



HOUSE COMMITTEE ON THE JUDICIARY

CHAIRMAN JERROLD NADLER

Support H.R. 1333, the “National Origin-Based Antidiscrimination for Nonimmigrants Act” or the “NO BAN Act”

H.R. 1333, 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).

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, the Muslim ban was upheld by the Supreme Court. In late January 2020, President Trump issued a separate executive order imposing bans on six additional countries. In an effort to circumvent the law, the President also cited section 212(f) to render individuals who cross the southern border in between ports of entry ineligible for asylum—even though the INA explicitly allows it.

Although President Biden has repealed the egregious orders of the Trump era, we must pass the NO BAN Act to ensure this authority is never abused again. In advancing this legislation, we reaffirm our commitment to the **Rule of Law**.

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.

Over 400 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 Bend the Arc	Franciscan Action Network	National Immigration Law Center
Center for American Progress	HIAS	International Refugee Assistance Project
The Public Affairs Alliance of Iranian Americans	Jewish and Muslims and Allies	Friends Committee on National Legislation
Interfaith Immigration Coalition	Acting Together	Engage Action
	Religious Action Center of Reform Judaism	
	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, the Trump Administration repeatedly sought to circumvent Congress and effectively rewrite laws with which it disagreed. In no area was this more prevalent than with our immigration system, and no authority was abused more than the legal authority addressed by this bill—section 212(f) of the Immigration and Nationality Act.

Rather than using section 212(f) to suspend or restrict the entry of individuals when it was critical to the national interest, President Trump used it to rewrite our immigration laws and implement policies that were unlawful and unconscionable. We must rein in this authority, protect our democratic system of governance, and preserve the exclusive power of Congress to legislate.

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