

September 24, 2019

ATTORNEY GENERAL RAOUL URGES CONGRESS TO PROHIBIT DISCRIMINATORY IMMIGRATION DECISIONS BASED ON RELIGION

Raoul, 18 AGs Urge to Expand Anti-Discrimination Protections by Passing NO BAN Act

Chicago — Attorney General Kwame Raoul joined a coalition of 19 attorneys general in urging Congress to support legislation that would expand the anti-discrimination protections in the Immigration and Naturalization Act to prohibit discrimination on the basis of religion in immigration decisions.

The National Origin-Based Antidiscrimination for Nonimmigrants Act, or NO BAN Act (H.R. 2214/S. 1123), would eliminate the federal government's travel ban and require the administration to follow anti-discrimination laws when making immigration decisions. The legislation is a response to the U.S. Supreme Court's 2018 ruling in *Trump v. Hawaii* that allowed the federal government's third iteration of an immigration travel ban, which prohibited travel to the U.S. from several majority-Muslim nations, to take effect. The House Judiciary Committee's Subcommittee on Immigration and Citizenship and the House Foreign Affairs Committee's Subcommittee on Oversight and Investigations considered the bill today in a special joint hearing related to the travel ban.

"From the moment this administration came into office, it has unlawfully sought to stop Muslims from coming to the United States, through the travel ban and other discriminatory immigration policies," Raoul said. "I urge members of Congress to pass the NO BAN Act, a law that recognizes the importance of diversity and how immigration makes our country stronger."

In the [letter to Congressional leaders](#) submitted for today's hearing, Attorney General Raoul and the coalition assert that the Muslim Ban "resurfaces the discriminatory practices and anti-immigrant sentiments of immigration laws from the early 1900s," contrary to congressional intent. The coalition urges Congress to "right this wrong by restoring the balance of powers, limiting overly broad executive authority to issue future discriminatory travel bans, and reasserting the rule of law and decency." The NO BAN Act requires future presidents and secretaries of state to provide specific evidence in support of any proposed suspension of a class of immigrants, consult with Congress before doing so, and use the least restrictive means necessary. It also allows private citizens the right to file legal claims and class actions to seek relief from discriminatory immigration policies.

In the comments, Raoul and the coalition highlight some of the damage that the travel ban has caused around the country. They argue that the NO BAN Act is a "rational and pragmatic solution to the grave harms caused by the President's Muslim Ban" and would benefit all Americans by bolstering the economy, strengthening local communities, and improving safety for everyone.

Joining Attorney General Raoul in submitting the letter are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Iowa, Maryland, Massachusetts, Minnesota, Nevada, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and Washington.



KEITH ELLISON
ATTORNEY GENERAL

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

102 STATE CAPITOL
ST. PAUL, MN 55155-1609
TELEPHONE: (651) 296-6197

September 23, 2019

Rep. Zoe Lofgren
Chair, Subcommittee on Immigration
and Citizenship
House Judiciary Committee
1401 Longworth House Office Building
Washington, DC 20515

Rep. Ami Bera
Chair, Subcommittee on Oversight
and Investigations
House Foreign Affairs Committee
1727 Longworth House Office Building
Washington, DC 20515

Rep. Pramila Jayapal
Vice Chair, Subcommittee on Immigration
and Citizenship
House Judiciary Committee
1510 Longworth House Office Building
Washington, DC 20515

Rep. Lee Zeldin
Ranking Member, Subcommittee on
Oversight and Investigations
House Foreign Affairs Committee
2441 Rayburn House Office Building
Washington, DC 20515

Re: NO BAN Act, H.R. 2214/S. 1123

Dear Chair Lofgren, Chair Bera, Vice Chair Jayapal, and Ranking Member Zeldin:

We are a group of state attorneys general who value the contributions of Muslim immigrants and families to our states and value the non-discriminatory ideals upon which this country was founded. As a result, we urge you to endorse the NO BAN Act, H.R. 2214/S. 1123.

When Congress enacted the Immigration and Nationality Act in 1965, it defined clearly that our immigration laws cannot discriminate on the basis of race, sex, nationality, places of birth, or places of residence. For more than half a century, Congress has conferred authority on each president to create immigration policies that are reasonable and limited to the standards enacted by Congress. Congress never intended for this delegation of authority to be limitless and unbounded.

Nevertheless, the U.S. Supreme Court found last year that President Trump acted within his authority under the Immigration and Nationality Act when he issued his third travel ban (Proclamation No. 9645). *Trump v. Hawaii*, 138 S. Ct. 2392 (2018). The Court observed that the Act “exudes deference to the President,” and its anti-discrimination language did not prohibit the ban because the language applied only to visa applications. The Court also found the ban did

not violate the Establishment Clause of the First Amendment — largely because the Court applied the lowest amount of scrutiny due to the absence of blatantly discriminatory text in the ban.

