

The U.S. Supreme Court Holds Oral Arguments on the Travel Ban

April 25, 2018

Dear Members and Friends,

Today, the U.S. Supreme Court held oral arguments on the latest version of the Travel Ban in the *Hawaii* case (formally *Donald J. Trump, President of the United States v. State of Hawaii*). As you all know, after the first two iterations of Trump's Travel Ban were halted in the lower courts, the U.S. Supreme Court permitted the third version to go into effect while the lower courts continued to hear the pending legal challenges to it. Thereafter, the *Hawaii* case made its way through the lower courts again, where Ninth Circuit again found that the Travel Ban was illegal. In today's oral arguments, the Supreme Court again reviews the *Hawaii* case ruling (subsequently, the *IRAP* case in the Fourth Circuit also ruled that the new Travel Ban was unlawful, though the ruling was not issued in time to be joined with these oral arguments).

As you know, IABA-in collaboration with PAAIA and Pars Equality-and with the assistance of pro bono counsel Mehri & Skalet and Arnold & Porter, has actively sought to protect the community from the appalling effects of the Travel Ban from its inception. It began when our coalition filed legal challenges to all three iterations of the Travel Ban in court, in which we emphasized the effects of the Travel Ban specifically on the Iranian American community. Since then we have worked with senators to obtain the only publicly available information on the devastating effects of the so-called "waiver provisions" of the Ban. And just last month we filed an amicus brief in support of *Hawaii* and other plaintiffs

in today's oral arguments (which cited and discussed in oral arguments before the Supreme Court today).

As of now, it is unclear how the Supreme Court will rule. It was initially believed that the Supreme Court might find a "compromise" position similar to the "bona fide relationship" requirement it imposed in its decision regarding Travel Ban 2.0 (i.e. exempting anyone from the ban who had a bona fide relationship to a U.S. person or entity). However, the Supreme Court's subsequent ruling permitting Travel Ban 3.0 to go into full effect while legal challenges continued have called that prediction into question. The Supreme Court will likely be hesitant to issue a ruling constitutionally limiting executive power, especially as to immigration and national security, but will also have to face express discriminatory statements made by this president about the Travel Ban, which has been confirmed by every lower court to have analyzed his statements.

As always, we will keep you apprised of the situation. And regardless of how the Supreme Court ultimately rules, our coalition promises to continue to fight the discriminatory policies underlying the Travel Ban, and to mitigate its devastating effects on our community (and others), whether through the courts, advocacy, or legislation.

Best,

Babak Yousefzadeh
IABA National President