

National security is a pretext for Trump's broad travel ban

March 11, 2019

When the Supreme Court upheld the third iteration of President Donald Trump's travel ban last year, it did so partly on the strength of a waiver program, under which the administration would grant visas to migrants from the affected countries who face "undue hardship" and pose no security threat if their admission promotes the national interest. That prospect helped persuade Chief Justice John Roberts Jr., who wrote for the court's five-member majority, that the travel ban was not, as critics argued, an expression of the administration's anti-Muslim bigotry but rather a legitimate national security measure, as the administration insisted.

Since then, it has become increasingly clear that the waiver criteria as exercised by the administration are punishingly narrow, vague and arbitrary.

Spouses split apart, children in need of urgent health care and people fleeing desperate conditions have been routinely denied waivers and entry to the United States.

It remains unclear precisely what portion of visa seekers from banned countries have been successful in seeking waivers to live permanently or travel briefly (for business or tourism, for instance) to the United States. Nonetheless, preliminary figures published last year, based on the first several months after the ban took full effect in December 2017, suggested that the percentage was in the low single digits, and a federal judge has allowed a lawsuit by would-be migrants denied waivers to proceed.

Since the travel ban was first unveiled, and subsequently modified to survive judicial scrutiny, it has become equally clear that it is but one weapon in the administration's ever-expanding arsenal of anti-immigrant initiatives.

Whatever toxic bigotry was contained in Trump's assertions about Islam - lest we forget, as a candidate he favored a "total and complete shutdown of Muslims entering the United States" - the president is an equal-opportunity xenophobe, having disparaged immigrants from Latin America and Africa. Asylum seekers; refugees; children; longtime, law-abiding migrants with or without proper documents - all of them have been in the administration's crosshairs for harassment, exclusion and deportation.

In the case of migrants from the main countries covered by the travel ban - Syria, Iran, Yemen, Somalia and Libya - there is no doubt that Trump's policy has had the intended effect, which is merciless.

According to the Cato Institute, the ban has already blocked some 9,500 family members of U.S. citizens - including 5,500 children and nearly 4,000 spouses - from joining their relatives in the United States.

And official figures released recently show that the State Department refused some 37,000 visa applications from travel ban countries in 2018, compared with fewer than 1,000 in 2017, when the ban had not taken full effect.

The administration, whose reporting on the ban's impact so far has been opaque, will be required to render a fuller statistical picture starting this spring, under a provision inserted into an appropriations bill last year by Sen. Chris Van Hollen, D-Md. The issue, though, is not whether waivers are granted to 2 percent, 5 percent or 8 percent of visa applicants.

It's the phony invocation of national security as a pretext for a broad travel ban whose real purpose is to slam the door on the outside world.