



Opinions | How Samantha Bee, a lawyer and three lawmakers challenged Trump's travel ban

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The craziest thing about President Trump's ban on admitting people from seven countries to the United States is not the sheer irrationality of the blanket bans, the anti-Muslim racism that inspired it or even the cruelty and suffering it causes by keeping families apart.

What's most vexing about the policy is that there's no clear way for the thousands of visa applicants who are related to U.S. citizens or legal permanent residents and who want to live with their family members in the United States to apply for a waiver.

But the record shows that if these applicants can get enough public attention to their case, somehow, sometimes, the waiver gets mysteriously granted. That lays bare the dysfunctional implementation of the travel ban and suggests the State Department can be embarrassed into applying it humanely.

Comedian Samantha Bee illustrated this earlier this month, with help from the Center for Constitutional Rights, Sen. Chris Murphy (D-Conn.), House Speaker Nancy Pelosi (D-Calif.) and Rep. Brenda Lawrence (D-Mich.). They pooled efforts to advocate publicly and privately for the State Department to grant waivers to several Yemeni citizens in Djibouti seeking visas to join their U.S. citizen family members here in the United States.

Bee traveled to Djibouti in March and interviewed seven members of these families, each of whom is trapped in a legal limbo called administrative processing while they await a waiver. In her April 10 segment on TBS's "Full Frontal with Samantha Bee," Bee called on Secretary Mike Pompeo to grant their waivers so they could attend her "Not The White House Correspondents' Dinner" on April 26 in Washington.

Since the episode aired, three of Bee's seven interview subjects were informed their waivers have been approved and two have received their visas. They had all been waiting months or even years with no word whatsoever. Four are still waiting for word from the State Department.

"If this is what it takes to resolve the waiver issue for these families, then I wish we could have met, interviewed and invited thousands of them to the Not The White House Correspondents' Dinner," Bee told me.

It's not the first example of media attention seeming to jar the State Department into granting waivers for family members of Americans stranded by Trump's travel ban. In January, my Post colleagues Jason Rezaian and Kate Woodsome profiled two couples in a similar situation. Nine days after the piece published, one of the spouses was informed he would be getting a waiver.

In the case of the Yemenis interviewed on "Full Frontal," the cases began to move after Bee and the Center for Constitutional Rights started contacting the State Department and congressional

offices. For example, Nabil Shaibi and his three sons are all U.S. citizens, but their mother, Asbania, is not. Due to the travel ban, the family has been waiting in Djibouti for 1½ years. Her waiver was approved last week — and this week, the family will finally travel together to the United States. But some damage has already been done.

“The travel ban has taught me that it’s never worth giving up on family, even if I had to give up pursuing my American Dream,” Nabil Shaibi told me. “We lost a lot. I am saddened and confused by why we had to go through this ordeal in the first place.”

Bee’s interview subjects had a lot of help most visa applicants impacted by the travel ban don’t. In late March, the Center for Constitutional Rights wrote to the State Department’s Bureau of Consular Affairs asking for waiver consideration for all the applicants Bee interviewed. The letter made it clear the cases were very much in the public eye.

It’s impossible to prove the media attention did the trick, but each and every interviewee saw new action taken on their cases after the Center and the three congressional offices got involved.

For example, Harbi Kalwan, whose wife, Fathia, is a U.S. citizen, had been told his visa was approved before the travel ban took effect. But after Trump announced the executive order, he was told his visa was denied. At his new interview last week, a consular officer told him “he was famous,” indicating they were aware of the media scrutiny. This week, he will reunite with his wife and newborn son in the United States after more than a year of separation.

“Whether or not you’re reunited with your family shouldn’t depend on your ability to make it on prime time television,” said Diala Shamas, the staff attorney at the Center for Constitutional Rights who helped with these cases. “Harbi’s experience underscores the arbitrariness of the process, and the Department of State’s ability to process a waiver swiftly and safely if they put their minds to it.”

Pelosi and Lawrence represent one or more of the Americans involved. Murphy has been a consistent critic of Trump’s travel ban and of U.S. involvement in the war in Yemen. One of the criteria for waiver consideration is whether denying a waiver would cause undue hardship for the applicants. Yemeni refugees fleeing civil war and starvation certainly meet that criteria and more, Murphy told me.

“It’s ridiculous that it has to take Samantha Bee, lawyers and my office to try to get visas for people trying to travel to the United States to reunite with their families,” he said. “The ban doesn’t just threaten people like these families we’re working with — it threatens the very idea of America.”

A State Department spokesperson told me the U.S. government can’t comment on specific visa cases and that all applications are considered for waivers on a case-by-case basis. As of Jan. 31, 2019, 2,673 applicants were cleared for waivers, the spokesperson said, adding that cases that generate media attention represent a small percentage of the total number of expedited cases.

Waivers were granted to only about 6 percent of the almost 38,000 visa applicants affected by the travel ban, the State Department told a senator in February. As of Jan. 1, more than 9,000 family members of U.S. citizens have been denied visas due to the ban, according to the Cato Institute.

Malkah Alialzragi and her three sons (who Bee compared to the Jonas brothers) are still waiting to hear if they will be able to reunite with their father and brother in the United States. Like the others, they do not represent a national security threat to the United States. They are just four more innocent victims of a policy that — despite making for good comedy fodder — is really just sad.