WRITTEN STATEMENT SUBMITTED TO THE
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Regarding

The Commission’s Emergency Hearing on the Impact of Recent Executive Orders

Submitted by:

American-Arab Anti-Discrimination Committee (ADC)

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The American-Arab Anti-Discrimination Committee (ADC) appreciates the opportunity to submit to the commission this statement on the human rights impact of the Executive Order titled “Protecting the Nation from Foreign Terrorist Entry into the United States” more commonly known as the Arab and Muslim Ban. The actions taken by the administration raise serious concerns about their lack of commitment to human rights. As is evident in the way the order was implemented, the administration had a complete disregard for the human impact of the ban. As the nation’s largest Arab American civil rights organization, ADC worked with thousands of individuals from across the world that were directly impacted by the ban.

The United States has an obligation to respect and ensure the human rights of all individuals within its jurisdiction, pursuant to the Organization of American States (OAS) charter, of which the U.S. is a Member State. It is our hope that this respected body enforces civil society’s recommendations and takes steps to ensure that the U.S. upholds its obligation to human rights.

1. INTRODUCTION

Arab and Muslim Ban 1.0

On January 27, 2017, the President Donald Trump issued “Executive Order: Protecting the Nation from Foreign Terrorist Entry into The United States.” The Executive Order (EO) was effective immediately. The EO prohibited entry into the United States of persons on immigrant and non-immigrant visas from the designated countries of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. In addition to the seven listed countries, the EO excluded individuals who “would place violent ideologies over American Law,” which is coded language for Muslims. The EO placed a 120 day suspension on the entry of refugees and an indefinite ban on Syrian
refugees. The EO created an exception for Christians and members of minority faiths from the seven countries to enter as refugees. The EO required all visa applicants to attend an interview, whereby they will be vetted and interviewed on grounds of political, cultural and religious views.

The impact of the orders, and the fact that the Department of Homeland Security (DHS) initially implemented the ban without guidance and protocols was profound. After the first EO was implemented there were countless violations of freedom of speech, freedom of religion, political opinion, due process, and equal protection under the law against Arabs and Muslims, and individual perceived to be Arab or Muslim. ADC received over 400 reports that green card holders and other valid visa holders were denied boarding at airports overseas, sequestered and denied admission at U.S. airports nationwide, and many ultimately removed from the country with their valid visas cancelled. According to U.S. Customs and Border Protection, 940 people with visas from the seven countries affected by the initial order – Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen — were denied boarding of in-bound flights to the U.S.\footnote{Executive Orders on Protecting the Homeland, https://www.dhs.gov/executive-orders-protecting-homeland.} Many of these individuals were detained and held for a period longer than 24 hours. Additionally, some of the individuals detained were placed in handcuffs, despite not committing any criminal act.

Many travelers were also coerced into signing documentation to abandon their lawful permanent resident status, voluntary depart, and/or signing documentation agreeing not to seek permanent immigration benefits. The majority were denied access to counsel, sequestered for hours without speaking to their family, without sleep, without water and food. Some persons whom were not fluent in English, did not fully understand what was going on by government contractors translators, when they were provided, did not believe they had a choice in asking for another interpreter or stating they do not understand.

Arab and Muslim travelers had their phones confiscated without a warrant, and without any individualized assessment that they individually posed a risk outside of their Arab and/or Muslim identity. They were questioned about their religious beliefs, political allegiances, , internet posts, and social media accounts. These reports did not only include persons whom country of national origin was from the designated 7 countries subject to the travel ban, travelers from other countries were also impacted by these tactics. Visa holders and lawful permanent residents from Sri Lankan, India, Pakistan, Lebanon, Jordan, and Palestine among other Arab and South Asian countries were subject to discrimination and directly targeted by profiling.

ADC along with other civil rights and legal advocacy groups received reports of United Citizens being subject to extensive interrogation at the airports and sequestered for hours that were either: traveling from one of the designated countries, were born in the designated country, and/or traveling on the designated country passport because they are dual nationals. Arab, Muslim, and South Asian United States Citizens in the U.S. were terrified of traveling on domestic flights within the United States.
Arab and Muslim Ban 2.0

After the initial Arab and Muslim Ban EO was struck down by the 9th Circuit Court, President Trump issued another order. On March 6, 2017, the President Trump issued a new Arab and Muslim Ban Executive Order. The new EO was to take effect on March 16, 2017. The Second EO banned entry of nationals from Syria, Iran, Sudan, Libya, Somalia and Yemen – Iraq was removed. A 120 day suspension on refugees remained under the Second Executive Order but the indefinite ban on refugees and refugee religious minorities was removed. The ban provides for case by case waivers and exemptions to lawful permanent residents (LPRs), dual nationals, and current visa holders among other categories, however based on the First Executive Order implementation and use of profiling at airports, we expect that there will be a disparate impact on all Arab, Muslims, and South Asian community members.

