
## Lowering the Cap on Refugee Resettlement

In addition to the refugee ban, the Trump administration has also drastically lowered the number of refugees it will allow into the United States each year, effectively grinding refugee admissions to a halt.

The Refugee Act of 1980 mandated that the executive branch set the number of new refugees the United States would accept each year. President George H.W. Bush admitted over 100,000 refugees each year of his term,<sup>74</sup> and President Barack Obama, in the final year of his administration, set a target of 110,000.<sup>75</sup> In 2017, President Trump lowered the target to only 50,000 and, for 2018, to 45,000, its lowest level in 35 years.<sup>76</sup> He did so despite the fact that the world is currently facing a refugee crisis of unprecedented proportion, with more than 65 million persons either internally or externally displaced.<sup>77</sup>

### Proposed refugee cap is lowest since 1980

Annual refugee resettlement ceiling by fiscal year



WAPQ.ST/WONKBLOG

Source: Migration Policy Institute

# V. A FALSE NATIONAL SECURITY JUSTIFICATION

*Even the President's own federal agencies  
have found that banning nationals  
from entire countries does not advance  
national security objectives...*

In support of its efforts to stop Muslims from entering the United States, the Trump administration has long advanced a false narrative about national security. While the President and his surrogates often invoke that justification, in each of its iterations it has relied on false, misleading, or bigoted stereotypes about Muslims, while minimizing legitimate domestic national security threats from non-Muslims. In fact, even the President's own federal agencies have found that banning nationals from entire countries does not advance national security objectives, and national security experts have resoundingly rejected the administration's rationale for the ban.

## National Security Officials Have Rejected the Need for a Muslim Ban

With each iteration of the Muslim Ban, a bipartisan coalition of dozens of former national security officials have repeatedly and consistently repudiated the need for a policy that bans individuals simply because of their religion or national origin. In a declaration submitted in various legal challenges, the officials called the Muslim Ban “ill-conceived, poorly implemented and ill-explained,” concluding that “[t]his order cannot be justified on national security or foreign policy grounds. It does not perform its declared task of ‘protecting the nation from foreign terrorist entry into the United States.’”<sup>78</sup> Instead, the experts found that “the Order disrupts thousands of lives, including those of refugees and visa holders all previously vetted by standing procedures that the Administration has now shown to be inadequate.”<sup>79</sup> In fact, the experts concluded the contrary, that the Muslim Ban “could do long-term damage to our national security and foreign policy interests” and will undermine relationships with important community partners in parts of the world where the United States is engaged in combat.<sup>80</sup>



*This order cannot be justified on national security or foreign policy grounds.*

Amicus brief filed by a **bipartisan group of former national security officials**

Tellingly, President Trump’s own federal agencies also came to the same conclusion. In an analysis conducted by DHS that was leaked to the press, officials within that agency concluded that there is no evidence of any additional threats posed by nationals of the countries targeted by the bans.<sup>81</sup>

## The Trump Administration Grossly Misrepresents the Threats Posed by Foreign Nationals

As previously described, the first two bans directed the DHS Secretary and the Attorney General to issue a report about terrorist acts and crimes committed by foreign nationals that emphasized gender-based violence and “honor killings.” The purpose of this report was clear: to make a case for why Muslims pose a threat to our country’s safety and security. In January 2018, the agencies finally published their report.<sup>82</sup> It was widely debunked almost immediately. If anything, the report helped show that there is no evidence that foreign nationals, Muslims, or nationals of the countries targeted by the Muslim Ban—pose a distinct threat to national security.

For example, the report stated that 73 percent of persons convicted of international terrorism-related offenses are foreign-born,<sup>83</sup> and administration officials repeatedly trumpeted that assertion in support of the travel ban and other ongoing efforts to restrict immigration into the United States.<sup>84</sup> Yet that report completely omitted every major domestic attack, and included persons who were present in the United States only because

they were extradited to this country to face prosecution. The report also cherry-picked eight examples of persons who fit particular immigration categories, without providing any information on the overall data that would allow an objective assessment of whether those eight anecdotes are in fact illustrative of the general trends. By every indication, they are not. As the Cato Institute noted, most domestic attacks in recent years are actually undertaken by white, non-Muslim Americans.<sup>85</sup> And despite all the administration's efforts, it was not able to find data that showed a greater incidence of domestic violence or "honor killings" among the groups it was attempting to target through these reports. It resorted instead to citing general numbers about gender violence that were completely unrelated to the ostensible purpose of the report.

