



Dear Chairman Nadler and Ranking Member Jordan
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

April 13, 2021

On behalf of the National Iranian American Organization (NIAC), a nonpartisan, nonprofit organization dedicated to strengthening the voice of Iranian Americans and promoting greater understanding between the American and Iranian people, we submit this statement for the record on today's House Judiciary Committee markup of the NO BAN Act (H.R. 1333).

President Biden fulfilled his promise to end the Muslim Ban on day one, but xenophobia and Trumpism remain strong forces in American politics. Just as Biden wiped away the ban, a successor administration could reimpose it without further action. And even as Biden lifted the ban, the repercussions continue and many who were eligible to receive immigrant and diversity visas are still waiting in limbo. That is why Congress needs to pass the NO BAN Act quickly and send it to President Biden for his signature to ensure we never repeat this disastrous violation of American values.

On January 27, 2017, President Trump made good on his campaign promise to impose a Muslim Ban, banning nationals from a host of Muslim-majority countries and throwing thousands of lives into chaos. The Iranian-American community was stunned as their family members' visas were abruptly canceled, green card holders were unjustly detained, and their loved ones were deported with little to no warning. During that time, the Iranian-American community and NIAC have been at the center of the fight against the Trump administration's blatantly discriminatory and unjust ban that has deeply impacted countless Iranian Americans.

Iranian nationals and Iranian Americans were the Muslim ban's largest target, accounting for 49% percent of visas rejected. For every 64 Iranian nationals subject to the ban who failed to secure a visa, only one was lucky enough to secure a waiver, which is a 1.6% approval rate. Iranians also accounted for 23,495 out of 36,783 nonimmigrant visa applicants subject to the ban and 10,441 out of 23,492 immigrant visa applicants from December 8, 2017 through March 31, 2019. Cumulatively, that is 33,936/69,275 visa applicants subject to the ban.¹ To put it another way, nearly half of all those impacted by the ban were Iranian nationals. No American should be told their families cannot visit them, forcing them to fly abroad for a family reunion or set up a videoconference for families to "attend" their wedding. Foreign

¹ Costello, Ryan & Weinstein, Adam, "Muslim Ban Statistics Show Continued Discriminatory Impact," *The National Iranian American Council*, April 19, 2019.



nationals attending American schools should not have to worry if they'll be barred from returning to their studies due to their national heritage. Trump's ban was based solely on bigotry and Congress must ensure that such a shameful policy is never reenacted by a future president.

The NO BAN Act would rectify fatal flaws within the 1965 Immigration and Nationality Act (INA) that have allowed the Muslim Ban, and other discriminatory immigration orders, to be implemented. In the INA's current form, the 212(f) statute does not codify what factors determine whether an alien's entry is "detrimental" to U.S. interests, what restrictions are "appropriate," and how long those restrictions should last. These gaps provide broad latitude to a President to mask discriminatory actions under Executive privilege, as Trump did. The NO BAN Act would remedy these gaps by curtailing the broad and unspecific language in the current law and by requiring the government to meet a more stringent standard in suspending or restricting entry based on "credible facts" and connected to "specific acts" that have actually occurred.

With the NO BAN Act, Congress would also be routinely notified and briefed on the status, implementation, and legal authority for the executive's actions. The legislation would still allow the President to respond to imminent threats such as pandemics and other events that are legitimate threats to public health and safety, but it guards against blanket bans on ethnic, religious, and country-specific groups. Moreover, even prior to the ban, immigrants wishing to come to the United States already went through one of the most exhaustive vetting processes in the world. This system has proven to be remarkably effective for the government's counterterrorism policies and does not need a bigoted, discriminatory ban to undermine the system.²

Without the NO BAN Act, future Presidents will have blank checks to ban entire nations from the United States with little Congressional oversight and little remaining legal recourse for affected communities.

We applaud the House of Representatives for taking action by passing the NO BAN Act in 2020 and President Biden for repealing Trump's ban by executive order in January. We hope this momentum translates into broad support for passing this bill once more in the House and placing immigrant bans in the dustbin of history where they belong. This is why we encourage the House Judiciary Committee to release the bill as written to the House for a full vote.

Sincerely,

Jamal Abdi

President, National Iranian American Council

² Costello, Ryan & Ghaffari, Shervin, "The NO BAN Act: How to Stop Future Abuses of the Immigration and Nationality Act (INA)," *The National Iranian American Council*, March 3, 2021.