

With The Holidays, Some Good News Arrives On The Travel and Refugee Bans, Though The Former Still Remains In Effect, And The Fight Continues

Dear members and friends,

With the passing of Yalda (the longest night of the year), the arrival of the holidays, and impending New Year, some good news arrives regarding President Trump's Travel Ban 3.0, and the more recent "Refugee Ban" (a.k.a. Executive Order 4.0). We share these with you, along with our best wishes for your holidays, and the hope that the next year will bring better days for you, your families, and your friends.

On Friday December 22, 2017, the Ninth Circuit Court of Appeals issued a ruling in *Hawaii v. Trump* finding that Travel Ban 3.0 violates federal law. *Unfortunately, **Travel Ban 3.0** remains in full effect and this decision has no immediate impact on Iranians seeking to obtain visas to the U.S. **Given the prior U.S. Supreme Court ruling**, the final word on the legality of Travel Ban 3.0 will depend on a review of this Ninth Circuit decision (and the anticipated Fourth Circuit decision in *IRAP v. Trump*) by the Supreme Court.*

Separately, on Saturday, December 23, 2017, a federal district judge in Seattle partially blocked President Trump's restrictions on refugee admissions from 11 mostly Middle Eastern and African countries (the "Refugee Ban"), holding that such restrictions could not be enforced as to individuals with a "bona fide" relationship with a U.S. person or entity.

We discuss the details of each of these cases further below. *However, if you know anyone who is affected by Travel Ban 3.0 or the Refugee Ban, [please contact us immediately by clicking here and filling out our](#)*

[form](#). And please share this form with others, so they can do the same. You can help us continue to fight to protect the rights of our community, and others, are affected by these discriminatory bans.

Ninth Circuit Ruling on Travel Ban 3.0

The Ninth Circuit was called on, for a third time, to rule on the legality of Travel Ban 3.0. And, on this third occasion, it again confirmed the plaintiffs were likely to succeed on their claims that: (1) Travel Ban 3.0 violates the Immigration and Nationality Act ("INA"), including the INA's prohibition on nationality-based discrimination in the issuance of visas; (2) the President exceeded the scope of his authority under the INA (the Court did not reach constitutional challenges to Travel Ban 3.0 under the Establishment Clause); and (3) the President is without separate constitutional authority to issue Travel Ban 3.0. In so doing, the Ninth Circuit affirmed the U.S. District Court of Hawaii's preliminary injunction against the Travel Ban, but narrowed it to include only foreign nationals who have a "bona fide" relationship with a U.S. person or entity. You can read the full decision [here](#).

Washington District Court Ruling on the Refugee Ban

After a prior executive orders on refugee admissions, on October 24, 2017, President Trump issued another executive order that "paused" refugee admissions from 11 countries, nearly all from the Middle East and Africa, pending a 90 day security review which is set to expire in late January 2018. The countries consist of Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, South Sudan, Sudan, Syria and Yemen. News reports examining the issue have reported that numbers of vulnerable refugees from these countries, usually escaping danger and war, **have plummeted since enactment of the administration's policies**. On December 23, 2017, the Washington District Court ruled that the Trump Administration could conduct the security review; but had exceeded statutory authority under the INA and Administrative Procedure Act ("APA") when it stopped processing and admitting refugees from the 11 countries who had a "bona fide" relationship to a

U.S. person or entity. The ruling also orders the government to restart the "follow-to-join" program (also "paused" by the executive order), which allows family members of refugees to follow them the U.S. You can read the full decision [here](#). This is unlikely to be the last word on the issue, as the case will undoubtedly be appealed.

The foregoing is certainly welcome news in the ongoing fight to stop the impact of these discriminatory bans on our community, and others similarly targeted. But, as noted above, these decisions do not resolve the legal disputes, which will likely only happen when the U.S. Supreme Court weighs in. As always, we will continue to provide you with information as quickly as we can, and we vow to continue this fight on behalf of the Iranian American community, and others, with both our coalition partners and other allies. We ask that help our efforts by:

1. Notifying us, by [clicking here and filling out this form](#), if you know anyone who continues to be affected by Travel Ban 3.0,
2. [Donating to IABA](#) so it can continue its efforts in protecting our rights,
3. Donating your time or expertise, especially in the areas of immigration law by contacting us at iaba@iaba.us, and
4. Sharing this statement with as many friends, families, and colleagues as possible to help us spread the word.

Best wishes to you and your loved ones this holiday season. We hope that you take this time to renew your commitment to remain engaged.

Sincerely,

Babak Yousefzadeh
IABA National President