

To: **Representative Elijah Cummings / Representative Jerry Nadler**

Dear Chairman:

We, the undersigned 118 organizations, write to request the **(House Committee on Oversight and Government Reform/ House Judiciary Committee)** to conduct a hearing on Presidential Proclamation 9645 within two months after convening on January 3, 2019. Our organizations represent millions of Americans who have been directly impacted, have had family members directly impacted, or are deeply disturbed by the intent and consequences of Executive Order 13769, Executive Order 13780, and Presidential Proclamation 9645 – collectively known as the “Muslim Ban.”

Congressional oversight of the Executive Branch is one of the pillars of our American democracy. As we approach the two-year anniversary of the Muslim Ban, Congress has yet to hold a single hearing focused on Proclamation 9645 or any of its previous versions despite the introduction of legislation to end the ban. This lapse of oversight is deeply concerning given that the ban is in direct violation of American values, four Supreme Court Justices found it unconstitutional, and it directly impacts U.S. citizens, including those who are unable to meet family and in some cases are indefinitely separated from family members.

The Muslim Ban’s origins, numerous statements by President Trump, and the implementation of these and other policies impacting targeted communities make known its purpose to implement a discriminatory policy as a part of a white nationalist agenda – one specifically aimed at exclusion and which is the same driving force behind related policies such as taking away protections provided by the Deferred Action for Childhood Arrivals (DACA) program and Temporary Protected Status (TPS), family separation, threats to impose a wealth test on our immigration system and more. In fact, the same expansive national security justifications and presidential powers used to support the ban have been applied to other past and present discriminatory policies, including, most recently, the asylum ban the administration attempted to impose along the border. Congress was never given access to the 17-page Worldwide Threat Report that the administration produced to assess the security situation in nearly 200 countries in support of the Muslim Ban.¹ The Trump administration refused to release the report and cited executive privilege. It is incumbent on lawmakers to formally and publicly question the relevant administration officials on the basis of their so-called threat assessment and to explore these discriminatory policies and their impact on the lives of people in the United States and abroad,

¹ Presidential Proclamation No. 9645, 82 Fed. Reg. 45161 (2017), <https://www.gpo.gov/fdsys/pkg/FR-2017-09-27/pdf/2017-20899.pdf>.

including the repercussions of the stigmatization of Muslims and its role in the perception of the United States across the globe.

This lack of oversight has provided the administration with wide latitude to pursue a discriminatory agenda. Proclamation 9645 permits waivers to be granted on a case-by-case basis if an individual demonstrates that “denying entry would cause the foreign national undue hardship,” their entry “would not pose a threat to the national security or public safety of the United States,” and their entry “would be in the national interest.” Seemingly hundreds if not thousands of people impacted by the Muslim Ban should satisfy these broad requirements. However, publicly available data suggests waivers are only approved in 2% of cases.² As noted by Justice Breyer, there is “reason to believe that waivers are not being processed in an ordinary way.”³ Some consular officers have echoed these concerns⁴ and it appears the waiver clause is at best a disingenuous attempt by the administration to conceal the full breadth of the ban.

The process by which waivers are approved or rejected remains hidden and the administration has failed to indicate what specific factors consular officers or the relevant departments and agencies use to determine waiver eligibility and/or approval. Vital information that impacts the lives of Americans and those around the globe – including the number of applications from banned countries, the status of those applications (denied, approved, pending), the number of waiver rejections, and the justifications for continuing the ban – remains unknown and the administration remains unaccountable.

We have serious concerns that Congress has not held the Trump administration accountable or conducted sufficient oversight regarding the root of the Muslim Ban policy; its implementation, permanency, or expansion; and the waiver process. We hope that the incoming 116th Congress can rectify this error and therefore request that under your leadership, the **(House Committee on Oversight and Government Reform/ House Judiciary Committee)** immediately hold a hearing dedicated to answering these questions.

Respectfully,

Advocates for Youth

² Yeganeh Torbati, “U.S. issued waivers to Trump’s travel ban at rate of 2%, data shows,” June 26, 2018, <https://www.reuters.com/article/us-usa-immigration-ban/us-issued-waivers-to-trumps-travel-ban-at-rate-of-2-percent-data-shows-idUSKBN1JN07T>.

