



Entry Denied: The Trump Travel Bans Episode 2

[[Audio clip [0:01]: “Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country’s representatives can figure out what the hell is going on.”]]

Alex Aleinikoff [00:20]: Hello and welcome to Entry Denied, a podcast series about US immigration policies in the era of Donald Trump. I’m Alex Aleinikoff, and I’m Director at the Zolberg Institute on Migration and Mobility at The New School, in New York City.

Deborah Amos [00:35]: And I’m Deb Amos, I’m a journalist with National Public Radio and I report on immigration.

On this episode we’re talking about the Trump Administration’s very first measures immediately after taking office in January 2017, and we’re going to talk to two people who were directly affected by those measures.

Aleinikoff [00:55]: During the presidential campaign in 2016, candidate Donald Trump promised a ban on Muslims coming to the United States. And he also promised a pause in the US refugee program, in his words, ‘until we figure out what the hell is going on.’ Trump acted quickly, some might say decisively, others might say impulsively.

Amos [01:17]: Alex you can take your pick on motivation, but in those first weeks after the inauguration, the priorities were clear. So the so-called ‘Muslim ban’ sparked protests across the country: lawyers and supporters, they swarmed the nations’ airports.

[[Audio clip [1:31]: “No Hate No Fear, Immigrants Are Welcome Here” Airport Chant.]]

Amos [01:35]: Then came the court challenges. The Administration rolled out three versions of the ban, and they hit on wording that would finally pass muster with the Supreme Court.

Aleinikoff [01:44]: At the same time, the Trump Administration suspended the refugee program. The problem, said the Administration, was security. There just wasn’t enough

of it. And the solution? Dramatically slash the numbers of refugees to the lowest number since the program began.

[2:00] First we hear from Yeganeh Torbati, a journalist from ProPublica who has covered the Trump travel bans from the beginning.

Amos [02:16]: I'd like to welcome you, Yeganeh.

Yeganeh Torbati [02:17]: Thank you so much for having me.

Amos [02:18]: We want to talk about travel bans because there's been a number of them. But we want to go back to the very first one - and that one has been called the "Muslim ban," almost always in quotation marks when you see it now in the media. The Trump Administration put this in place immediately after taking office. Why was it called the 'Muslim ban'?

Torbati [02:39]: It really grew out of a campaign plank that president Trump adopted, during the 2016 presidential election campaign, in which he basically promised to temporarily bar Muslims from entering the United States. And the context was it was coming right after the terrorist attack in San Bernardino, California. As soon as he entered office, his Administration issued this travel ban and the countries that the first travel ban applied to Iran, Iraq, Syria, Libya, Yemen, Sudan, and Somalia, those countries are majority Muslim. And so that is how this evolves and why it was immediately referred to as the Muslim ban, particularly by the Administration's critics.

Aleinikoff [03:22]: What justification did they offer for the ban and for the countries they had chosen?

Torbati [03:27]: So we have to bar their citizens from entering in order to protect Americans from terrorist attacks. People who analyze these issues though say that that is a pretty thin argument. When you look at how many terrorist attacks on Americans have been carried out by citizens of those countries.

Amos [03:47]: This was one of the first measures that the Trump Administration carried out. It was a surprise, even in his own Administration. Can you talk a little bit about the public reaction?

Torbati [03:58]: Sure. Now, it's not surprising when the Trump Administration introduces something that is not all that well thought out. But, this was our first experience with the Trump Administration and how it would behave. And what they showed us was that they

put no time or effort into coordinating this action across different agencies. It later came out that leaders of the department of Homeland Security, and one of its component agencies - Customs and Border Protection - had no idea how to implement this ban and, you know, just led to mass confusion. That confusion led to people being held for hours and hours at US airports. We saw a lot of protesters flooding the airports, calling for the release of these individuals who had been detained and also calling for suits over the travel ban and the repeal of the travel ban and trying to put pressure on the Administration.

Amos [04:50]: There was also a remarkable organizing by lawyers. How was that coordinated so quickly?

