



The American-Arab Anti-Discrimination Committee

Statement for the Record:

Oversight of the Trump Administration's Muslim Ban

Before the

U.S. House Committee on the Judiciary's

Subcommittee on Immigration and Citizenship

and

U.S. House Committee on Foreign Affairs

Subcommittee on Oversight and Investigations Joint Hearing

Submitted by:

Abed A. Ayoub, ADC National Legal Director

Ms. Iman Boukadoum, ADC Senior Staff Attorney

Ms. Neda Shaheen, ADC Legal Fellow

To: Jerrold Nadler, Chairman of the U.S. House Committee on the Judiciary and Eliot Engel, Chairman of the U.S. House Committee on Foreign Affairs

Please accept this *Statement for the Record* submitted by the American-Arab Anti-Discrimination Committee (ADC), the country's largest Arab-American grassroots organization. ADC's distinguished history is marked by support for the human and civil rights of all Americans and by opposition to racism, discrimination, and bigotry in all its forms. Founded by former U.S. Senator James Abourezk in 1980, ADC remains a non-profit, that is non-sectarian, and non-partisan, with members in every state of our nation. ADC routinely works with diverse, broad coalitions of national and local organizations to ensure that the rights of ethnic, religious and other minorities in the United States are protected. Today more than ever, the constitutional, rights of Arab-Americans and other minorities are at risk. ADC respectfully takes this opportunity to provide a statement for the Congressional record with recommendations and comments on Executive Order 13780 ("EO 13780") to the United States House Committee on the Judiciary and United States House Committee on Foreign Affairs. In no uncertain terms, ADC unequivocally stands against EO 13780 which discriminates against Arab, Muslim refugees and we call on Congress to immediately repeal it by passing the No Ban Act.

Discriminatory Policy Against Arabs, Muslims and Refugees:

In one of his first formal acts as President, Donald Trump issued EO 13780, infamously dubbed, "the Muslim Ban." This decision disproportionately discriminates against Arab and Muslim refugees all over the world by categorically barring them entry into the United States. The nations on the list include Yemen, Syria, Iran, Libya and Somalia. North Korea and Venezuela were later added for more cosmetic purpose than substantive ones. Indeed, the overwhelming majority of those materially impacted, are Arab, Muslims fleeing war, in addition to Arab-Americans who are cut off from their families and communities overseas. This Ban will go down in history as a huge miscarriage of justice and the time is now to legislate the No Ban Act to repeal it. Using the guise of national security, the Trump Administration systematically exacerbates racial, and religious divisions for political profit. With animus against Arabs and Muslims as ammunition, the Trump White House strikes down refugee protections and legal frameworks upholding basic international law and norms of human decency at an alarming rate.¹ The Ban is but an egregious example of this pattern of conduct by the President. Not only are individuals abroad arbitrarily denied entry and American families forcibly separated from their loved ones overseas, but this bigoted policy is used as a tool to strike fear into the hearts of immigrant communities everywhere. In addition,

¹ Exec. Order No. 35,409, 84 F.R. 35409 (July 23, 2019); Exec. Order No. 33,829, 84 F.R. 33829 (July 16, 2019); Exec. Order No. 55,934, 83 F.R. 55934 (Nov. 9, 2018); Exec Order No. 13,841, 83 F.R. 29435 (June 20, 2018); Exec. Order 13,780, 82 F.R. 13209 (March 9, 2017); Presidential Memorandum on Additional Measures to Enhance Border Security & Restore Integrity to Our Immigration System (April 29, 2019); Presidential Memorandum on Securing the Southern Border of the United States (April 4, 2018)

the Ban, impacts countless US-based students and workers, who are afraid to visit families abroad..

Failed Waiver Program Leaves No Recourse:

Buried in Executive Order 13780, is a so-called waiver process which purportedly provides for exceptions to the blunderbuss Ban on Arab and Muslim refugees. Thus far, the Trump Administration has only granted an estimated two percent of visa waiver applications.² Many applicants are thereby indefinitely stalled or denied; or subject to “extreme vetting,” which has opened the door to social media surveillance and allowed officers to make arbitrary decisions on who is a “threat. Additionally, the Trump Administration issued no guidance or procedure on the waiver process. The visa officers have no standard for how waivers should be issued, which has led to an unknown system that is determined by the whim of the officer. The on-going litigation shows that the Waiver program will likely be found to be wholly inadequate. In the meantime, millions of innocent Arab, Muslim refugees and others are waiting by the sidelines to see their American families.

Real Life Impact

Everyday, individuals and families impacted by the Arab and Muslim Ban contact ADC’s office. The majority of calls received by ADC come from Syrians, Somalis and Yemenis, who are already impacted by the world’s most severe humanitarian crises. Many are U.S. citizens, desperately looking to reunite with their loved ones abroad. For example, ADC assisted a U.S.-born citizen whose fiancé lives in Yemen. Before the Arab and Muslim Ban, M.F. prepared for her fiancé’s arrival to the United States by securing an apartment for them to live and a job for him to work. After the Ban was passed, they have spent the last several years separated, and are unable to begin living their life together. We also receive many cases on behalf of students, struck abroad and who are unable to return to their studies; or who are in the U.S. and are too fearful to return home to visit their families. It is devastating to tell them the hundreds if not thousands of clients we have reached, that there is nothing we can do because it is the law of the United States to not allow people into this country based on their race or country of origin.

The Arab and Muslim Ban has arbitrarily denied immigrants from the banned countries who had already won the 2017 U.S. Visa Lottery. In *Almaqrami v. Pompeo*, ADC and co-counsels filed on behalf of the 2017 U.S. Visa Lottery winners. On August 13, 2019, the U.S. Court of Appeals for

² Manar Waheed, *The Effects of the Muslim Ban One Year Later*, ACLU (Dec. 4, 2018, 1:45PM), available at <https://www.aclu.org/blog/immigrants-rights/effects-muslim-ban-one-year-later>; Yeganeh Torbati, *U.S. Issued Waivers to Trump’s Travel Ban at Rate of 2 Percent, Data Shows*, Reuters (June 26, 2018, 10:05PM), available at, <https://www.reuters.com/article/us-usa-immigration-ban/us-issued-waivers-to-trumps-travel-ban-at-rate-of-2-percent-data-shows-idUSKBN1JN07T>; see American Immigration Lawyers Association, *Practice Pointer: Applying for a Waiver Pursuant to Presidential Proclamation 9645 (Travel Ban 3.0)*, AILA (November 2018);

the D.C. Circuit ruled that *Almaqrani v. Pompeo* is not moot. Accordingly, ADC and our co-counsel will be litigating the merits of this case before the D.C. District Court in the coming months, further the fight against Trump's bigoted and unjust Arab and Muslim Ban.

Conclusion

ADC reiterates its opposition to EO 13780, which discriminates against the most vulnerable Arabs, Muslims and refugees in the world and has allowed hate to echo from the highest levels of government. It does nothing to promote security but only undermines it. The Ban furthers hateful stereotypes that brand Islam as a dangerous religion and makes clear that Arabs, and Muslims are not welcome in the United States. Plainly, this harms Arab, and Muslim Americans, including non-Muslim Arab Americans. The Arab and Muslim Ban excludes whole clusters of people based solely on national origin. In the past, bigotry and fearmongering justified excluding Catholics, Japanese, Chinese, Jews, and many others tarred by the brush of racism. Today it is Arabs and Muslims. Tomorrow it will be another people. We will all look back on this moment with shame, because History will judge use harshly for not striking the ban down.

Respectfully Submitted,

American-Arab Anti-Discrimination Committee (ADC)