



## As the Travel Ban Expires, What Next?

Aline Barros

September 22, 2017

Part of President Donald Trump's executive order limiting travel to the U.S. is set to expire, raising questions about what the Trump administration will do next. The 90-day ban on citizens from six Muslim-majority countries who do not have ties to the U.S. ends Sunday, leaving the White House with a decision to make about how it will replace the ban.

"Do they want to continue, extend the ban, issue a new executive order or issue new guidance on how they're going to admit people to the country from these places, or are they just going to rescind or allow it to expire?" asked David Bier, CATO Institute Immigration Policy Analyst. "They do need to make a decision."

The so-called travel ban was always intended to be temporary, giving the Department of Homeland Security time to gather information and report on screening for foreign travelers. That report was recently submitted to the White House, just as the ban on travelers from Iran, Libya, Somalia, Sudan, Syria and Yemen is set to expire.

The *Wall Street Journal* reports Friday that the Trump administration is preparing to replace the travel order with targeted restrictions aimed at a list of certain countries.

Trump called in a tweet for a "far larger, tougher and more specific" travel ban. But Biers says the president is still bound by the Supreme Court. "What they can't do is issue a new executive order that's broader, that bans people from these countries more indiscriminately than the Supreme Court allowed," he said.

### Supreme Court limits

When Trump's executive order limiting travel to the U.S. was first rolled out in January, it sparked protests at airports around the country. A week later, a federal judge blocked the so-called travel ban, sending it on a roller coaster ride through the courts until June, when the Supreme Court said the controversial order could take effect but travelers from the six banned countries would still be able to enter the U.S. if they had significant family, business or school ties.

"The Supreme Court ultimately ruled it could go into partial effect but not full effect," Bier said. "We're talking about a very small portion of the overall population who was initially the targets of the executive order."

Biers thinks, at a minimum, the Trump administration will continue to toughen the process for people coming to the U.S. as visitors, on temporary work visas, or as immigrants based on family sponsorship in the U.S.

"What we've seen in the last few months, the Trump administration's rolling out new regulations for immigrants, new forms that they have to fill out, new questions that they need to answer. That's what they're calling extreme vetting," Biers said.

Though a portion of the travel ban is set to expire Sunday, there are 30 days left on the 120-day ban on refugee arrivals. And before then, the Supreme Court is scheduled to hear arguments on the constitutionality of the travel order.

But as the order partially expires and the Trump administration gets ready to announce new measures, the Supreme Court case may end up being moot. Targeted measures aimed at specific countries with perceived security problems would be easier for the administration to defend.

"There is never going to be a ruling that he [Trump] cannot ever exclude anyone based on national security concerns," Biers said. "That is always going to be an aspect of our immigration system. The question is how broad is it."