

-Humanitarian Law RULES!

Center for the Study of Humanitarian Law
Newsletter

March 2017

President Trump's Immigration Ban

On January 27, 2017, President Trump passed an executive order putting a three month ban on residents of Iran, Iraq, Libya, Somalia, Sudan and Yemen and an indefinite ban on residents of Syria from entering the United States. In addition, the order halted all refugee admissions for 120 days and lowered the US's total annual intake of refugees from 110,000 to 50,000. The order, which has since garnered the nickname 'the Muslim ban' received widespread backlash in the media and throughout the international community, even sparking protests several of the nation's main international airports.

Trump claims the ban is a temporary requirement as the nation improves its vetting process given security and terrorism threats. The Obama administration implemented a similar six month ban for Iraqi residents in 2011 in response to the discovery of an extremist group manufacturing explosives on a property in Texas; however, it was not a complete ban. Furthermore, Trump's ban was not inspired by any specific security threat. Furthermore, it didn't include more economically influential Muslim nations such as Saudi Arabia, the United Arab Emirates and Pakistan, making some commentators suggest the ban had more to do with domestic populism than any real attempt to address terrorism.

On February 3, 2017, the order was suspended nationwide after the Washington State Attorney General challenged its constitutionality. The order's suspension was upheld on appeal a week later. The appeals court found that while traditionally courts give the government a wide discretion on issues relating to immigration, intervening is still within their power. They also found that assessing the validity of a security risk was not necessarily out of the court's powers, as Trump had suggested. In response President Trump argued that "the security of the nation is at risk" and said that he would "see them in court", suggesting that a Supreme Court appeal is possible, although he has since suggested that he may look at other ways to implement his policy, including by redrafting the original order.

The legal issue in question is whether the order is effectively a ban on Muslims and thereby violates the First Amendment in the Constitution, which guarantees that Congress will respect the individual's right to not be discriminated based on their religion. Supporters of the ban argue that as the specified countries make up less than 15% of the Muslim community worldwide it can't be interpreted as a literal ban on Muslims. Those in opposition however point out that a policy that clearly intends to reduce Muslim immigration into the US while making Christians in Muslim majority nations a priority for asylum claims demonstrates a clear intention to discriminate based on religion.

LIBRARY HOURS

March 2017

Mon to Fri: 8.45am – 5.30pm

The Center will be closed on Wednesday March 8, for International Women's Day

RESEARCH AT THE LIBRARY

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