

The Evolution of the Muslim Ban - an Explainer

Current as of January 31, 2018

Executive Order	Date Issued	Nationalities Impacted	Impact on Refugees	Select Legal Challenges	Current Status
<p>Executive Order #13,769 (EO1)</p> <hr/> <p>Muslim Ban 1.0, Travel Ban</p>	<p>Jan. 27, 2017</p>	<p>Travel ban for people from 7 majority-Muslim countries (Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen) for 90 days.</p>	<ul style="list-style-type: none"> • Suspended refugee resettlement for 120 days • Banned Syrian refugees indefinitely • Lowered cap for refugee admissions for FY2017 from 110,000 to 50,000 	<p>Individual challenges to detention at airports:</p> <ul style="list-style-type: none"> • <i>Darweesh v. Trump</i> (NY) • <i>Mohammed v. US</i> (CA) • <i>Aziz v. Trump</i> (VA) <p>Group challenges to entire EO:</p> <ul style="list-style-type: none"> • Feb. 3, 2017: <i>Washington v. Trump</i> (WA district court): blocked EO1 within a week of it taking effect; Trump abandoned his effort to defend EO1 in court • Feb. 7, 2017: <i>IRAP v. Trump</i> (MD district court) 	<p>EO1 rescinded when Muslim Ban 2.0 was issued, through EO2, on March 6, 2017.</p>
<p>Executive Order #13,780 (EO2)</p> <hr/> <p>Muslim Ban 2.0</p>	<p>March 6, 2017</p>	<p>Travel ban for people from 6 majority-Muslim countries (same as above, minus Iraq) for 90 days.</p>	<ul style="list-style-type: none"> • Suspended refugee resettlement for 120 days • Lowered cap for refugee admissions for FY2017 from 110,000 to 50,000 	<ul style="list-style-type: none"> • Mar. 15, 2017: <i>Hawaii v. Trump</i> (HI district court): blocked all EO2 entry restrictions (travel ban and refugee ban) before they took effect on constitutional grounds; Ninth Circuit affirmed on statutory grounds • Mar. 16, 2017: <i>IRAP v. Trump</i> (MD district court): blocked EO2 travel ban before it took effect on constitutional grounds; Fourth Circuit <i>en banc</i> affirmed on constitutional grounds; Supreme Court limited Hawaii and IRAP decisions to people with a "bona fide relationship" to a US person or entity, while the legal challenges continued 	<p>SCOTUS dismissed the challenges for losing practical relevance after the 90-day travel ban expired on September 24, 2017. The expired ban was replaced by a new proclamation (Muslim Ban 3.0).</p>
<p>Presidential Proclamation #9,645 (EO3)</p> <hr/> <p>Muslim Ban 3.0</p>	<p>Sept. 24, 2017</p>	<p>Indefinitely banned travel for many nationals of 6 majority-Muslim countries (5 of the countries targeted by EO2, minus Sudan, plus Chad), plus Venezuela and North Korea.</p>	<p>Refugees are not affected by the proclamation. Instead, a separate order was issued on October 24, 2017 (see below).</p>	<ul style="list-style-type: none"> • Oct. 17, 2017: <i>Hawaii v. Trump</i> (HI district court): blocked EO3, except for nationals of Venezuela and North Korea, based on likelihood of success on statutory claims; Ninth Circuit affirmed on appeal, but limited the injunction to people with "bona fide relationships" • Oct. 17, 2017: <i>IRAP v. Trump</i> (MD district court): also blocked EO3, except for nationals of Venezuela and North Korea and those who lacked a "bona fide relationship"; awaiting decision from Fourth Circuit <i>en banc</i> 	<p>SCOTUS halted judicial proceedings in Hawaii and IRAP, pending appeal, and agreed to review <i>Hawaii v. Trump</i>.</p>
<p>Executive Order #13,815 (EO4)</p> <hr/> <p>Muslim Ban 4.0, Refugee Ban</p>	<p>Oct. 24, 2017</p>	<p>Suspended processing and admissions of refugees from 9 Muslim-majority countries (reported to be Egypt, Iran, Iraq, Libya, Mali, Somalia, Sudan, Syria and Yemen), plus North Korea and South Sudan, for at least 90 days while agencies "conduct a review and analysis".</p>	<p>In addition to the 90-day review (see left), EO4 indefinitely suspended processing and admissions of family members entering through the follow-to-join process, while agencies put additional security procedures in place.</p>	<ul style="list-style-type: none"> • Dec. 23, 2017: <i>Doe v. Trump/Jewish Family Services v. Trump</i> (consolidated) (WA district court): blocked EO4 with respect to all follow-to-join beneficiaries and all refugees from the targeted countries, who have a "bona fide relationship" to a person/entity in the US; the government appealed • <i>Pars Equality Center v. Trump</i> (D.C. district court): preliminary injunction motion still pending • <i>Roe v. Trump</i> (SF district court): preliminary injunction motion still pending 	<p>The EO remains blocked with respect to all follow-to-join beneficiaries. After the 90-day review period of the targeted 11 countries ended, DHS issued a press release that all refugee processing would resume, but additional security measures would be applied to certain countries. How these measures will be implemented and who will be impacted is not known at the time.</p>