

Federal Judge Blocks Third Trump Travel Ban

A federal judge in Hawaii issued a temporary restraining order Tuesday blocking the implementation of a new iteration of the Trump administration's travel ban. The ban, which was scheduled to fully go into effect today, would block all would-be travelers from North Korea and Syria, in addition to prohibiting all immigrant travel and imposing various restrictions on certain types of nonimmigrant travel for nationals of Chad, Iran, Libya, Somalia, Venezuela and Yemen.

The injunction blocks the new travel restrictions for six of the eight countries — all except for those affecting nationals of North Korea and Venezuela, which were not at issue in the suit filed by the state of Hawaii and other plaintiffs.

President Trump's previous two versions of travel bans were blocked by various federal courts before the Supreme Court permitted a modified version of the second to go into effect. In issuing a nationwide order blocking implementation of the third ban, Judge Derrick K. Watson of the District Court of Hawaii found that the plaintiffs are likely to succeed in their argument that Trump overstepped his authority in issuing the new proclamation restricting travel, which, he wrote, "suffers from precisely the same maladies as its predecessor." Watson wrote that the executive order "lacks sufficient findings that the entry of more than 150 million nationals from six specified countries would be 'detrimental to the interests of the United States.'" Further, Judge Watson found that the order "plainly discriminates based on nationality in the manner that the Ninth Circuit [Court of Appeals] has found antithetical to both Section 1152(a) [of the Immigration and Nationality Act] and the founding principles of this nation."

The White House said in a statement that the restraining order "undercuts the president's efforts to keep the American people safe and enforce minimum security standards for entry into the United States."

"The entry restrictions in the proclamation apply to countries based on their inability or unwillingness to share critical information necessary to safely vet applications, as well as a threat assessment related to terrorism, instability and other grave national security concerns," the White House said. "These restrictions

are vital to ensuring that foreign nations comply with the minimum security standards required for the integrity of our immigration system and the security of our nation. We are therefore confident that the judiciary will ultimately uphold the president's lawful and necessary action and swiftly restore its vital protections for the safety of the American people."

Opponents of Trump's actions say he is using national security as a pretext for banning Muslims from entering the U.S., a step the president called for during the campaign (the original travel bans exclusively affected Muslim-majority countries, though two countries whose citizens are not largely Muslim, North Korea and Venezuela, were added to the latest one). Universities and higher education groups have been among those who have criticized Trump's various travel bans, which they argue will deter talented students and scholars from coming to U.S. campuses.

In finding that the state of Hawaii had standing to sue, Judge Watson specifically cited harm to the University of Hawaii. "The university has 20 students from the eight countries designated in EO-3 [the third executive order], and has already received five new graduate applications from students in those countries for the spring 2018 term," Judge Watson wrote in his Tuesday order.

"It also has multiple faculty members and scholars from the designated countries and uncertainty regarding the entry ban 'threatens the university's recruitment, educational programming and educational mission,'" Judge Watson wrote, quoting from a declaration from a university administrator. "Indeed, in September 2017, a Syrian journalist scheduled to speak at the university was denied a visa and did not attend a planned lecture, another lecture series planned for November 2017 involving a Syrian national can no longer go forward, and another Syrian journalist offered a scholarship will not likely be able to attend the university if EO-3 is implemented."

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