

The Equal Protection in Travel Act (H.R. 4380 / S. 2449)

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In December 2015, Congress hastily passed the Visa Waiver Program Improvement and Terrorist Travel Prevention Act (“2015 Visa Waiver Changes”) as part of the FY 2016 omnibus bill. Intended to be Congress’s response to the November 2015 Paris terrorist attacks, this law **revoked visa-free travel** for Visa Waiver Program (“VWP”) citizens who are **dual nationals of Iran, Iraq, Sudan, or Syria**, even if they have never set foot in these countries. This new law has created a barrage of adverse consequences. The bipartisan, bicameral **Equal Protection in Travel Act (H.R. 4380 / S. 2449)** would repeal this discriminatory provision.

THE PROBLEM:

1. **The discriminatory 2015 Visa Waiver Changes strip visa-waiver travel from some international employees, customers, and suppliers of U.S. companies, thereby negatively impacting U.S. business.**
 - The VWP allows visa-free travel for citizens of [38 countries](#), facilitating international tourism, trade, and business. Under the 2015 Visa Waiver Changes, however, internationally-based employees of U.S. companies, who are dual nationals of Iran, Iraq, Sudan, or Syria, must now apply for a visa, pay a fee, and pass additional background checks to visit the U.S. offices. This process may cause months of delay. Customers, who are dual nationals of these four countries and interested in purchasing U.S. products, must also clear extra hurdles to fly in for a demo.
 - [34 high-tech executives and entrepreneurs](#), including **Twitter CEO Jack Dorsey** and **Dallas Mavericks owner Mark Cuban**, have stated that the new law “[imposes bureaucratic delays on U.S. firms](#),” which “reduces the agility and liberty of U.S. firms, makes us less competitive in the global economy, and will ultimately cost jobs.”
 - Because VWP operates on the basis of **reciprocity**, VWP countries may choose to apply travel restrictions against U.S. citizens who are dual nationals of Iran, Iraq, Sudan, or Syria. According to the European Commission’s press release, the [European Union \(“EU”\)](#) will decide whether to take reciprocal action by [July 12, 2016](#).
2. **The 2015 Visa Waiver Changes arbitrarily discriminate against dual nationals based on their nationality, parentage, and ancestry.** Citizenship in [Iran](#), [Syria](#), and [Sudan](#) is conferred by naturalization, marriage, or descent, and not by birth. Stripping visa-free travel privileges from VWP citizens who are dual nationals of Iran, Iraq, Sudan, or Syria, even if they have never resided in or traveled to these countries, is **blanket discrimination** based on nationality, ancestry, and parentage. It also violates fundamental American principles of fairness. Moreover, the new law stigmatizes as [inherently suspect](#) Iranian, Iraqi, Sudanese, or Syrian communities in the U.S.
3. **The 2015 Visa Waiver Changes harm travelers, such as journalists, musicians, and mathematicians.**
 - In a *Washington Times* op-ed, **Heritage Foundation** Policy Analyst David Inserra wrote that these travel restrictions “[will harm a significant number of innocent individuals](#).” Indeed, in 2016, the following individuals were prevented from traveling to the U.S.:
 - A **BBC News** [journalist](#) and her young child, headed to New Jersey for a relative’s birthday party
 - A renowned [vocalist](#) en route to perform in California: Concert organizers made [multiple calls](#) to the airlines, U.S. embassy, and Department of Homeland Security to bring her to the U.S. with no success. They posted a [notice](#) on their website for all ticket purchasers explaining the circumstances surrounding her absence.
 - A [mathematician](#) scheduled to speak at the Institute of Electrical and Electronics Engineers’ annual International Solid-State Circuits Conference in San Francisco
4. **Both the White House and the original sponsor of the 2015 Visa Waiver Changes have expressed concern over the just-passed law.** In January 2016, a **National Security Council spokesperson** told *Politico* that the administration supported [fixing](#) the discriminatory 2015 Visa Waiver Changes signed into law just one month prior. In April 2016, **Rep. Candice Miller (R-MI)**, the new law’s original sponsor, told *Politico* that concerns raised with the dual national provision “[may warrant additional discussions](#).”

THE SOLUTION IS SIMPLE:

- ✓ **Pass the “Equal Protection in Travel Act” (H.R. 4380 / S. 2449).**
 - **The Equal Protection in Travel Act would repeal the discriminatory provision in 2015 Visa Waiver Changes restricting visa-free travel for VWP citizens who are dual nationals of Iran, Iraq, Sudan, or Syria.** This bill would restore VWP travel privileges to dual nationals of these four countries.

For more information, please contact Joanne Lin, ACLU Legislative Counsel (202-675-2317 or jlin@aclu.org)