

February 12, 2019

The Honorable Jerrold Nadler,
Chairman
Committee on the Judiciary
2141 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Doug Collins,
Ranking Member
Committee on the Judiciary
2141 Rayburn House Office Building
Washington, D.C. 20515

Re: Mark-up of the NO BAN Act (H.R. 2214)

Dear Chairs Nadler & Ranking Members Collins:

On behalf of the National Iranian American Organization Action (NIAC Action), a nonpartisan, nonprofit organization dedicated to strengthening the voice of Iranian Americans and promoting greater understanding between the American and Iranian people, we submit this statement for the record on today's mark-up hearing on the NO BAN Act (H.R. 2214).

On January 27, 2017, President Trump made good on his campaign promise to impose a Muslim Ban, throwing thousands of lives into chaos. The Iranian-American community was stunned as their family members' visas were abruptly canceled, green card holders were unjustly detained, and their loved ones were deported with little to no warning. The ban galvanized protestors in cities across the country to demonstrate at airports with signs that read "I heart my Muslim neighbor" and "Hands off my family!"¹ Since that time, the Iranian-American community and NIAC Action have joined with allies across the nation to fight against the Trump administration's blatantly discriminatory and unjust ban that has targeted Iranian nationals and deeply impacted countless Iranian Americans.

According to data on the ban's implementation through September 2019, Iranian nationals and Iranian Americans continue to be this policy's largest target, accounting for 68% percent of visas rejected under the ban. Iranians account for 31,077 nonimmigrant and immigrant visas to be rejected under the ban, out of a cumulative refusal total of 45,662. With such a high rejection rate

¹ Dwyer, Collins & Peters, Maquita, "Federal Judge Stays Deportations, Blocking Part Of Trump's Immigration Order," *New York Times*, January 28, 2017.

and only 1,924 waivers issued, the waiver approval rate has only increased marginally to 6% despite efforts to speed up the processing of visas to produce more favorable numbers in advance of a Congressional hearing on the topic in September 2019. All of these numbers represent the human stories of families and friends separated from one another, all due to an order that is rooted in a discriminatory campaign promise.

Three versions of Trump's ban were rightfully halted by the courts. Yet, on June 26, 2018, the Supreme Court committed a historic mistake by allowing Trump's ban to be made permanent in a 5-4 decision. The majority's argument hinged on the waiver process included in the third version, which has been proven to be nothing short of a sham.²

Individuals can theoretically secure a waiver from the ban based on three criteria: (1) a denial would cause undue hardship; (2) entry does not pose a "national security or public safety threat;" and (3) entry is in the "national interest." However, between December 2017 and October 2018, 24,584 individuals were rejected for failing to prove undue hardship or that their entry was in the national interest. This is contrasted by only 24 rejected applicants who failed to meet national security standards.³ In other words, for every 1,000 rejected under the ban for arbitrary reasons, only one posed an alleged security threat. While the administration's goal has been to "defend the country against terrorism, crime, and extremism,"⁴ they have instead rejected people on dubious grounds, simply to achieve a cheap, politically motivated objective of banning all Muslims from coming into the country.

To add insult to injury, of those Iranian students who procured a visa in spite of the Ban, dozens subsequently had their visas denied once they arrived at their ports of entry or were deported once they arrived in the United States.⁵ These students, after an almost 9-month review process to procure a visa, were cruelly rejected from entering the United States after quitting their jobs, spending their savings on travel and accommodations, and preparing to begin their version of the American Dream. At least some of these students were held in Custom and Border Protection's (CBP) custody prior to their deportation, where they were subjected to harassment, intimidation, and offensive lines of questioning. As an example, one officer reportedly told a student, "Did you know we can catch you and keep you here in the United States, and no one will understand where you are, the same way Iran does to Americans?"⁶

² NIAC Staff, "Analyzing the Supreme Court Decision on Trump's Muslim Ban," *The National Iranian American Council*, June 27, 2018.

³ Costello, Ryan & Weinstein, Adam, "Memo: A Snapshot of Visas and Waivers Over One Year of the Muslim Ban," *The National Iranian American Council*, April 19, 2019.

⁴ Liptak, Adam & Shear, Michael, "Trump's Travel Ban Is Upheld by Supreme Court," *New York Times*, June 26, 2018.

⁵ Costello, Ryan & Ghaffari, Shervin "Deportations and Detentions of Iranians: What We Know and What Congress Can Do," *The National Iranian American Council*, February 2, 2020.

⁶ Hampton, Caleb & Dickerson, Caitlin, "'Demeaned and Humiliated': What Happened to These Iranians at U.S. Airports," *The New York Times*, January 25, 2020

This administration tries to claim that it is on the side of the Iranian people at the same time that it bans them. According to President Trump's 2017 statement on the Persian New Year, the Iranian American community is "one of our countries' most important and successful immigrant communities."⁷ In this case, the President is right. Iranian Americans have contributed greatly to every field and added their rich cultural heritage to the American tapestry. Yet Trump himself has deliberately targeted this community and treated its members as second-class citizens whose heritage makes them suspect. Iranians, coming to the United States to pursue professional careers, reunite with family, and contribute to the United States, are the engine that has fueled the Iranian-American community to success. By stemming the flow of Iranians into the United States, not only do their American families suffer, but also the American people writ large.

On September 24, 2020, your committee held a hearing on the Muslim Ban with both experts and individuals affected by this family separation policy. Dr. Abdollah Dehzangi, an Iranian green card holder, told the story of how he had been separated from his wife by the ban for years. Edward Ramotowski of the Department of State noted in his testimony that 7,600 waivers had been processed since September 14 — a mere ten days before Congress had witnesses testify on the ban. Contrast this to the 6,893 cumulative visas issued to individuals subject to the ban between December 2017 and March 2019, and you can see that there was a rush before the hearing by the administration to make its ban and waiver numbers more defensible. Despite efforts in Congress to halt these discriminatory measures and hold the administration accountable, the Trump administration recently added yet more countries to the ban, expanding it to include Nigeria, Myanmar, Sudan, Tanzania, Eritrea and Kyrgyzstan.

No American should be told their families cannot visit them, forcing them to fly abroad for a family reunion or setup a videoconference in order for families to "attend" their wedding. Foreign nationals attending American schools should not have to worry if they'll be barred from returning to their studies due to their national heritage. This ban is based on bigotry, not national security, and the onus is on Congress to hold the Administration to its own promises, like the so-called waiver process, and ultimately to repeal this shameless policy.

The legislation being marked up today goes a long way toward reining in the administration's discriminatory policies while preventing any future president from abusing their powers. It represents a clear step toward justice, and the culmination of the desires of both the Iranian-American community and the vast majority of Americans. The NO BAN Act is a strong bill, and we urge members to avoid substantive changes that might water it down or undermine its intent. We hope this mark-up builds momentum toward passage, helping to end the ban and ensure that it is the last discriminatory ban instituted in the United States.

⁷ President Trump, Donald J. "Statement by President Donald J. Trump on Nowruz," U.S. Virtual Embassy of Iran, March 22, 2017.

NIAC ACTION

Advancing Peace and the Iranian-American Community

Sincerely,

Jamal Abdi
President, National Iranian American Council Action

A handwritten signature in black ink that reads "Jamal Abdi". The signature is written in a cursive style with a large, stylized initial "J" that loops around the first part of the name.