

The Evolution of the Muslim Ban - an Explainer

Current as of February 7, 2020

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 	<ul style="list-style-type: none"> • Jan. 28, 2017: <i>Darweesh v. Trump</i> (NY district court): Challenged detention and removal at airports due to EO1 • 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EO1 rescinded when Muslim Ban 2.0 was issued, through EO2, on March 6, 2017.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; • June 26, 2017: 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 and the refugee portion expired on October 24. The expired ban was replaced by a new proclamation (Muslim Ban 3.0) and Agency Memo (Muslim Ban 4.0).</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>On April 10, 2018, Chad was removed from the ban.</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"; Fourth Circuit affirmed <i>en banc</i> 	<p>SCOTUS allowed EO3 to go into effect pending appeal and heard oral arguments in <i>Trump v. Hawaii</i> on April 25, 2018.</p> <p>On June 26, 2018, SCOTUS reversed the preliminary injunction and remanded in <i>Trump v. Hawaii</i>, allowing the travel ban to continue in full effect. Based on this decision, the court reversed and remanded <i>Trump v. IRAP</i>.</p>
<p>Executive Order #13,815 (EO4) & accompanying Agency Memo</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), the Agency Memo 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 the Agency Memo 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>Agency Memo remains blocked with respect to all follow-to-join beneficiaries and refugees with bona fide relationships. 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, who will be impacted, and whether the suspension has continued is not known at this time.</p>
<p>Presidential Proclamation #9983 (EO5)</p> <hr/>	<p>Jan. 31, 2020</p>	<p>Indefinitely banned immigrant visa entry of nationals of Nigeria, Myanmar (Burma), Eritrea, and Kyrgyzstan. Indefinitely banned diversity visa entry of nationals of Sudan and Tanzania.</p>	<p>Refugees are not impacted by the proclamation.</p>	<p>TBD</p>	<p>The ban is set to go into effect on February 21, 2020.</p>