

IABA and Coalition Partners File New Lawsuit Challenging Implementation of the "Waiver" Provisions of the Travel Ban

Dear Members and Friends,

A coalition of organizations, including the IABA, have filed a [new class action lawsuit](#) (and [exhibits](#)) challenging implementation of the "waiver provisions" in the Trump Administration's Travel Ban. Thanks to all of our co-counsel, organizational plaintiffs, and pro bono counsel (each identified below) who have worked tirelessly on this project; and thanks also to the Public Affairs Alliance of Iranian Americans (PAAIA) for their efforts in obtaining information from the Department of State, which was very helpful to the lawsuit. A press release with full information regarding the lawsuit follows:

FOR IMMEDIATE RELEASE

Groups Challenge the Waiver Component of Trump Administration's Muslim Travel Ban

Seattle, Wash. - August 1, 2018 - In response to the June 26 U.S. Supreme Court ruling upholding the Trump administration's Muslim travel ban, Asian Americans Advancing Justice - Asian Law Caucus, Council on American-Islamic Relations - California, Iranian American Bar Association, Lane Powell PC, National Immigration Law Center and Arnold & Porter Kaye Scholer LLP, in partnership with the Council on American-Islamic Relations - Washington State, have filed a class action lawsuit challenging the Muslim travel ban waiver process on behalf of

organizational plaintiffs, OneAmerica and Pars Equality Center, as well as individual plaintiffs from all of the Muslim-majority countries subject to the travel ban.

The current waiver process is inconsistent and arbitrary, and so few visa applicants have actually been granted a waiver, that the process by which waivers are supposedly granted has become mere window dressing for the ban itself. This lawsuit seeks to hold the Trump administration accountable for its failure to implement a good-faith, lawful, and constitutional waiver process so that families who qualify for waivers under the terms of the Proclamation actually receive them and are issued visas.

Since December 2017, countless individuals and families have been denied a visa and a waiver under the Muslim travel ban without notice of the process, an opportunity to submit evidence, or consideration under the waiver scheme. According to the State Department, only 2 percent of applicants have received waivers and former U.S. consular officials have called the process "fraudulent."

"The administration's sham 'waiver' and its haphazard process have failed to provide a fair and meaningful opportunity for relief from the travel ban, which continues to separate families and upend lives," said organizational plaintiff Pars Equality Center's Managing Attorney. "The courts have been an important bulwark to protect the rights of those targeted by this administration's discriminatory immigration policies, and we hope they continue in this important role today."

The purpose of this lawsuit is to force the government to clarify and implement a waiver process for those individuals who would otherwise be permanently banned from the country. The plaintiffs are asking the Court to require the government to provide a meaningful opportunity to access what is, for most, the only means to reunite with family under an otherwise permanent ban.

This lawsuit is part of a larger attempt to fight against the Muslim travel ban and represents affected communities for every Muslim-majority country targeted in the ban. Through this lawsuit and additional measures, the co-counsel organizations will continue to push for equity and accountability, and fight the travel ban through every possible avenue - in court, on the streets, and through mobilization and policy/legislative change. Having national travel bans on entire groups of people based on religious belief or countries of origin devalues America's shared cultural emphases on equality and acceptance.

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Babak Yousefzadeh
IABA National President