A federal court in Hawaii issued a Temporary Restrictive Order (TRO) on the second EO on March 15th – one day before it was to be implemented. Additionally, a federal court in Maryland issued a Preliminary Injection on the order on the same day. Both courts ruled that the decision apply nationwide, meaning the second ban was to implemented and is currently held up in court.

II. THE HUMANITRIAN IMPACT

ADC has received thousands of phone calls, emails, and social media inquiries since the enactment of the first travel ban EO. Both orders that were enacted altered the lives of thousands of valid immigrants, and continue to disrupt the legal order and protections of these individuals. A Washington Post Report found that 90,000 persons would be impacted by the ban.

According to official estimates as of early February after the first EO, “the number of revoked visas alone is 60,000… and does not account for any refugees that were temporarily banned from resettlement.” Another estimate from a Justice Department lawyer “told a federal court in Virginia that about 100,000 visas were revoked on Jan. 27.” This figure does not include the

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3 Glenn Kessler, The number of people affected by Trump’s travel ban: About 90,000, WASHINGTON POST, https://www.washingtonpost.com/news/fact-checker/wp/2017/01/30/the-number-of-people-affected-by-trumps-travel-ban-about-90000/?utm_term=.7c1e3c69c11e; “According to data from the State Department, there were about 86,700 people who received nonimmigrant or immigrant visas from the seven affected countries in fiscal year 2015, the most recent year for which data were available.” (We arrived at that figure after subtracting those with visas specifically excluded by the order, as well as those with special immigrant visas, such as Iraqi translators, who will be granted waivers). Brooks Jackson, Eugene Kiely, Lori Robertson & Robert Farley, The Anneberg Public Policy Center, Facts on Trump’s Immigration Order, Updated Mar. 6, 2017, http://www.factcheck.org/2017/02/facts-on-trumps-immigration-order/
5 Linda Qiu, “President Trump says 109 people were affected by travel ban. It’s at least 60,000,” POLITIFACT (Feb. 6, 2017), available at http://www.politifact.com/truth-o-meter/statements/2017/feb/06/donald-trump/president-trump-says-109-people-were-affected-trav/.
amount of individuals who were seeking visa to the U.S. Travelers from the six countries – originally seven, with the exclusion of Iraq in the most recent version of the EO travel ban – will face immense burden of their ability to travel to the U.S.

ADC was contacted by nationals of all countries. The ban adversely impacted many poor nationals coming from these designated nations. A majority of those impacted used whatever limited resources they had to come to the U.S., only to be turned away. Despite the court rulings halting the ban, many of these individuals do not have the funds to travel back to the country.

A. Impact on Families

The ban had an immediate impact on the family of U.S. citizens travelling to the U.S. from one of the designated countries. Many individuals in the U.S. submitted family based immigrant visa petitions. ADC received reports of weddings being cancelled. Some individuals have waited over a year to be reunited with their family members, including parents, children, and spouses – those plans were delayed and some ultimately cancelled.

ADC assisted a Sudanese national flying into Dulles International Airport in Virginia the days after the order went into effect. Upon arriving to Dulles Airport, her fiancé visa was cancelled. She was scheduled to meet with her husband in Virginia. The couple spent thousands of dollars, and a lot of time, securing the visa. Cases such as this repeated all across the country. Ultimately the woman in Virginia was sent back to Ethiopia, where she was stuck until her husband secured the funds for her to go back to Sudan. The couple is still separated as they don’t have the funds for them to reunite.

ADC is working on many cases involving parents and children being separated due to ban. Also impacted are. In many cases, mothers and fathers who have been sick or worse have not been able to receive medical treatment after being issued a visa, or amidst the processing of a visa, have been separated from receiving medical treatment in the U.S. ADC has also received reports of individuals not being able to visit their parents or children who are sick abroad because it would so dramatically alter their life due to the inability of them to return to the U.S.

B. Students and Professionals

A significant number of those impacted by the ban were students and/or researchers coming to the U.S to further their education, and contribute to their respective field of study.

There are thousands of professionals in the U.S. who are nationals from one of the designated countries. These professionals include engineers, researchers, tech workers, economists, and physicians. There have been multiple media reports of physicians who were not permitted to enter the country, thus missing important appointments with patients. Additionally, a number of nationals from these countries travel to the U.S. for medical treatment. As a result of the ban they were unable to get the treatment that was not provided in their country.
The ban did have a significant impact on students and researchers. ADC has also received reports of undergraduate, graduate students, faculty, adjunct professors, and permanent professors who happen to be nationals of the banned countries not being able to continue their work. Shortly after the first order was issued, ADC received a call from an Iranian national who was studying at the prestigious Massachusetts Institute of Technology (MIT). The woman was not allowed to board her flight from Germany to Boston. As a result of being denied an opportunity to enter the U.S., she has been forced to miss an entire semester at MIT, delaying her studies and graduation date.

