



President Trump's Muslim Travel Ban 2.0

Last week, President Trump announced a sweeping new travel ban which went into effect as of this past Monday, June 9th – reviving a controversial and heavily criticized policy that he had enacted during his first term and promised to restore when elected back into office. The latest iteration blocks individuals from 12 countries (Afghanistan, Chad, Equatorial Guinea, Eritrea, Haiti, Iran, Libya, Myanmar, the Republic of the Congo, Somalia, Sudan, and Yemen) from entering the United States, and sets partial restrictions on those from another 7 (Burundi, Cuba, Laos, Sierra Leone, Togo, Turkmenistan, and Venezuela). Rights groups and advocacy organizations have condemned the reinstated ban for a host of reasons. Firstly, they have been quick to point out its discriminatory nature in targeting mostly Muslim-majority and African nations. While attempting to sell the ban under the guise of a national security policy, ironically, it actually undermines this by serving to stir up division and vilify certain communities. Additionally, the travel ban contradicts American values such as refugee protection and harms the country's reputation as a welcoming safe haven for those fleeing oppression, persecution, and conflict. In fact, alarmingly, many of the nations on the travel ban list are ones suffering major humanitarian crises including Sudan, Somalia, Afghanistan, Yemen, Haiti, Myanmar, and Chad. Thus, the policy will undoubtedly negatively impact individuals and families seeking safety from these circumstances.

One of the core reasons why the revived Trump travel ban has garnered such backlash is for its weaponizing of immigration policy to dangerously scapegoat particular communities. Rather than making the United States safer as supposedly intended, this type of policy will only sow more ignorance, fear, and animosity towards what are already vulnerable minority and immigrant groups – stoking the flames of those who regrettably contend that there is a racial and foreign threat. It could also lead to an uptick in profiling and unjust visa denials at the hands of U.S. immigration officials, not to mention the hardship for families who will be separated due to the restrictions and the disproportionately detrimental effect that it will have on people seeking refuge from humanitarian crises. The manner in which the new ban was rolled out has received criticism as well. In his video announcement, Trump attempted to link it to a recent attack in Colorado despite the perpetrator being an Egyptian national – not from a country included on the renewed restricted list. For many, this is just further indication of the major concerns surrounding the reinstated ban and how it lacks any real basis or substance.

On this note, analysts have outlined that there is no consistent set of criteria that adequately explains why the 19 countries targeted in the new travel ban have been chosen – as instead, it seems to be a combination of ones that are politically motivated and others being oddly added to try and convince observers that the list is broad and not selectively targeted. Furthermore, the justifications themselves purportedly used for the specific list of countries in the travel ban are questionable. For example, the Trump administration has claimed that nations were chosen for having the highest number of people who overstay their visas, however, immigration experts have noted that this is not the case. If it was, countries like Spain would have been included on the list given that more visitors from there overstayed their visas in the United States than the combined total of several banned nations on the actual list. Ultimately, it is evident that some countries were targeted whereas others with even higher overstay rates were left off.

While there is clearly inconsistency, the additional time to try and put together a more expanded and comprehensive policy compared to the more haphazard travel ban during Trump's first term in office has resulted in a belief that the current version is on more solid legal footing – especially considering that U.S. law gives the president broad powers over immigration policy. The 2017 ban was the subject of multiple legal challenges and revisions before a third iteration of it was ultimately upheld by the Supreme Court in a 5-4 decision. Of course, the reinstated travel ban is certain to elicit court battles and legal challenges as well, but experts seem to be of the mind that this one has a higher likelihood of remaining in effect in its current form. Still, civil liberty groups and immigrant advocacy organizations have had time – just as the Trump administration has – to prepare for the potential of contentious legal challenges and the aforementioned lack of consistency and clarity could be means for doing so on grounds like pursuing discrimination claims.