

Human Rights First

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://www.humanrightsfirst.org/press-release/supreme-court-should-uphold-injunctions-blocking-refugee-ban>

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Washington, D.C. Human Rights First today urges the Supreme Court to uphold the Fourth Circuit Court of Appeals ruling that keeps in place an injunction blocking President Trumps executive order banning travelers from six majority-Muslim countries, and refuse to stay the preliminary injunction issued by the United States District Court for the District of Hawaii which stays the suspension of the refugee resettlement program, pending a ruling by the Ninth Circuit Court of Appeals. The organization continues to call on President Trump to withdraw this discriminatory order, and to refrain from attempts to block resettlement or entry of Muslims or otherwise discriminate based on religion or nationality.

The president is playing a losing game. The courts have ruled time and again that this executive order is discriminatory and violates the Constitution, said Human Rights Firsts Hardy Vieux. We urge the Supreme Court to recognize the clear intent of this order to deny entry to the United States based on religion and to keep the injunctions in place.

Last night, the Department of Justice asked the Supreme Court to review the Fourth Circuits ruling, which was issued last week, and place a hold on the injunction that the Hawaii federal district court issued in March. The Court of Appeals for Fourth Circuit upheld the preliminary injunction against implementation of Section 2(c) of the President Trumps revised executive order, which bars entry of nationals from six Muslim majority countries for a minimum of 90 days. The majority opinion cites limits to executive power when it comes in conflict with the Establishment Clause of the First Amendment of the Constitution stating, Congress granted the President broad power to deny entry to aliens, but that power is not absolute. It cannot go unchecked when, as here, the President wields it through an executive edict that stands to cause irreparable harm to individuals across the country. Even without focusing on any campaign rhetoric, the record in this case amply demonstrates the primary purpose of [the second executive order] was to ban Muslims from entering the United States in violation of the Establishment Clause.

In March, a federal district court in Hawaii issued a nationwide order blocking the presidents revised travel ban, writing a reasonable objective observer would view the revised ban as one issued with a purpose to disfavor a particular religion, in spite of its stated, religiously neutral purpose. The Ninth Circuit has not yet ruled on the governments appeal of the district courts ruling. The government has now asked the Supreme Court to stay the district courts ruling until the Ninth Circuit rules on the governments appeal.

The world is facing the largest refugee crisis since World War II, with over 60 million people displaced. From its pro bono representation of refugees seeking asylum in this country, Human Rights First has witnessed the devastating impact implementation of this executive order would have on people from their targeted countries. Even as this ban sowed fear and dismay among the affected communities, including refugees who fear that their separation from their spouses and children stranded abroad will become permanent, the rulings of the courts, and the massive popular mobilization in support of equality before the law and refugee protection, have helped to restore the trust in our laws and our system of government that led many of our clients to seek refuge in the United States in the first place.

By seeking to ban all refugees and nationals from Iran, Libya, Somalia, Sudan, Syria, and Yemen, the executive order and its predecessor harmed rather than help U.S. national security. Former U.S. military leaders and former U.S. national security officials, who have served both Democratic and Republican administrations, [have urged that](#) Welcoming refugees, regardless of their religion or race, exposes the falseness of terrorist propaganda and counters the warped vision of extremists, and that religious bans and tests are un-American and have no place in our immigration and refugee policies. In a June 2016 [Statement of Principles on Americas Commitment to Refugees](#), a bipartisan group of former national security officials stressed that, Accepting refugees, and encouraging other countries to do so, advances U.S. interests by supporting the stability of our allies struggling to host large numbers on their own.

The question now before the Supreme Court is whether the injunctions are harming the governments interests. They do not. As the Fourth Circuit noted, national security is but mere pretext for an order that in context drips with religious intolerance, animus, and discrimination. We are confident that the Supreme Court will see through this sham and again affirm the values of justice and equality enshrined in our Constitution, added Vieux.

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