



NIAC Panel on Capitol Hill Examines Trump's Muslim Ban 2.0

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“Some refer to it as the Muslim ban, some argue that it does not affect all Muslims so it is not a Muslim ban, that is up for debate. What is not up for debate is that it affects all Iranians. Iranians, of the six countries, make up 58% of the visas that are granted annually” said NIAC policy director, Jamal Abdi, in his opening remarks.

A diverse group of national security, immigration and legal experts examined Trump's latest Muslim ban at a NIAC-sponsored briefing on Capitol Hill on Monday. The panelists discussed the impact on the Iranian-American community, the discriminatory nature of the ban and the likelihood of legal challenges succeeding in overturning the order.

He went on to remind the audience that although the revised ban is unlikely to create chaos at airports it will still create chaos in the lives of those impacted. According to Abdi those most affected by the ban include family members of Iranian Americans and the approximately 12,000 Iranian students who are studying in the US.

Abdi noted that successive US administrations have supported increased interactions with the people of Iran and Iranian students are the best example of this. “Those 12,000 under the new ban, they get to keep their visas, but if they leave they're not going to be able to come back and any new students are going to be blocked for the foreseeable future” said Abdi.

“I think what is most upsetting about this ban is that it isn't directed at the government. It's directed against the Iranian grandmother who wants to come to her son's wedding,” said the Atlantic Council's Barbara Slavin.

David Bier who serves as the CATO Institute's immigration policy analyst, questioned the rationale behind the ban in the first place and asserts that the threat of terrorism from foreigners is overstated.

Bier noted that the likelihood of being killed in a homicide in the U.S. is one in 14,000, compared to the likelihood of being killed by a foreigner in an act of terrorism on U.S. soil, which is one in 3.6 million. Thus, while the fear generated by terrorist attacks is real, the threat is actually much smaller than many expect. Further, Bier noted that there have been no deaths on

U.S. soil resulting from terror attacks committed by nationals that would be subject to Trump's bans, undermining the justification of the order.

"The fundamental basis of this entire order is premised on the idea that foreign-born terrorism is an extreme threat to the United States. Terrorism is a problem but you have to put it in context" said Bier.

So what was the purpose of the revised ban?

Amanda Frost who is a law professor at American University's Washington College of Law thinks the new ban was tailored to try to withstand some legal challenges.

"The Trump administration is attempting to carve out all of the people with connections to the United States such as they have constitutional rights to return" said Frost.

Frost explained that this would make it more difficult to bring due process claims against the new order. However, Frost asserted that strong challenges will continue given the context of the order and its undermining of Constitutional protections.

"There's a fair amount of context there that the Establishment Clause claim should still pose a problem for this new ban even if the due process claims are now somewhat ameliorated in light of the narrow scope." The Establishment Clause prevents the establishment of laws that discriminate based on religion or national origin.

"You have to look at the history of it. And if you look at the history of this ban you can really see it derives from Donald Trump's statement as a candidate on December 7th, 2015" said Frost referring to candidate Trump's original call for a "total and complete shutdown of Muslims entering the United States."