ADC also worked with another national from Iranian, who is a well-respected researcher. The national had an approved visa to come to the U.S. to continue her research. The researcher was not permitted to board her flight, and did not make it to the U.S. She was informed by the sponsoring institution that due to the ban she will not partake in the research project. This is a lost opportunity for the national.

C. Refugees and Asylum Seekers

As a signatory to the United Nations Refugee Convention, the U.S. is required under international law to provide refuge to those facing persecution. The Refugee Convention is derived from the asylum protected status enumerated under the Article 14 of the 1948 Universal Declaration of Human Rights—to provide immediate safe haven to those in danger. The 1951 Convention and the 1967 Protocol are rooted in the principles of non-refoulment and anti-discrimination.

The EO’s unequivocally violate the United States core obligation to provide safe haven and the policy of non-refoulment by instituting a 120-day ban on the entry of refugees that can be extended. The EO’s drastically reduces refugee admissions for current fiscal year to 50,000 from the initial 110,000 commitment under the Obama Administration. These EO’s derogate from the legal standard for the status of refugees and asylum seekers in a discriminatory and arbitrary manner.

The first EO provided for an indefinite ban on Syrian refugees and exempt religious minorities, code word for Christians, from the 120 day refugee suspension ban. Inevitably most of the Syrian refugees fleeing violence were Muslim as Syria is a Muslim majority country, and represent one of the largest populations of refugees. Both Christian and Muslim refugees are being subjected to persecution and Muslims inherently at higher numbers because a majority of

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the Syrian population identifies as Muslim. \(^9\) If the U.S. were to accept only Christian refugees, the U.S. would be denying over 80% of Syrian refugees because of their religion. \(^10\)

While the Second EO removed this particular provisions, it is perhaps indicative of internal policy and implementation going forward of how refugee and asylum seeker applications will be evaluated, with special preference provided to Christians, and extra scrutiny and/or higher burden placed on Muslim refugees and asylum seekers based on their identity alone. This directly contradicts the purpose of the Refugee Convention and the protective status. When a country derogates from the legal standard, it enters into dangerous territory of conditioning safety and affording preferential treatment to desired subgroups, which is prohibited. \(^11\)

We are living during the world’s largest international refugee and humanitarian crisis. To shut down refugee admission for any period of time and refuse admission of refugees based on a litmus religious test would grind refugee resettlement to a halt. According to the U.N. Refugee Agency – as of 2016 there are nearly 60 million displaced people in the world, 20 million of whom are registered refugees and have fled their countries. Out of the 20 million refugees, there are nearly 5 million Syrian refugees. Almost 1 million are Somalia refugees. There are over 500,000 Sudanese refugees, and nearly 500,000 Iraqi refugees.

The EO’s effectively shut down the refugee process. Many refugees slated to arrive in the United States when the First EO was signed were sequestered for hours, denied access to counsel, and subject to removal. \(^12\) Within hours of the First EO, the Department of Homeland Security suspended refugee resettlement interviews abroad. \(^13\) Since each part of the refugee screening process has narrow validity period, refugees only have about a 2-month travel window during which all their security checks are complete and valid. Thus, all refugees approved when a suspension begins will see at least one of their checks expire, and during the time that it takes to repeat that check and reprocess an interview date, another check could expire, creating a domino effect of expiring validity periods. \(^14\)

The EO’s shut the door on those fleeing prosecution and violence on the basis of their identity, religion and national origin. Asylees and refugees are victims of human rights abuses, and the most susceptible and vulnerable populations to human rights violators and perpetrators that commit violence against women and children, ethnic killings, and persecution, while they continue to wait for resettlement, many already in limbo for 4 years or more.

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\(^10\) See id.

\(^11\) See HATAHWAY, supra note 86, at 155.

\(^12\) For more information see the International Refugee Assistance Project (IRAP), www.refugeerights.org


III. CONCLUSION

In closing, ADC is thankful for the opportunity to present this statement to the Honorable Commission. The human impact of the Arab and Muslim Ban is real, and will have a long lasting impact on thousands of individuals. ADC hopes that this Commission enacts recommendations which have been endorsed by partner our partner civil society organizations, including the following:

- Urge the United States government to rescind these executive orders and the related guidance on their implementation as necessary to comply with its obligations to respect, protect, and fulfill the human rights of migrants regardless of immigration status, asylum seekers, refugees, and their families.

- Engage in ongoing monitoring of implementation of these executive orders and related policy developments.

- Communicate with civil society organizations to request relevant information and updates as helpful to monitor developments and follow up on prior recommendations in cases and reports.

- Issue timely press releases on significant developments related to the hearing, including State responses or lack thereof.

- Request adoption of precautionary measures where appropriate to prevent irreparable harm to a person or a group of people that will come about as a result of the implementation of the executive orders.

Once again, thank you to this Honorable Commission for convening this hearing. Should you have any questions about the submitted testimony above please do not hesitate to contact Mr. Abed Ayoub to aayoub@adc.org.

Respectfully Submitted,

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