³ Trump v. Hawaii, No. 17-965, 585 U.S. ____ (2018), https://www.supremecourt.gov/opinions/17pdf/17-965_h315.pdf.

⁴ Jeremy Stahl, “The Waiver Process is Fraud,” *Slate*, June 15, 2019, <https://slate.com/news-and-politics/2018/06/trump-travel-ban-waiver-process-is-a-sham-two-consular-officers-say.html>.

American Civil Liberties Union
American Federation of Teachers (AFT)
American Friends Service Committee
American Muslim Voice Foundation
American-Arab Anti-Discrimination Committee
AMONY (American Muslim Organization of New York)
APANO
Arab American Association of New York
Arab American Civic Council
Arab American Institute
Arab Community Center for Economic and Social Services (ACCESS)
Asian American Federation
Asian American Organizing Project
Asian Americans Advancing Justice - Atlanta
Asian Americans Advancing Justice - Chicago
Asian Americans Advancing Justice - Los Angeles
Asian Americans Advancing Justice | AAJC
Asian Americans Advancing Justice- Asian Law Caucus
Asian Law Alliance
Asian Pacific American Labor Alliance, AFL-CIO
Asian Services in Action, Inc. (ASIA)
ASUW Middle Eastern Student Commission
Bend the Arc: Jewish Action
Birmingham Interfaith Human Rights Committee
Brennan Center for Justice at NYU School of Law
By The Rivers
CAIR California
CAIR-Cincinnati
Center for Asian American Media
Center for Constitutional Rights
Center for Victims of Torture
CenterLink: The Community of LGBT Centers
Chinese Community Center
Christian Church (Disciples of Christ)
Church of the Good Shepherd United Church of Christ
Church World Service
Community Change
Community Refugee & Immigration Services
Council on American-Islamic Relations

Council on Christian Unity of the Christian Church (Disciples of Christ)
Defending Rights & Dissent
Densho
Dulles Justice Coalition
Fair Immigration Reform Movement
Faith Action Network
Franciscan Action Network
GirlForward
Greater New York Labor-Religion Coalition
ICNA Council for Social Justice
Immigrant Legal Resource Center
Indivisible
Interfaith Action for Human Rights
International Refugee Assistance Project (IRAP)
Japanese American Citizens League (JACL)
Justice For Muslims Collective
Katon.Law
Lambda Legal
LGBTQ Scholars of Color National Network
MAPS-AMEN (American Muslim Empowerment Network)
MinKwon Center for Community Action
Minnesota Women's Consortium
MoveOn
MPower Change
Muslim Advocates
Muslim Justice League
Muslim Public Affairs Council
National Asian Pacific American Bar Association
National Asian Pacific American Women's Forum (NAPAWF)
National Association of Social Workers (NASW)
National Center for Transgender Equality
National Coalition for Asian Pacific American Community Development (National CAPACD)
National Council of Jewish Women
National Employment Lawyers Association
National Immigrant Justice Center
National Immigration Law Center
National Iranian American Council
National LGBTQ Task Force Action Fund
National Network for Arab American Communities

National Religious Campaign Against Torture Action Fund
National Tongan American Society
NETWORK Lobby
NETWORK Lobby for Catholic Social Justice
New Jersey Muslim Lawyers Association
New Mexico Asian Family Center
New York Amony
Oakland Law Collaborative
Oakland Privacy
OneAmerica (Washington)
Only Through US
OutFront Minnesota
Oxfam America
Poligon Educational Fund
Project South
Public Affairs Alliance of Iranian Americans (PAAIA)
Public Good Law Center
Reviving the Islamic Sisterhood for Empowerment
Services, Immigrant Rights & Education Network (SIREN)
Shoulder to Shoulder (Executive Committee)
SOMOS Mayfair
South Asian Americans Leading Together (SAALT)
South Asian Fund For Education, Scholarship and Training (SAFEST)
Southeast Asia Resource Action Center
Stand As One
Tacoma Community House
The National Council of Asian Pacific Americans (NCAPA)
The Revolutionary Love Project
The United Methodist Church, General Board of Church and Society
Turning Point for Women and Families
UndocuBlack Network
United Taxi Drivers of San Diego
United We Dream
Valley Unitarian Universalist Congregation
Wallingford Indivisible (WA)
We Are All America
WESPAC Foundation, Inc.
Win Without War
Yemeni American Merchants Association