



Support H.R. 2214, the “National Origin-Based Antidiscrimination for Nonimmigrants Act” or the “NO BAN Act”

H.R. 2214, the “NO BAN Act,” stops executive overreach by preventing the president from abusing his authority to restrict the entry of non-citizens into the United States under section 212(f) of the Immigration and Nationality Act (INA). The bill also repeals several of President’s Trump’s section 212(f)-based executive actions, including the original Muslim ban as well as the most recent expansion of the ban announced in January 2020.

WHAT THE BILL DOES

Stops Executive Overreach. The NO BAN Act amends section 212(f) of the INA to place checks and balances on the President’s authority to temporarily suspend or restrict the entry of aliens or classes of aliens into the United States, when it is determined that such individuals “would undermine the security or public safety of the United States or the preservation of human rights, democratic processes or institutions, or international stability.” Further the President must ensure that any suspension or restriction: (1) is based on specific and credible facts; (2) is narrowly tailored; (3) specifies a duration; and (4) includes waivers.

Stops Discrimination: The NO BAN Act expands the INA’s nondiscrimination provision to prohibit discrimination based on religion and extends the prohibition on discrimination beyond the issuance of immigrant visas to include the issuance of nonimmigrant visas, entry and admission into the United States, and the approval or revocation of any immigration benefit.

Repeals the Muslim Ban: The NO BAN Act terminates several of President Trump’s proclamations and executive orders invoking section 212(f) authority, including Presidential Proclamation 9645, also known as the “Muslim Ban,” and Presidential Proclamation 9983, barring the entry of immigrants from Burma (Myanmar), Eritrea, Kyrgyzstan, and Nigeria, and suspending participation in the Diversity Visa program for nationals of Sudan and Tanzania.

Includes Coronavirus Protections: The NO BAN Act contains a provision to ensure that the President can use section 212(f) to protect the United States from the spread of communicable diseases, including the 2019 coronavirus.

- The bill allows the President to suspend the entry of a class of individuals if it is determined their entry would undermine the public safety of the United States.
- The coronavirus is a threat to public safety. This means the President may invoke section 212(f) to prevent its spread. However, to remove any perceived ambiguity and avoid any political gamesmanship that will distract from the seriousness of this issue, we included language to clarify that the term “public safety” “includes efforts necessary to contain a communicable disease of public health significance.”
- As a “severe acute respiratory syndrome” (SARS) virus, the 2019 coronavirus, officially known as SARS-CoV-2, is a quarantinable communicable disease of public health significance.

Immigrants’ rights organizations, faith-based organizations, and civil rights organizations support the NO BAN Act. Organizations supporting the NO BAN Act include:

American Civil Liberties Union	Church World Service	Muslim Advocates
Airbnb	U.S. Conference of Catholic Bishops	Immigration Hub
Asian Americans Advancing Justice Association	Human Rights Campaign	National Iranian American Organization Action
Americans United for Separation of Church and State	Franciscan Action Network	National Immigration Law Center
Bend the Arc	HIAS	International Refugee Assistance Project
Center for American Progress	Jewish and Muslims and Allies Acting Together	Friends Committee on National Legislation
The Public Affairs Alliance of Iranian Americans	Religious Action Center of Reform Judaism	Engage Action
Interfaith Immigration Coalition	National Council of Jewish Women	

WHY MEMBERS SHOULD SUPPORT THE NO BAN ACT

To Protect the Rule of Law: Using executive orders, rulemaking, and policy memos, this Administration has repeatedly sought to circumvent Congress and effectively rewrite laws with which it disagrees. In no area has this been more prevalent than with our immigration system, and no authority has been abused more than the legal authority addressed by this bill—section 212(f) of the Immigration and Nationality Act.

Rather than using this authority to suspend or restrict the entry of classes of immigrants when critical to the national interest, this President has used it to effectively rewrite whole sections of our immigration laws and implement immigration policies that are unlawful and unconscionable. We must act quickly to rein in this authority, protect our democratic system of governance, and preserve the exclusive power of Congress to legislate.

To Rebuke the President for These Unlawful and Morally Reprehensible Acts: As a candidate for president, Donald Trump promised to ban all Muslims from entering the United States, suggesting—without any evidence—that it would somehow make our country safer. Immediately upon entering office, he tried to make good on that promise. On the President’s third attempt his Muslim Ban was upheld by the Supreme Court.

In late January, the President expanded it significantly by banning the issuance of immigrant visas for nationals of Burma (Myanmar), Eritrea, Kyrgyzstan, and Nigeria, and suspend participation in the “Diversity Visa Lottery” for nationals of Sudan and Tanzania. The blanket ban of individuals from specified countries based on false national security justifications is simply a thinly veiled pretext to discriminate. It is immoral and un-American.

We must stand up for American ideals and vote to pass the NO BAN Act.