Since President Trump took office, more Americans have been killed by white male Americans with no connection to Islam than have been killed by non-Americans or by Muslims.<sup>86</sup> Several prominent terror attacks in 2017 included white, non-Muslim men who attacked members of Congress<sup>87</sup> and protesters<sup>88</sup> in Virginia, country music concert attendees in Nevada,<sup>89</sup> and churchgoers in Texas.<sup>90</sup> Yet, none of these attacks made it into the report's calculations, which were clearly aimed at vilifying Muslims and manufacturing support for anti-Muslim policies, not at providing an objective assessment of terrorist threats in the United States.

SINCE PRESIDENT TRUMP TOOK OFFICE, **MORE AMERICANS HAVE BEEN KILLED BY WHITE MALE AMERICANS WITH NO CONNECTION TO ISLAM** THAN HAVE BEEN KILLED BY NON-AMERICANS OR BY MUSLIMS.



**SPEAKING  
UP FOR  
CHANGE**

### **Meet Jane Doe Number Two, a plaintiff in the lawsuit of *IAAB v. Trump*, the first lawsuit challenging Muslim Ban 3.0.**

Jane Doe Number Two is a native Marylander of Iranian origin who met her fiancé while traveling in Iran. She submitted a visa application on his behalf; it was received on Valentine's Day of 2017. She is petrified that if his visa application is not approved, he will be permanently banned from coming to the United States.

As she explains: "I have to choose between my home and my country here in Maryland and the love of my life, the man I want to marry. We have both been distraught since finding out about the ban. If my fiancé's visa is not granted, we will be completely devastated. It will be very difficult for me to leave my job and the only home I have known. This will tear us apart, and we are already devastated just thinking about it."

## Muslim Ban 3.0 and The Secretive “Worldwide Review”

In order to bolster the justification for Muslim Ban 3.0, the Trump administration undertook a “worldwide review” of existing visa vetting and information sharing systems. But as the Fourth Circuit Court of Appeals recently noted, the government has refused to disclose the contents of the review process to the public.<sup>91</sup> Even by its own account, Muslim Ban 3.0 diverges from the conclusions of the review.<sup>92</sup>

The review ostensibly designed a baseline test using three criteria: “identity-management information” such as the use of electronic passports; “national security and public-safety information,” such as whether the country makes criminal history information available on request; and a “national security and public-safety assessment,” including “whether the country is a known or potential terrorist safe haven.”<sup>93</sup>

But by the review’s own criteria, Somalia, which is included in the list of banned countries, passed the test, whereas Iraq, which was excluded from the list, failed the test.

### SUING TO SHED LIGHT ON THE SECRETIVE “WORLDWIDE REVIEW”

#### Learn about Muslim Advocates’ lawsuit, *Brennan Center for Justice v. U.S. Department of State*, to demand information on the secretive “worldwide review.”

In October 2017, Muslim Advocates and our partners at the Brennan Center for Justice, Americans United for Separation of Church and State, and the law firm Covington & Burling, LLP filed *Brennan Center for Justice v. U.S. Department of State* in the U.S. District Court for the Southern District of New York.

The suit was a response to the administration’s refusal to respond to a Freedom of Information Act request for the results of the “worldwide review” used to justify banning all or most citizens of Chad, Iran, Libya, Syria, Yemen, Somalia, North Korea, and some government officials and their family members from Venezuela.

In January 2018, the court ruled that the government must provide information about how it decided to ban nationals from these countries or a description and explanation of any withheld documents, but, as of the printing of this report, the administration has yet to produce any meaningful documentation.

THE TRUMP  
ADMINISTRATION  
HAS TURNED THIS  
PROCESS ON ITS  
HEAD, USING IT  
TO **BAN ENTIRE  
COUNTRIES  
WITHOUT  
ADEQUATE  
EVIDENCE.**

The review itself was not designed for, nor was it able to assess, whether to ban all immigration from a country. The process apparently used by the administration was originally designed by Congress to assess which countries could provide information that is so reliable that their nationals would no longer have to go through the usual visa application process. As such, even a failure on the part of a nation would only support ensuring that its nationals be subject to an individualized visa application and screening process. Instead, the Trump administration turned this process on its head, using it to ban entire countries without adequate evidence.

Although it has kept the contents of the worldwide review process largely secret, that process has been a centerpiece of the Trump administration's arguments in favor of Muslim Ban 3.0. Yet even what little we know of it reveals inconsistencies that shed serious doubt on its validity as the bedrock foundation of Trump's Muslim Ban.