Torbati [04:57]: Absolutely. I remember covering the protests that weekend at Dulles airport in Virginia, which is one of the main airports for the DC area. And there were lawyers who were there, holding little cardboard signs that said "Free Legal Advice." My understanding is that a lot of that stuff came about naturally and through professional networks - that it came about really spontaneously. Even lawyers who had had no experience in immigration law wanted to contribute and wanted to do something to help these people who were detained.

Aleinikoff [05:27]: Once the lawyers got involved and filed lawsuits, there were a number of court decisions around the country, in which the lower courts prevented the government from putting in place the initial ban. It then went through a second version and a third version, and it eventually got to the Supreme Court, where the Administration's justification for the ban as a security measure was upheld.

Torbati [05:50]: The third version of the ban that, um, came out in September 2017 in which the Supreme Court ruled on in June 2018 - it included exceptions to the ban for certain categories of visas. It included a waiver process by which people subject to the ban could try to get in anyway if they fulfill certain requirements; and it removed Iraq. It added Venezuela - certain very specific categories of Venezuelans - and North Koreans; two countries which are not majority Muslim, so the Administration was able to argue that this ban is not a Muslim ban. It's not targeted towards people of any one faith, and the Supreme Court accepted that argument.

Aleinikoff [06:32]: There was a very vigorous dissent. Can you talk about what the dissent said?

Torbati [06:36]: The dissent by Sonia Sotomayor really stood out, and in particular the fact that she chose to quote many of President Trump's own statements about Muslims

and the Muslim faith. She basically strongly felt that the conservative justices, the five/four majority had chosen to ignore President Trump's evidence of animus and hostility towards the Muslim faith. She also pointed to the lack of a strong security justification for the ban and, you know, said that this policy is really inexplicable by anything but animus.

Aleinikoff [07:14]: We lived with this initial ban for a couple of years, and it had quite an impact on keeping people out. And then a new group of bans came in in early 2020. Can you talk about those Presidential actions?

Torbati [07:27]: They added visa restrictions and bans on Nigeria, Kyrgyzstan, Eritrea, Myanmar, Tanzania and Sudan. And these countries - most of them are in Africa and so it was sort of referred to as the 'Africa ban.' And particularly Nigeria, it's an incredibly populous country. It's now by far the largest country under a travel ban, and so this was very clearly an extension of the Administration's initial policy.

Amos [07:55]: There was very little public reaction. There was no crowds at the airport. There was no squads of lawyers who came out on the streets. Is this because the Administration learned how to roll out these policies?

Torbati [08:10]: The State Department and DHS - the Department of Homeland Security - had experience at this point with implementing a ban of this sort. And so they could make sure that people weren't caught up in it unexpectedly. We're three years into this Administration and there's a lot of fatigue among people who oppose the Administration in terms of there being one new immigration action after another. I think it can be quite difficult for people to keep up and also maintain their level of outrage.

Aleinikoff [08:38]: And then came COVID. So Trump imposed bans on people who'd been in China and in Europe and reached agreements with Mexico and Canada to prevent travel over those borders. And they were justified on health grounds. And then he adopted what people are calling now 'the green card ban', where he basically said people trying to come to the United States on immigrant visas would not be able to enter either. And that was justified on economic grounds. Can you talk about the impact of that ban?

Torbati [09:07]: It's a very broad ban, and some of it is a little bit redundant because the State Department had largely closed its consulates and embassies in terms of their processing of applications. The President just extended that ban through the end of the year, and that will have a large impact on people seeking to come to the United States. Of course, a large chunk of the people who are trying to come are people actually coming on family visas, so they're not coming here to work. Those people are being excluded now

on the basis of these coronavirus restrictions and on the basis of protecting the US economy.

Aleinikoff [09:47]: You know, what you're describing here, Yeganeh, is a government who wanted to keep Muslims out, but they called it a security ban. And now our government that wanted to keep out families, but they called it a COVID ban. Is that a fair description of what the Administration has done?

Torbati [10:00]: So I personally think that the initial travel ban is a sort of decoder ring that we can use to interpret the rest of the Trump Administration, just in terms of how they approached it, and then how their policy on that changed over the years. I think what that shows us as the Administration grew very adept at using the national security bureaucracy to achieve its immigration goals. And I think that now the Administration is using the powers that it has through public health laws and the President's power to protect the United States. They have figured out how to use that to also achieve their immigration goals. A lot of countries have put in place travel and immigration restrictions but they do it in a very different way. So people coming into those countries have to face a 14 day quarantine, instead of being banned outright. The Administration could have decided to go that route, but they didn't. They decided to go much, much broader, and I think that gives you a hint as to what their real intention is here.

