



## **Analysts Say Supreme Court Could Avoid Reaching Verdict on Travel Ban**

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Some political analysts have begun wondering whether the U.S. Supreme Court will wiggle its way out of rendering any sort of decision on President Trump's controversial travel ban.

An article recently published in *The Associated Press* – and reprinted in *The New York Times* – speculated that the nation's most prestigious court may not want to wade into an exceptionally tricky issue which is due to shortly expire.

The travel ban, which was authorized by way of executive order, imposed a 90-day restriction on the immigration of citizens of six Muslim-majority countries.

Although the action faced legal hurdles which effectively rendered it inert for most of its existence, the ban is still due to expire on the 24<sup>th</sup> of September.

An injunction against the entrance of refugees would also end a month after the travel ban's expiry.

Trump signs his immigration executive order limiting residents of six Muslim-majority countries from entering the U.S. Image courtesy of Reuters.

Opening arguments are due to begin next month.

So far, the Supreme Court has already entered the fray thrice, lifting certain injunctions against the travel ban while recommending actions to lower courts.

Over the summer, the Supreme Court authorized certain tracts of the travel ban to begin taking effect, with certain stipulations – for instance, while the justices ruled that a block on immigration from residents of the six affected nations could take effect, they also ordered that individuals with “bona fide” relationships to the United States should still be allowed entry.

However, the court failed to qualify what exactly was meant by “bona fide” relationship, instead leaving it to the 9<sup>th</sup> Circuit Court of Appeals to make the distinction.

One of the analysts interviewed by the *Associated Press*, Ilya Shaprio, said he suspects that at least one of the justices may not want to feel pressured into making a ruling. After all, any

ultimatum on the trickier questions underlying the travel ban could have the potential to impinge upon either the Constitution or the president's ability to make decisions on immigration policy.

"It creates political controversy, whether the court approves or rejects the travel ban," said Shapiro, who is the editor-in-chief of the Libertarian Cato Institute's Supreme Court review.

Shapiro said he thinks Chief Justice John Roberts would likely prefer to 'get the case out of his court' rather than settle what now amounts to a tough and highly controversial political dispute.

"There's incentive to not decide very much at all," said Donald Verrilli, the former solicitor general under Barack Obama.