**SPEAKING  
UP FOR  
CHANGE**

### **Meet Jane Doe Number Five, a plaintiff in the lawsuit of *IAAB v. Trump*, the first lawsuit challenging Muslim Ban 3.0**

Jane Doe Number Five is a 79-year-old woman who uses a wheelchair and who desperately wants her son to come to the United States to help take care of her. Although he had his interview at a U.S. Embassy after Muslim Ban 2.0 was enjoined, his visa had not yet been issued by the time Muslim Ban 3.0 went into effect. As a result, he is now separated from his family, -- including his elderly parents, who are green card holders, and his brother, who is a U.S. citizen.

As his mother has explained: "My son is now by himself in Iran, and he wants to come join us here in the United States. I also very much want and need him to be here. I am 79 years old, and as a result of several health issues, am now wheelchair-bound. My husband is 90 years old. He has problems with balance and falls if he walks by himself. It is very difficult for my other son to take care of us by himself, and very hard for us to get around or meet our own needs. We desperately need my other son to be here also."



## VI. THE BEHIND-THE-SCENES MUSLIM BAN

*Even before the Trump administration, the United States had one of the most stringent systems of vetting and background checks of any of the world's democracies.*

A less obvious element of the administration's blanket effort to halt Muslim entry to the United States is the perversion of long-established vetting and screening processes, with the goal of preventing Muslims from entering the country. In President Trump's own words after the courts enjoined Muslim Ban 1.0, "In any event, we are EXTREME VETTING people coming into the U.S. in order to help keep our country safe. The courts are slow and political!"<sup>94</sup>

The idea that the current vetting system in the United States is anything but rigorous is grossly misleading. Even before the Trump administration, the United States had one of the most stringent systems of vetting and background checks of any of the world's democracies.<sup>95</sup> The Trump administration has since added new and more onerous requirements that have transformed these processes into intimidating, invasive, and sometimes insurmountable barriers that target Muslims and grant federal officials incredibly broad discretion to decide who enters the country—all with minimal oversight. The result is a series of policies that effectively screen out Muslims and discourage them from even trying to enter the country for legitimate reasons. It also chills their speech and makes inroads on another promise of the Trump campaign: the infrastructure for a Muslim registry.

## **“Populations Requiring Greater Scrutiny”**

One particularly chilling aspect of these efforts is the directive that government officials identify broad “groups” of individuals who should be subject to more rigorous levels of screening. Although the administration has never explicitly stated which “groups” are deserving of this heightened scrutiny, all the available evidence and context makes clear that Muslims are the intended targets.

Shortly after the issuance of Muslim Ban 2.0, then-Secretary of State Rex Tillerson released a series of instructions to consular chiefs on how to implement the various provisions of the policy. Among these instructions was a directive to identify “applicant populations warranting increased scrutiny,” and a new list of interview questions for applicants.<sup>96</sup>

Secretary Tillerson’s consular chiefs were tasked with assembling working groups to identify these “populations warranting greater scrutiny.”<sup>97</sup> No guidelines to determine which populations might require greater scrutiny were provided, and consular staff were not presented with a list of factors they should consider when differentiating these high-scrutiny groups from other immigrants or refugees. Their only guidance was the overall context of the Muslim Ban, which is a policy that is premised on viewing Muslims and those from Muslim-majority countries as inherently suspicious.

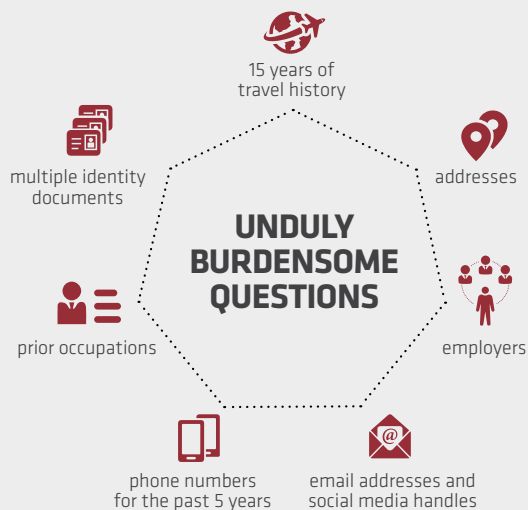
As a result, applicants selected for this so-called “extreme vetting” must now produce very detailed and sometimes difficult to obtain information, and answer unduly burdensome questions about their past activities, including: 15 years of travel history, addresses, prior occupations, and employers; phone numbers used by the applicant for the past five years; email addresses and social media handles used by the applicant; and multiple identity documents.<sup>98</sup> Reports suggest that the administration hoped the new interview process would include questions on ideology and belief, and force travelers to hand over social media passwords.<sup>99</sup> For example, when he was campaigning for office, then-candidate Trump regularly championed the idea of an ideological test to ensure that only those who “share our values and respect our people” are permitted in the country.<sup>100</sup>

