

Human Rights First

Discrimination, Detention, and Deportation: Immigration & Refugees

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Current Initiatives

Washington, D.C. Today a group of 26 retired generals and admirals [filed an amicus brief](#) in the United States Supreme Court case of Trump v. Hawaii, which challenges the administration's discriminatory Muslim ban, enacted to ostensibly protect U.S. national security. The brief argues that the ban in fact compromises national security by perpetuating the image of the United States as hostile to Muslims and Muslim-majority nations, fraying relationships with foreign countries and local nationals, undermining U.S. military operations abroad, and serving as a propaganda tool for the United States' enemies. Human Rights First and pro bono counsel Debevoise & Plimpton LLP prepared the brief for the retired military leaders.

Because it encourages the perception that the United States is pursuing an anti-Muslim foreign policy, EO-3 [the Muslim ban] jeopardizes the stability of the support that the United States receives from its allies, erodes essential goodwill, makes it more difficult for the United States to win hearts and minds abroad, and otherwise undermines the ability of the United States to pursue strategic partnerships and objectives. [wrote](#) the retired generals and admirals in today's brief.

The first two iterations of the Muslim ban included travel restrictions on citizens of many Muslim-majority countries as well as suspending refugee resettlement. The administration issued the third iteration of the ban in two stages. On September 24, 2017, President Trump issued a [presidential proclamation](#), placing indefinite travel restrictions on citizens from six Muslim-majority countries: Chad, Iran, Libya, Somalia, Syria, and Yemen, as well as restrictions on North Korea and some Venezuelan government officials. Second, on October 24, President Trump signed an [executive order](#) and government agencies issued a memorandum that together imposed another 90-day suspension of refugee resettlement for citizens of eleven countries, of which nine are Muslim-majority. Though the 90-day ban has since expired and is therefore not directly at issue in this court challenge, heightened vetting requirements remain for individuals from some Muslim-majority countries.

Hawaii's merits brief cites as support the arguments of the retired generals and admirals. The Supreme Court will hear oral argument in the case on April 25.

Ideals and norms of nondiscrimination have long been enshrined in our Constitution as well as in human rights treaties to which the United States is a party. When the United States is viewed as breaking with its own norms and fundamental international principles, enemies of the United States are encouraged to do the same. Further, the perception that the United States is unwilling to abide by the international norms it espouses fuels recruitment of individuals by U.S. enemies. [added](#) the retired generals and admirals.

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