Amos [11:00]: Let's use your decoder ring to ask is this about saving American jobs? Is this about keeping Muslims out? Is this about shutting all the doors?

Torbati [11:09]: I can only look at the facts, right? The evidence that we have on the first travel ban, the one that is still in place today, is that the resident said he wanted to ban Muslims from entering the United States during the campaign. And then his administration figured out a way to adapt that into a form that is legal or at least approved by the Supreme Court. And it worked. The number of visas going to those countries has dropped drastically. You know, I've covered refugee issues quite a bit. Yes, the Administration has cut refugee admissions, but certain types of refugee admissions have gone down way, way more than others. And those types are people from the Middle East and Africa and Muslims, whereas the number of European and Christian refugees as a proportion has gone way up. For me, it's very hard to divorce the impact of these immigration restrictions, on certain regions and on certain religions and, what members of the administration, including the president have said, you know, privately and publicly.

Amos [12:11]: Yeganeh, the history of immigration policy in this country has been open the door, close the door. In the 1920s we had the most restrictive immigration policies in the country's history, and it stayed that way till 1965. We now have an administration

that is doing their best to close the door. Does this go with the Trump Administration or does this last for decades?

Torbati [12:37]: I think that this suite of Trump policies will be out the door as soon as Trump is no longer president. I think that if the Administration had gone about it in a different way, in terms of being more deliberative, trying to seek some sort of consensus on 'Oh, we need more vetting. We need more security. We need to restrict nationals from this country', etcetera, and try to bring along some allies - I think these policies would have been a bit more longstanding. But they've become so associated with the President and his words about the people targeted by these restrictions have been so inflammatory, that I just can't see any Democratic president abiding by these and keeping them in place. I don't know what would happen under another Republican administration.

Amos [13:36]: That was Yeganeh Torbati, she reports for ProPublica. Now we're going to hear about the second part of those early measures--the Administration's unraveling of the US refugee program.

Aleinikoff [13:47]: We spoke with Dr. Molly Carr, President of Jewish Family Services, an agency that helps resettle refugees in Buffalo, New York. Jewish Family Services, one of four organizations in Buffalo that resettles refugees. Up until the last few years about how many refugees a year were being resettled in Buffalo?

Molly Carr [14:08]: We were doing between a thousand to 1200 refugees a year being resettled here; refugees from around the world, Ethiopia, Eritrea, Burma, Butan, Syria, Iraq. So we've had, you know, a very healthy refugee population here in Buffalo with about 15,000 refugees resettled in the last two decades. Buffalo is uniquely set up to be able to receive refugees, to help them integrate and to help them become part of our larger society. We see refugees starting businesses, becoming engaged in civic organizations, running for office.

Aleinikoff [14:45]: You know, in January of this year, President Trump issued an Executive Order that gives states and localities the right to say 'we don't want any refugees resettled in our state or our locality.' Texas governor Greg Abbott has announced that Texas will not be accepting any refugees. Buffalo clearly has not gone that route. Has there been a reaction to the President's order in Buffalo?

Carr [15:11]: It did cause concern for people who were seeing things being said in the news about, you know, well we don't want refugees here or it happening in other communities and wondering if that would be the same here. The City of Buffalo, the

County of Erie and the State of New York all committed to continuing their resettlement of refugees in this community, which I think had a very powerful impact in making sure that the refugees that are currently here understand that they are welcomed and we want them to be part of our community.

Aleinikoff [15:39]: A lot of refugee resettlement is actually family unification, where members who were left home are now able to join people who've been admitted here as refugees. So, to what extent do you think the Trump order here and the reduction in numbers is actually getting in the way of family unification?