To provide just a few examples, travelers’ “social media platforms and identifiers” may include a traveler’s handle from Facebook, Twitter, Instagram, Reddit, Snapchat, Tinder, and many others. Although not “mandatory,” the proposal notes that failure to provide such information without a “credible explanation” may result in visa denial.<sup>101</sup> As a result, many who are desperate to enter the country will hand over as much information as they can, and may even forgo certain social media platforms for fear that participation could hinder their ability to travel. Even with privacy settings, a person’s social media presence can yield an extremely intimate, detailed picture of his or her private life. A person’s Facebook posts, hashtags, “likes,” shares, and even online community memberships can reveal their beliefs, sexual preferences, interests, thoughts, political affiliations, and even details about their relationships—sensitive information that for many can be dangerous to disclose publicly. The fallout from the questionnaire will extend far beyond the applicants involved—it will implicate applicants’ families, friends, and communities as well. When such information is shared with other governments, it may put individuals at great risk of persecution.

Part of the new interview process also mandates that anyone who has “ever been present in an ISIS-controlled territory” is required to undergo a new “mandatory social media review.”<sup>102</sup> Two former U.S. government officials who spoke to a news outlet described the move as “a broad, labor-intensive expansion of such screening.”<sup>103</sup> Until now, social media screening has occurred “fairly rarely” by consular officials.<sup>104</sup> The application of this review is indiscriminate and unreasonable given both the fluid nature of the definition of “ISIS-controlled territory” and the wide variety of situations civilians in those areas face. ISIS-controlled areas span several very large countries, and the policy does not provide any relief for those engaged in humanitarian work, people fleeing conflict, or persecuted minorities.

# EXTREME VETTING

Applicants selected for this so-called “extreme vetting” must now produce very detailed and sometimes difficult to obtain information, and answer unduly burdensome questions.



## SOCIAL MEDIA PASSWORDS

Travelers are forced to hand over social media passwords



## IDEOLOGY AND BELIEF

Reports suggest that the administration hoped the new interview process would include ideology and belief



## SENSITIVE INFORMATION

A person's social media presence can yield an extremely intimate, detailed picture of his or her private life, and reveal beliefs, sexual preferences, interests, thoughts, political affiliations, and even details about their relationships

Even though these efforts are only just beginning to be implemented by the Trump administration—and the government has provided very little, if any, transparency about their actions—they are already having their desired effect: slowing down the entry of individuals from the countries directly impacted by the bans and from Muslim-majority countries more generally.

Although reliable data about wrongful visa denials is difficult to obtain, there has been a steady stream of media reports featuring individuals from Muslim-majority countries being unjustly denied visas. For example:

- In March 2017, every single African participant in an African trade summit taking place in California was denied a visa.<sup>105</sup> The participants largely came from countries with significant Muslim populations.<sup>106</sup> Additional instances of mass denials of Nigerian and Kenyan applicants have also been reported.<sup>107</sup>
- In one instance, a woman seeking a consular interview was denied and told: “If you were Spanish you could get an appointment in two days, but for Iranians appointments are closed.”<sup>108</sup>
- In July 2017, an Afghan all-girl robotics team was denied a visa to compete in an international competition in Washington, DC. After a public outcry, their visas were approved.<sup>109</sup>
- In February 2017, an Indian citizen from Kashmir and competitor for the world snowshoe championship to be held in New York State was denied a visa. The competitor’s coach told the BBC that “[w]e had local government recommendation and also the invitation and verification letter from the New York snowshoe federation. But as soon as a lady visa officer at the U.S. embassy in Delhi read our names, she went inside a cabin and came back after a few minutes. She said she was sorry, but that she could not help us due to the current U.S. policy.”<sup>110</sup>



*If you were Spanish you could get an appointment in two days, but for Iranians appointments are closed.*

**Consulate worker** interviewing a visa applicant seeking to attend her sister’s wedding in Baltimore

Moreover, visa numbers from Muslim-majority countries have plunged across the board, as have refugee admissions:

- Immigrant visas issued to citizens from predominantly Muslim countries dropped 13 percent from March to October 2017 from the 2016 monthly average.<sup>111</sup> This drop is especially significant given that, from 2007 to 2016, permanent visa approvals were steadily growing at an annual rate of nine percent.