This decision, however, does not make the ban good policy. The ban is in both its intended effect and practical application a Muslim travel ban, as five of the seven nations it targets — Iran, Libya, Somalia, Syria, and Yemen — are majority Muslim. President Trump's Muslim Ban exceeds the authority Congress granted any president and dangerously undermines congressional intent. The Muslim Ban resurfaces the discriminatory practices and anti-immigrant sentiments of immigration laws from the early 1900s that targeted Italian, Jewish, Japanese, Chinese, Irish, and Mexican immigrants, among others, which Congress barred with the Immigration and Nationality Act over 50 years ago.

Congress now has the opportunity to right this wrong by restoring the balance of powers, limiting overly broad executive authority to issue future discriminatory travel bans, and reasserting the rule of law and decency.

The NO BAN Act fixes the gaps in the Immigration and Nationality Act that the President exploited to order the Muslim Ban. The NO BAN Act broadens Section 202(a) of the Immigration and Nationality Act to prohibit discrimination on the basis of religion. It applies that anti-discrimination language to non-immigrant visas, entry into the United States, and the approval or revocation of any immigration benefit. This will preclude the executive branch from finding any future pretextual bases to exclude members of a particular religion or ethnic group. It also requires future presidents and secretaries of state to provide specific evidence in support of any proposed suspension of a class of immigrants, consult with Congress before doing so, and use the least restrictive means necessary. Finally, it also repeals the Muslim Ban.

The NO BAN Act will benefit all Americans. Our states' economies benefit from immigration, tourism, and international travel by students, academics, skilled professionals, and businesspeople. Our communities are strengthened by intact, reunified families and the many contributions they make. Our international relations and national security are improved when we can hold up our ideals of religious freedom and tolerance without hypocrisy. The health, safety, and welfare of all our people is improved when we put an end to discrimination based on religion and ethnicity.

The harmful impacts of the Muslim Ban on families, our safety, and our economy have become even more clear in the year since the U.S. Supreme Court's decision. In 2018, the State Department rejected roughly 37,000 visa applications from the five majority-Muslim countries targeted in the Muslim Ban, which among other harms has meant that more than 3,700 fiancées and spouses of U.S. citizens and more than 5,500 adopted children of U.S. citizens have been barred from entering the country. The ban has also made our communities less safe by fomenting dangerous myths about Muslims that have contributed to a rise in hate crimes. Finally, the ban has harmed our economy by leading to an overall decline in international students at universities and research institutions, especially in science and engineering. More than 160 companies have opposed the Muslim Ban because it stifles their ability to recruit highly skilled international talent.

The NO BAN Act is a rational and pragmatic solution to the grave harms caused by the President's Muslim Ban, which a bipartisan group of former national security and intelligence officials has concluded is overly broad and unsupported by intelligence. It restores the balance of powers and congressional oversight. It restores Congress's intent in the Immigration and Naturalization Act, as well as the highest ideals of our nation. That's why we support it along with 50 immigration law professors and more than 400 civil rights, faith and community groups. We urge you to endorse it.

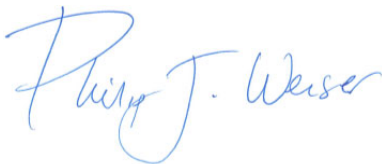
Respectfully,



KEITH ELLISON
Minnesota Attorney General



XAVIER BECERRA
California Attorney General




PHILIP WEISER
Colorado Attorney General



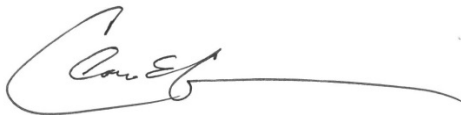
WILLIAM TONG
Connecticut Attorney General



KATHLEEN JENNINGS
Delaware Attorney General



KARL A. RACINE
District of Columbia Attorney General



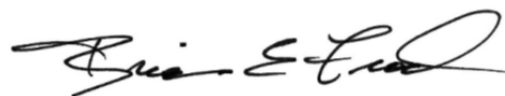
CLARE E. CONNORS
Hawaii Attorney General



KWAME RAOUL
Illinois Attorney General



TOM MILLER
Iowa Attorney General



BRIAN E. FROSH
Maryland Attorney General



MAURA HEALEY
Massachusetts Attorney General



AARON D. FORD
Nevada Attorney General



HECTOR BALDERAS
New Mexico Attorney General



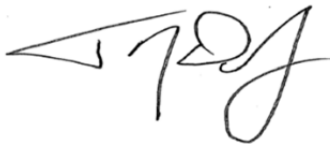
LETITIA JAMES
New York Attorney General



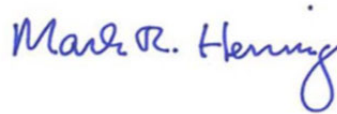
ELLEN ROSENBLUM
Oregon Attorney General



PETER NERONHA
Rhode Island Attorney General



THOMAS J. DONOVAN, JR.
Vermont Attorney General



MARK HERRING
Virginia Attorney General



BOB FERGUSON
Washington State Attorney General