



The Friends Committee on National Legislation’s Statement for the Record, as it pertains to the Committee on the Judiciary’s Subcommittee on Immigration and Citizenship and Committee on Foreign Affairs’ Subcommittee on Oversight and Investigations Joint Hearing: “Oversight of the Trump Administration’s Muslim Ban”

September 24, 2019

The Friends Committee on National Legislation strongly opposes President Trump’s indefinite ban on nearly all travel from seven nations, including six Muslim-majority countries, which has resulted in heartbreak and injustice for countless families across the globe. FCNL urges members of Congress to end the executive authority to enact such discriminatory bans by passing the NO BAN Act (H.R. 2214).

This is the first congressional oversight hearing after nearly three years of the ban being in place. At least 38,000 individuals have been affected by this travel ban over 2017 and 2018, including more than 15,000 people who were seeking to live permanently in the United States.ⁱ Families remain separated, individuals have lost access to life-saving medical treatments, funerals have been missed, and academic opportunities lost.ⁱⁱ FCNL urges members of this committee to listen deeply to those who have been unjustly affected by this ban. Their pain must serve as a motivator to change the very authority under which President Trump banned Muslim neighbors and continues to abuse executive authority to block asylum seekers from accessing safety. No president should be able to enact such wide-reaching and destructive policies, especially absent stronger congressional oversight mechanisms.

Members of the Religious Society of Friends (Quakers) came to this country more than three hundred and fifty years ago amid religious persecution in Europe. This experience of persecution was foundational for early American Quakers who sought religious freedom as a bedrock tenet of a still young nation. Yet, President Trump’s ban carves out beloved members of our communities and asserts they are security threats by nature of what they believe or where they were born. As a Quaker-governed institution, FCNL urges members of Congress to do everything in their power to re-affirm our commitment to protect and promote religious freedom in our national policies.

Furthermore, the United States has a special obligation to assist those coming from countries in which the United States military has recently intervened, including Syria, Iraq, Libya, Yemen, and Somalia, five out of the seven countries for which this ban applies. It is shameful for our nation to elevate the level of violence and economic anxiety in other countries, or claim to deploy military force or sanctions out of a desire to protect civilians and human rights, and then turn its back on the people forced to flee these very same conflicts.

We urge members of Congress to see beyond the Supreme Court’s ruling, which does not change the basic truth: the president’s executive order immorally targets Muslim citizens, immigrants, and visitors. Like Supreme Court decisions such as *Korematsu* and *Dred Scott*, this ruling joins a dishonorable list of

Supreme Court decisions that support injustice. Emboldened by this ruling, the administration did not even include an option for waivers in the subsequent asylum ban – undermining the option for due process for the most vulnerable seeking safety.

It is our responsibility as Americans to welcome those most in need, offer refuge, and lift up our shared humanity. We read in America’s founding documents the assertion that all people are created equal. We read in scripture a clarion call to love thy neighbor without exception. This ban – in all its iterations – along with a series of anti-immigrant, anti-refugee and anti-Muslim policies stand against these values and further President Trump’s agenda to close this nation’s doors altogether.

The NO BAN Act would outlaw discrimination in the entry of immigrants or nonimmigrants based on religion, in addition to the protections against discrimination based on race, sex, nationality, place of birth, and place of residence already in place in current law. This would mean no other president would be able to issue such a wide-ranging executive order on who our nation welcomes based on religious animus or bias. The NO BAN Act also repeals the asylum ban and enhanced restrictions preventing refugees from entering the country. In addition, the bill puts in place key congressional notification and reporting requirements as important safeguards against any future abuses of the President’s authority under the Immigration and Nationality Act (INA).

If the NO BAN Act passed, any future travel restriction must be temporary and require a higher burden of proof for its necessity prior to enactment. The decision would need to be based on specific events that have already taken place and be as tailored as possible to not have innocent individuals unduly affected. Additionally, the administration would be required to give Congress regular briefings on the status, harm, and other impacts of a ban in place. This legislative fix is necessary as the administration has repeatedly misused section 212(f) of the INA to slightly alter and reissue different bans to circumvent court actions against previous versions that called into question the basis under which they were issued.ⁱⁱⁱ We urge members of Congress to step in and steer our nation back on track to becoming a safe-haven for people of all faiths and backgrounds.

ⁱ <https://www.reuters.com/article/us-usa-immigration-ban/us-denied-tens-of-thousands-more-visas-in-2018-due-to-travel-ban-data-idUSKCN1QF2KF>

ⁱⁱ <https://www.nilc.org/wp-content/uploads/2019/06/Impacts-of-the-Muslim-Ban-2019.pdf> ; pages 14-23

ⁱⁱⁱ <https://www.nilc.org/wp-content/uploads/2018/01/understanding-the-Muslim-bans.pdf>