- Non-immigrant visas from majority-Muslim countries, such as tourist, student, and other types of temporary visas, fell 21 percent from the 2016 monthly average.<sup>112</sup> These reductions are similarly striking given that, from 2007 to 2016, these approvals were growing at an annual rate of eight percent.
- Muslim refugee admissions plummeted 94 percent from January 2017 to November 2017.<sup>113</sup>
- In January 2017, 50 percent of all refugees entering the United States were Muslim. In November 2017, that rate was less than 10 percent.<sup>114</sup>



### Extreme Vetting Initiative

To increase its ability to monitor the social media of its targets, the Department of Homeland Security has been seeking contractors to implement an automated system that relies on artificial intelligence to continuously scan and flag the social media posts of travelers to the U.S.<sup>115</sup> Automated systems like these have proven to be both ineffective and at high risk of implementing the biases of those who programmed them.<sup>116</sup> Automated systems also tend to work poorly when analyzing languages they were not designed in—as, for instance, when a Palestinian man in the West Bank was arrested when a Facebook post he wrote that said “good morning” in Arabic was mistakenly machine-translated into “attack them” in Hebrew.<sup>117</sup> Despite a number of experts pointing out that any automated vetting system will not work and will instead further discrimination, the Trump administration has pushed forward with what was initially called the “Extreme Vetting Initiative” (now titled “Visa Lifecycle Vetting”), hosting multiple industry days to discuss plans with interested vendors.<sup>118</sup>

The Trump administration’s plans for future vetting are even more troubling. Agencies have been compiling a series of biased reports using error-ridden methodologies to paint terrorism as a phenomenon limited to foreign-born immigrants<sup>119</sup> and Sunni Muslims.<sup>120</sup> These reports seem intended to provide a veneer of

TAKEN TOGETHER, THESE DENIALS AND THE PRECIPITOUS DECLINE IN VISA NUMBERS SHOW THAT **“EXTREME VETTING” IS FUNCTIONING AS A BACKDOOR MUSLIM BAN.**

factual support for biased policies the administration intends to roll out in the future. In February 2018, President Trump also announced the creation of a “national vetting center”—staffed with employees from agencies that have been implementing his anti-Muslim policies—to oversee the vetting process.<sup>121</sup>

Taken together, these denials and the precipitous decline in visa numbers show that “extreme vetting” is functioning as a backdoor Muslim Ban.

### **Foundation for a Muslim Registry?**

The vetting programs described in this section are even more troubling because they enable the government to collect information that could be used to implement a registry of Muslims—something President Trump repeatedly called for when he was running for office.<sup>122</sup> After he was elected, key members of his transition team stated that the Trump administration was interested in resurrecting the George W. Bush administration’s “National Security Entry-Exit Registration System” (NSEERS),<sup>123</sup> which required non-citizens from “higher risk” countries to undergo fingerprinting and interrogation. The program was suspended in 2011 after civil liberties groups objected to its discriminatory treatment of people from Muslim-majority countries and the national security community concluded it was unnecessary.<sup>124</sup> The previously-mentioned CBP draft report on terrorist acts by Sunni Muslims, which was prepared in early 2018, contained a recommendation that the government subject Sunni Muslim immigrants to increased scrutiny “on a long-term basis.”<sup>125</sup> While the Trump administration has yet to implement a resurrected NSEERS or a formal Muslim registry, it appears to be laying the foundation for just such a system through its surveillance and vetting programs.

# VII.

## AMERICANS ARE NOT EXEMPT FROM THE MUSLIM BAN

Immediately following issuance of Muslim Ban 1.0, a flurry of media reports highlighted profiling, detention, and harassment of travelers who are Muslim or are perceived by federal officials to be Muslim, including U.S. citizens, lawful permanent residents, and visa holders. These increased incidents of detention and questioning raise serious concerns that U.S. officials are creating new and discriminatory entry hurdles for what should be routine travel.

Among the reported examples of border profiling of those who are or perceived to be Muslim:

- In Texas, a U.S.-born NASA scientist was detained and ordered to turn over his government-issued cell phone.<sup>126</sup>
- The Philadelphia-born son of legendary boxer Muhammad Ali was held at a Florida airport for nearly two hours and asked about his religion.<sup>127</sup>
- A lawyer for the American Civil Liberties Union who had been a permanent U.S. resident for a decade was hauled out of the customs queue to answer questions about her work and her Pakistani passport. She was scheduled to receive her naturalization papers the next day.<sup>128</sup>

As American Muslims are well aware, having a “Muslim name” or wearing religious attire is often all that is necessary to be subjected to prolonged questioning and detention at U.S. borders.

