

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/blog/2017/07/03/frontlines-justice-weekly-news-roundup>

Public Facing Advocacy Writing

The CCR blog

Response to the Muslim ban

Last Monday, the Supreme Court announced its decision to review Trump's Muslim ban, which singled out six Muslim-majority countries Iran, Libya, Somalia, Sudan, Syria, and Yemen. In doing so, the Court reinstated part of the original ban, agreeing to allow in only those travelers who "have a credible claim of a bona fide relationship with a person or entity in the United States."

CCR executive director Vince Warren on Democracy Now!

On Thursday, the State Department [issued its definition of "bona fide"](#). Parents or siblings? Allowed in. Grandparents and cousins? Not *bona fide* enough. It's an arbitrary distinction, one that unfairly and narrowly defines "family" for those who are impacted by these restrictions. And while it is a relief that the Court did not fully lift the stays on the ban, it should have extended protections of the lower courts' stays more broadly to protect all Muslims from the six countries affected, regardless of their connection to the U.S.

Trump's Muslim ban represents a historic act of discrimination, and we remain hopeful that the Supreme Court will ultimately and conclusively reject it in October. As CCR executive director [Vince Warren said on Democracy Now!](#), "It's deeply troubling for the administration and the court to be able to carve off slivers of refugees and carve off slivers of people from these six countries, based on no national security justification, and say that they're not going to be allowed into the country until the government figures out what it's doing. It still violates the Constitution, it's still a ban on religion, and it's racist."

CCR legal worker [Ibrahim Qatabi](#) expressed his disappointment as a Yemeni American and a Muslim, telling [NY1 News](#), "This is not what America is all about. America is about freedom, about opportunities."

On [Rising Up with Sonali](#), Bertha Justice Institute fellow [Noor Zafar](#) pointed out that Trump's racist, Islamophobic sentiments make this so-called travel ban clearly a Muslim ban, noting, "The lower courts have consistently found that you cannot divorce this policy from the very clear intent that informed it."

This egregious abuse of executive power resulted in widespread injustices and rights violations of individuals lawfully entering the United States; people affected were detained for hours in airports across the country without food, medical care, or access to legal counsel, coerced into waiving their rights, and some were deported against court orders. [As CCR documented in a complaint](#) to the inspector general of the Department of Homeland Security at the advent of Trump's first Muslim ban, Customs and Border Patrol agents stoked panic and fear as they implemented this ill-conceived and unlawful order.

As the Supreme Court proved to us this week, there is only so much the courts (and lawyers) can do to save us from the ugly, reactionary politics that have taken hold of the levers of power. As Diala Shamas [wrote in the Washington Post](#), "We must renew popular and political interest in pushing back against the executive order and the many iterations that could follow, including other forms of discriminatory immigration profiling in more sustained, nonlegal ways." We must continue to demonstrate, in the streets, on the ballots, and in the airports, that we reject and will resist the politics of fear, Islamophobia, and white supremacy. We will not allow this to become the new normal.

BIG NEWS: An easy way to help CCR get funding in less than a minute

We have some excellent news to report: CCR has been selected as one of three nonprofit organizations that will receive funds from CREDO Mobile this month. **How much we get depends on how many people vote for CCR:** the more votes, the greater our share of funding.

[Can we count on you to vote for CCR?](#) *It takes less than a minute.*

This is how it works: Every month, CREDO Mobile donates a portion of its revenue to three progressive nonprofits and holds a vote to determine each group's share of the funding a total of more than \$150,000.

[Vote for CCR in CREDO's donation election by clicking here.](#)

The ATS and corporate liability for human rights abuses in the spotlight once more

In our long-running [Al Shimari v. CACI](#) case, the district court affirmed on Thursday that claims of war crimes, torture, cruel, inhuman,

and degrading treatment can be brought against U.S.-based private military contractor CACI under the [Alien Tort Statute](#) (ATS). In this important decision, the judges wrote that "in the face of a clearly stated statutory definition of torture the widespread judicial agreement that torture is actionable under the ATS constitutes a recognition that the prohibition against torture is specific, universal, and obligatory." [Read the order here.](#)

Last November, a panel of judges on the Fourth Circuit Court of Appeals [reinstated](#) the case, which seeks to hold CACI accountable for its role in the torture of Iraqi civilians while providing interrogation services at the notorious Abu Ghraib prison during the U.S. occupation of Iraq.

Filed in 2008, *Al Shimari* sits at the intersection of two critical issues that CCR has championed for decades: the insistence that there must be [accountability for torture](#) and the pursuit of [corporate accountability for human rights abuses](#) particularly against U.S. actors or in the context of U.S. war-making. Further to that pursuit, last week CCR and the International Federation for Human Rights (FIDH) also [submitted an amicus brief](#) to the Supreme Court in *Jesner v. Arab Bank*, in support of the ATS as a critical legal tool to hold corporations accountable for egregious human rights violations.

At question in *Jesner* is whether the ATS "categorically forecloses corporate liability"; CCR and FIDH submit that the unequivocal answer to that question is no. We raised an additional caution in response to the framing of the case, in which plaintiffs seek to hold the bank liable under the ATS for its alleged complicity in financing terrorism. CCR and FIDH urge the Court not to recast the ATS as an anti-terrorism instrument for "national security" or otherwise preference or limit the use of the ATS to cases that reflect the political views of the U.S. government. In our amicus, we stress the imperative of maintaining the ATS as a tool for *all* people to hold *all* actors accountable for serious human rights abuses.

[View the discussion thread.](#)

Get the latest

Join us on the front lines for social justice!

666 Broadway
7th Floor
New York, NY 10012

Main: 212-614-6464
Donations: 212-614-6448
Fax: 212-614-6499

[Contact us](#)

[Privacy Policy](#)

2019 Center for Constitutional Rights

Main: 212-614-6464
Donations: 212-614-6448
Fax: 212-614-6499

[Contact us](#)

[Privacy Policy](#)

2019 Center for Constitutional Rights

Main: 212-614-6464
Donations: 212-614-6448
Fax: 212-614-6499

[Contact us](#)

[Privacy Policy](#)

2019 Center for Constitutional Rights

Get the latest