

## **Trump's revised travel ban dealt another blow, blocked by federal court**

13/06/2017 09:27 by admin

**Washington:** US President Donald Trump's travel ban barring people from six Muslim-majority nations entering the country faced another setback on Monday as a US appeals court upheld a decision blocking the revised executive order, saying the administration violated federal immigration law and failed to provide a valid reason for keeping people from six mostly Muslim nations from coming to the country.

### **Photo: PTI. Donald Trump's revised travel ban blocked by US appeals court**

The court ruling is yet another blow to the president who has claimed the step is necessary to prevent possible terrorist attacks.

The decision by a unanimous three-judge panel of the San Francisco-based Ninth U.S. Circuit Court of Appeals helps keep the travel ban blocked and deals Trump a second big legal defeat on the policy in less than three weeks. The court said the executive order signed by Trump "exceeded the scope of the authority delegated to him by Congress" to oversee immigration.

"Immigration, even for the president, is not a one-person show," it said, adding: "National security is not a talismanic incantation™ that, once invoked, can support any and all exercise of executive power."

But it also said the US government was within its right to review the vetting process for people entering the country.

The administration said it would seek further review at the U.S. Supreme Court, as it has already done with a ruling against the travel ban by another appeals court last month. The high court is likely to consider the cases in tandem.

Attorney General Jeff Sessions insisted the new decision would harm national security "an argument the judges rejected.

"The executive branch is entrusted with the responsibility to keep the country safe under Article II of the Constitution," Sessions said in a written statement. "Unfortunately, this injunction prevents the president from fully carrying out his Article II duties and has a chilling effect on security operations overall."

The development posed another big challenge for Trump, who is trying to fulfil one of his most controversial campaign promises of preventing people who could potentially do harm to the US from entering the country.

Hawaii Attorney General Doug Chin, who sued to stop the travel ban, said the 9th Circuit ruling "really shows that we have three branches of government and that there are checks and balances. ... So to me, this is everything that we learned in social studies in high school just coming to play exactly the way it should."

The 4th U.S. Circuit Court of Appeals in Virginia last month found the 90-day ban unconstitutional, saying it was "steeped in animus and directed at a single religious group" rather than necessary for national security. It cited the president's campaign statements calling for a "total and complete shutdown" on Muslims entering the U.S.

The 9th Circuit, which heard arguments in Seattle last month in Hawaii's challenge to the ban, found no need to analyse those statements. It ruled based on immigration law, not the Constitution.

Judges Michael Hawkins, Ronald Gould and Richard Paez "all appointed by President Bill Clinton" said the travel ban violated immigration law by discriminating against people based on their nationality when it comes to issuing visas and by failing to demonstrate that their entry would hurt American interests.

The president's order did not tie citizens of Iran, Libya, Somalia, Sudan, Syria and Yemen to terrorist organizations or identify them as contributors to "active conflict," the court said. It also did not provide any link between their nationality and their propensity to commit terrorism.

"In short, the order does not provide a rationale explaining why permitting entry of nationals from the six designated countries under current protocols would be detrimental to the interests of the United States," the ruling said.

The judges pointed to a June 5 tweet by Trump saying the order was aimed at "dangerous countries." That helped show he was not assessing whether the six countries had ties to terrorism, they said.

The White House predicted a win at the Supreme Court.

"Frankly, I think any lawyer worth their salt 100 percent agrees that the president's fully within his rights and his responsibilities to do what is necessary to protect the country," spokesman Sean Spicer said.

Trump's suspension of the U.S. refugee program also remains blocked. The 9th Circuit said he was required to consult with Congress in setting the number of refugees allowed into the country in a given year and that he could not decrease it midyear. The refugee program is not at issue in the 4th Circuit case.

Since his inauguration on January 20, Trump has struggled to deliver on the promise, describing which he has called for a "total and complete shutdown of Muslims entering the US".

His administration believes at this time it is difficult to verify people entering the United States from the six countries - Iran, Libya, Somalia, Sudan, Syria and Yemen. But Trump's critics, who have approached various courts, believe his executive order is targeted against a particular religion. The administration has opposed all such allegations.

Following the recent terrorist attacks in London, Trump had urged strong vetting process for people entering the US. The US - under President Trump - has already taken several other steps like asking for the social media profile and account along with past cell phone numbers, if necessary, for those applying for visas to the US.

The White House has previously vowed to challenge these court orders. It believes the president has the constitutional authority to decide who all can enter the country.

Trump first signed the executive order in late January. After the order was blocked in a federal court, his administration came up with a revised version to better stand up to the legal scrutiny.

Several states and civil rights groups challenged the revised ban, saying it remained rooted in discrimination and exceeded the president's authority.

U.S. District Judge Derrick Watson in Hawaii blocked the new version in March, citing what he called "significant and un rebutted evidence of religious animus" in Trump's campaign statements.

The 9th Circuit narrowed Watson's ruling in some minor ways, allowing the administration to conduct an internal review of its vetting procedures for refugees and visa applicants.

Last week, Trump tweeted that the revised executive order was a "watered down" version of his original "travel ban." He blamed the Justice Department for not sticking with the "original travel ban."

Monday's ruling is the latest in a string of judicial blows to Trump's efforts to prohibit the entry of citizens of Iran, Libya, Somalia, Sudan, Syria and Yemen for 90 days while the US government reviews their screening procedures.

The executive order also called for a 120-day ban on all refugees.

- (With agencies)