But for every incident that is recounted in the media, there are countless more stories of American Muslims who travel in and out of the country and are becoming accustomed to the new reality of being singled out for “traveling while Muslim.”

These travelers are more likely than ever before to face inappropriate questions about their religious practices or lifestyle and intrusive searches of their personal electronic devices. The number of phone searches at the U.S. border more than doubled in recent years, and has continued to climb; during fiscal year 2017, the federal government conducted the most device searches of any year to date.<sup>129</sup> During that period, more than 80 percent of the devices searched by CBP belonged to non-citizens or legal permanent residents.<sup>130</sup> Muslims seem to be disproportionately targeted as the subjects of such searches.<sup>131</sup>

President Trump’s CBP has also increased the rate at which it revoked so-called “Trusted Traveler” credentials, which permit international travelers to undergo less intrusive screening at airports in exchange for submitting to an in-depth background check.<sup>132</sup> Immediately after Muslim Ban 1.0 was implemented, CBP revoked hundreds of credentials held by non-U.S. citizens from the affected countries.<sup>133</sup> After changes to the Muslim Ban by the President and the courts, CBP claimed it restored those credentials; however, in the months following the Muslim Ban, the average number of credentials that CBP revoked more than doubled.<sup>134</sup> In particular, the revocation rate for credential-holders born in Muslim-majority countries increased across the board.<sup>135</sup>

The Trump administration has increased the burdens on all travelers, and as with many of his worst policies, American citizens who are Muslim are deeply impacted by those burdens. They are separated from their families, made to feel unwelcome, and exposed to greater risks of harassment and targeting anytime they board a flight or cross a border.



# VIII.

## THE MUSLIM VISA PLUNGE

Over the year since President Trump signed the original Muslim Ban executive order, the number of visas granted to individuals from Muslim-majority countries has plunged.<sup>136</sup> Be it through country travel bans, extreme vetting, or due to a chilling effect on Muslims seeking to come to the United States, this trend is the single most striking evidence that the ban on Muslims is working.

The State Department's own data reveal that across nearly 50 Muslim-majority countries, the number of non-immigrant visas—which are issued for student, tourist and other temporary purposes—granted in April 2017 was down approximately 20 percent from the monthly average in 2016.<sup>137</sup> Arab nations saw a nearly 30 percent drop during that same period.

In April 2017, the number of non-immigrant visas issued to applicants from the six countries named in Muslim Ban 2.0 dropped by more than half from 2016's monthly average.<sup>138</sup>

### NUMBER OF NON-IMMIGRANT VISAS

ISSUED FOR STUDENT, TOURIST AND OTHER TEMPORARY PURPOSES

APRIL/2016 > APRIL/2017

**Muslim-majority countries**

**20%**  
DOWN

**Arab nations**

**30%**  
DOWN

**Countries named in Muslim Ban 2.0**

Iran, Libya, Somalia, Sudan, Syria and Yemen

**55%**  
DOWN

On average, 2,450 Iranian applicants per month received non-immigrant visas in 2016. In March of 2017, the same month that the revised order and State Department cables were issued (and then partially rescinded), only 1,572 Iranians were approved.

By April 2017, when neither directive targeting Iranian applicants was supposed to be in place, the number of these visas granted to Iranian applicants dropped even further to 1,186—less than half the monthly average number granted in 2016.

State Department data concerning Yemen revealed even more drastic cuts. The 2016 average of just over 1,083 Yemeni immigrant visas per month was reduced by 58 percent in March 2017.<sup>139</sup>

For the seven countries targeted in Muslim Ban 1.0—Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen—the number of visas issued dropped significantly between 2016 and 2017. And as previously noted, visas to the six countries in Muslim Ban 2.0 were down by 55 percent from 2016, including a 68 percent drop in visas issued to Somalis and a 52 percent drop for Iranians.<sup>140</sup>

