



ACCESS' Statement on the NO BAN Act

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On April 14th, the National Origin-Based Antidiscrimination for Nonimmigrants (NO BAN) Act will be subject to amendments under a House Judiciary Committee markup. We implore members of Congress to pass this version through without significant adjustment – it is too important as is.

In terms of its specific provisions, the NO BAN Act places more stringent and reasonable standards on the Executive authority to pass any future national origin-based immigration ban, thus preventing future abuses of authority like the one exercised by then-President Trump in 2017. It would require that the Executive branch prove that any future immigration bans be based on “Specific and credible facts” and connected to “specific acts” that have actually occurred. Furthermore, it would establish a system of checks and balances whereby Congress would be routinely notified and briefed on the actions of the Executive branch in terms of their constitutional and legislative authority. The NO BAN Act also expands the nondiscriminatory provisions of the Immigration and Naturalization Act by prohibiting discrimination based upon religion. This is critical for preventing future discriminatory bans towards individuals from Muslim and African countries, which were insubstantially justified with reference to national security.

In response to the Trump administration’s abuse of Executive authority in passing the Muslim Bans, civil and human rights organizations worked tirelessly to advance the NO BAN Act through Congress. We encourage members of Congress in both chambers to vote YES on the NO BAN Act and NO on any amendment which would undermine its provisions relating to Executive authority, anti-discrimination, and Congressional oversight. We urge members of Congress to place this vital piece of legislation on President Biden’s desk to be signed into law.