

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/what-we-do/our-cases/muslim-ban-waiver-foia>

Policy Issue Resources

Complaint was filed June 27, 2018.

Muslim Advocates

CCR and Muslim Advocates filed this Freedom Of Information Act (FOIA) request on January 23, 2018 to obtain documents that would provide much-needed clarity on the process to obtain a waiver to the Muslim Ban. The government failed to provide a substantive response to our request, and in light of the fact that the Supreme Court upheld the Muslim Ban in *Hawaii v. Trump*, we filed this lawsuit on June 28, 2018 to obtain that information.

Trump's Presidential Proclamation 9645, or Muslim Ban 3.0 has a provision for a waiver that can be granted on a case-by-case basis to visa applicants who would otherwise be subject to the ban. Yet as soon as the third iteration of the Ban went into effect in December 2017, CCR and partner organizations received reports of *pro-forma*, *en-masse* denials coming out of consulates and embassies all over the world, but especially in Djibouti. The administration's roll-out of the Muslim Ban, and its application of the waiver process, has been mired in chaos, opaqueness, and contradictory information leaving petitioners in limbo, unsure of when, or if, they will be reunited with immediate family members. In June 2018, CCR and Yale Law School published a report documenting that process and its devastating impact on Yemeni families in Djibouti.

After the Supreme Court's decision in *Trump v. Hawaii*, the waiver process remains the only hope for the millions of individuals who are impacted by the Muslim Ban, including those with immediate family members who are U.S. citizens or visa holders. Two Supreme Court Justices noted that the transparency and effectiveness of the waiver scheme would be crucial considerations regarding the legitimacy of the travel ban. Families who are seeking to be reunited with one another are desperate for guidance and answers about the waiver process.

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