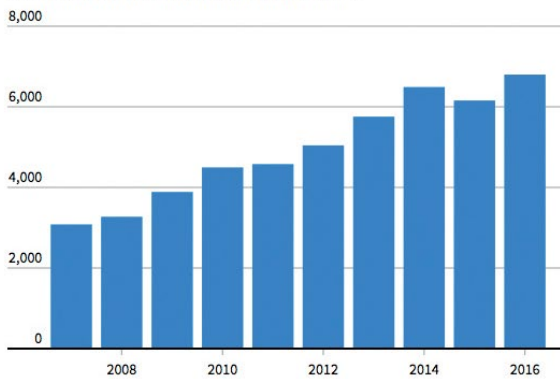
Muslims around the world are noticing and are choosing to take a pass on travel to the United States. A report by the travel company Hopper found weekly international search demand for flights to the U.S. was down 17 percent after the travel ban compared with the week before Trump’s inauguration.<sup>141</sup> Flight searches decreased in 94 out of 122 countries of origin. Search demand was down 33 percent from the seven predominantly Muslim countries included in the original travel ban order.<sup>142</sup>

## Visas issued to six travel ban countries

In the first months after a June Supreme Court ruling allowed partial implementation of President Donald Trump’s travel ban, visas issued to citizens of the six countries targeted by the order were lower than during the month before the court’s ruling, according to a Reuters analysis of government data.

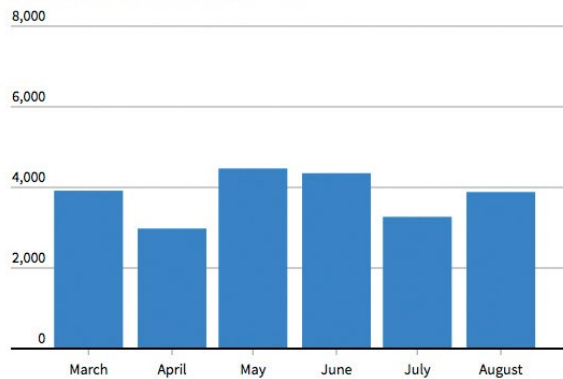
### MONTHLY AVERAGES OF VISAS ISSUED IN PAST YEARS

The number of immigrant and non-immigrant U.S. visas issued on average each month to citizens of Iran, Libya, Somalia, Sudan, Syria and Yemen.



### 2017 MONTHLY NUMBER OF VISAS ISSUED

The number of immigrant and non-immigrant U.S. visas issued each month to citizens of Iran, Libya, Somalia, Sudan, Syria and Yemen.



Source: State Department  
By Ashlyn Still | REUTERS GRAPHICS

## A Steep Decline in Refugee Admissions

Muslims seeking refuge in the United States make up a disproportionate share of people now blocked from entry by the drastically reduced admission target the Trump administration has set. The refugee ban will impact people globally, but resettlement officials say the largest single concentration of people directly affected is likely the nearly 15,000 Somalis in a Kenyan refugee camp who hoped to resettle in the U.S..<sup>143</sup>

These refugees shine a spotlight on the real intent of the ban: 98.6 percent of Somalis are Muslim,<sup>144</sup> while other countries with a significant outflow of refugees—including Syria, Iraq, Iran and Afghanistan—are each over 92 percent Muslim.<sup>145</sup>

The suspension of refugee processing, the cuts in admission numbers, and the ongoing restrictions on refugees from nine Muslim-majority countries have already altered the religious composition of refugees entering the United States. In February 2017, Muslims accounted for 50 percent of the 4,580 refugees who entered the country, while Christians made up 41 percent of arrivals.<sup>146</sup> By June, just six months into President Trump’s administration, Christians made up 57 percent of arrivals, while Muslim refugees dropped to almost half that number at 31 percent.<sup>147</sup>



# CONCLUSION

President Trump's administration has been dogged in its hostility towards Muslims and in its commitment to banning them from the United States.

Unfortunately, despite numerous court setbacks to the Muslim Ban, the Trump administration can claim significant success. As outlined in this report, administration officials have carefully crafted multiple bans, using every tool at their disposal to circumvent the constitutional promise of religious freedom for all people.

The result has been a sophisticated set of policies that have kept Muslims from entering or settling in the United States. Indefinite nationality-based travel bans from Muslim-majority countries, the refusal of refugees from Muslim-majority nations, cuts to the number of refugees admitted to the United States, and nearly-insurmountable and opaque obstacles at every juncture of the visa and admission process have erected a bureaucratic wall between the United States and Muslims of all nationalities.

This structure has been remarkably effective. There are fewer Muslims coming to the United States. Visa issuance and refugee admissions from Muslim-majority countries have dropped. Muslims from many countries are being subjected to increased scrutiny and detention at airports and borders, and are being denied visas at higher rates. This climate of hostility has either prevented or discouraged many Muslims from coming to the United States.