Carr [15:56]: Starting with the initial ban, families were separated because they were not allowed to come here based on the countries they were coming from, whether it was Syria, Iraq, Afghanistan, Somalia. So that created an immediate inability for families to reconnect, even if they had gone through the refugee process. And then additionally, the significantly reduced numbers is also having an impact on the ability for families to reconnect. The longer they wait, the more likely they are to fall out of the process because every single step in the overseas processing piece has a timeline. And if one of those timelines expires, the refugee will have to go back and start that process again, which may result in them having another timeline and another piece of the process expire.

Aleinikoff [16:42]: So what I'm hearing you say is the impact of the Trump Administration's policies here are number one, fewer refugees coming in, meaning fewer people are having their lives advanced by being able to be part of the resettlement process. Secondly, the community itself may not be getting the benefit of having refugees in the communities. You said that they've helped to rebuild Buffalo. And then thirdly, the refugees who have been resettled may be harmed: one by the negative rhetoric coming out of the federal government; but two, by the delay in family unification. Or, is that the right way to summarize the harms that you've identified here?

Carr [17:19]: Absolutely. You know, part of the refugee integration process is for refugees to build relationships with our social institutions, our local government, our police. With all of these things happening, it detracts from their ability to start trusting those social institutions and it detracts from their ability to continue in their integration process. Because to be able to effectively live in a society, in a community, you have to trust that those people who are supposed to be helping you are looking out for you and looking out for your best interest. And if we start at the national level saying, we're not going to bring these refugees to the United States for whatever reason, you start throwing off that balance and that ability to gain trust in those social institutions.

Aleinikoff [18:05]: That's Molly Carr, President of Jewish Family Services in Buffalo.

Amos [18:09]: Alex, you talked to a Syrian refugee who lived through these early measures. He also is in Buffalo; that's where he resettled with his family.

Aleinikoff [18:18]: I talked to Najati Aytoglo, he came to Buffalo with his parents, just before the Administration suspended all resettlements in January 2017. His brother and his brother's family stayed in Lebanon, however, because they were caught in the Trump ban. That family eventually was resettled in Norway. Here is Najati's story, as told to us through a translator.

[[Audio: Najati speaking in Arabic.]]

Translator [18:44]: It was a very difficult trip from our area in rural Damascus. Life in Lebanon was extremely difficult: there were a lot of Syrian refugees there and it's a lot of hardships for everyone. We had the UN documents as refugees, but the Lebanese state doesn't recognize our status as refugees so we were under the threat of getting expelled from the country, any minute, any day.

So life was very hard, from 2013 till 2016. First my mother and father travelled here before me, a month before. Then I followed, and we left my brother and his family behind, they couldn't follow us. So, my mother passed away before she got to see my brother, and when my father tried to obtain his visa to Norway they couldn't give him a visa. When the travel ban was enacted, a lot of people in the community here, most of them actually, had signs on their houses, on their homes, saying that we welcome refugees and that you should be here, and you're part of our community. They were very welcoming to us.

I would say to President Trump that he might think that he is doing the right thing for his country when he bans refugees, but I would say that actually 90 percent or more of the refugees who come here, they work, they have jobs, they serve their community and they pay their taxes. They are doing a lot of good work here.

Amos [20:20]: Alex, we've heard the Trump administration managed to normalize travel bans, and later issued more extensive bans as a response to the COVID pandemic. In fact, in March 2020, the Administration suspended all refugee resettlement, and at the same time ended asylum at the Southwest border.

Aleinikoff [20:39]: You know, the responsibility of Congress to write the immigration laws, but President Trump, by issuing ban after ban, has fundamentally altered the legal

immigration system of the United States. And at what cost? There is an obvious cost to immigrants and refugees who were barred from entering. But also a cost, as we heard from Molly Carr, to US communities who miss out on the benefits that immigrants and refugees bring.

Amos [21:13]: That's it for this episode of Entry Denied. Thanks for joining us. Check our show notes on EntryDeniedPodcast.com and you'll find a lot of resources to help you go even deeper into some of the issues we've talked about.

Aleinikoff [21:27]: We'd like to thank our producer and engineer Sahil Ansari and production assistant Erin Johnson. Our music is composed by Eli Aleinikoff. And please subscribe to the show on Apple Podcasts, Spotify, or wherever you're listening to this. Leave us a review too, we'd love to hear from you. See you next week.