

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.<sup>1</sup> 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,

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<sup>1</sup> 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.<sup>2</sup> As noted by Justice Breyer, there is “reason to believe that waivers are not being processed in an ordinary way.”<sup>3</sup> Some consular officers have echoed these concerns<sup>4</sup> 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

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<sup>2</sup> 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>.

<sup>3</sup> Trump v. Hawaii, No. 17-965, 585 U.S. \_\_\_\_ (2018), [https://www.supremecourt.gov/opinions/17pdf/17-965\\_h315.pdf](https://www.supremecourt.gov/opinions/17pdf/17-965_h315.pdf).

<sup>4</sup> 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