The damage inflicted by these policies reaches far beyond Muslims from foreign nations seeking a new life for their families or seeking to join their families in the United States. American Muslims now live under stepped-up official scrutiny, false and hateful rhetoric continues to come from the highest reaches of their own government, and many are indefinitely separated from family members who live outside the United States.

Despite multiple legal setbacks, the administration has continued to wordsmith, adapt, and camouflage these policies in order to continue blocking Muslims from coming to the United States.

The impact is far reaching. American Muslims are being denied access to their families and loved ones; our economy is being deprived of tourist dollars, skilled workers, and promising students; our once bold leadership on the world stage has taken a backseat to bigotry; and refugees are left in desperate and dangerous circumstances. And yet, America is no safer than it was before.

The Muslim Ban and related policies have been successful at stopping significant numbers of Muslims from entering the United States, severely hurting American Muslims, their families, and our economy in the process. In the face of that disturbing reality, Americans from all walks of life have come together to oppose these policies, to condemn them as un-American and discriminatory, and to stand with targeted Muslim communities. It's vitally important that the American people continue to stand in opposition to the Muslim Ban in all its forms.

**AMERICAN  
MUSLIMS NOW  
LIVE UNDER  
STEPPED-  
UP OFFICIAL  
SCRUTINY, FALSE  
AND HATEFUL  
RHETORIC  
CONTINUES TO  
COME FROM  
THE HIGHEST  
REACHES OF  
THEIR OWN  
GOVERNMENT,  
AND MANY ARE  
INDEFINITELY  
SEPARATED  
FROM FAMILY  
MEMBERS WHO  
LIVE OUTSIDE THE  
UNITED STATES.**

# ENDNOTES

<sup>1</sup> Exec. Order No. 13769, 82 Fed. Reg. 8977 (Jan. 27, 2017), available at <https://www.whitehouse.gov/presidential-actions/executive-order-protecting-nation-foreign-terrorist-entry-united-states/>. President Trump's January 27, 2017 Executive Order banned travelers from the following seven countries, each of which has a population that is more than 90 percent Muslim: Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen.

<sup>2</sup> Jenna Johnson, *Trump calls for 'total and complete shutdown of Muslims entering the United States,'* WASH. POST (Dec. 7, 2015), [https://www.washingtonpost.com/news/post-politics/wp/2015/12/07/donald-trump-calls-for-total-and-complete-shutdown-of-muslims-entering-the-united-states/?utm\\_term=.4d9d1bd25498](https://www.washingtonpost.com/news/post-politics/wp/2015/12/07/donald-trump-calls-for-total-and-complete-shutdown-of-muslims-entering-the-united-states/?utm_term=.4d9d1bd25498).

<sup>3</sup> See Sections VI, VII *infra*.

<sup>4</sup> See *Id.*

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<sup>6</sup> See Sections III, IV, V, VIII *infra*.

<sup>7</sup> See Johnson, *supra* note 2.

<sup>8</sup> See *Int'l Refugee Assistance Project v. Trump*, No. 17-2231, 2018 WL 894413, at \*16 (4th Cir. Feb. 15, 2018), as amended (Feb. 28, 2018) ("President Trump could have removed the taint of his prior troubling statements; for a start he could have ceased publicly disparaging Muslims...In fact, instead of taking any actions to cure the 'taint' that we found infected EO-2, President Trump continued to disparage Muslims and the Islamic faith.").

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<sup>14</sup> Vaughn Hillyard, *Donald Trump's Plan for a Muslim Database Draws Comparison to Nazi Germany*, NBC NEWS (Nov. 20, 2015), <https://www.nbcnews.com/politics/2016-election/trump-says-he-would-certainly-implement-muslim-database-n466716>.

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<sup>69</sup> Exec. Order No. 13815, *supra* note 68; Tillerson, Duke, and Coats, *supra* note 68. Specifically, the countries are Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, South Sudan, Sudan, Syria and Yemen [and maybe Palestinian refugees].

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<sup>92</sup> See *Id.* at \*3 ("Applying these baseline criteria, the Department of Homeland Security identified sixteen countries as 'inadequate.' *Id.* at 45,163. Thirty-one additional countries were classified as 'at risk' of becoming inadequate. *Id.* Then followed a fifty-day engagement period during which all countries, including those not identified as 'inadequate' or 'at-risk,' were encouraged to improve their information-sharing practices. *Id.* Ultimately, the Secretary of Homeland Security recommended eight countries for entry restrictions, recommendations that President Trump adopted in full.").

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