



Fact Sheet: Muslim Ban Cases at the Supreme Court

Updated June 21, 2017

Muslim Ban 1.0

On January 27, 2017, President Trump signed an Executive Order ([Muslim Ban 1.0](#)) that, among other provisions, suspended refugee processing and entry for a period of 120 days, and suspended entry of immigrants and non-immigrants from seven Muslim-majority countries (Iraq, Iran, Libya, Somalia, Sudan, Syria, Yemen) for a period of 90 days. Muslim Ban 1.0 went into effect immediately and was challenged in several courts on constitutional, statutory, and regulatory grounds.

Muslim Ban 2.0

After several courts blocked the most controversial provisions of Muslim Ban 1.0, President Trump issued a second Executive Order ([Muslim Ban 2.0](#)) on March 6, 2017. Muslim Ban 2.0 suspended entry of all refugees for a period of 120 days, imposed heightened screening and vetting requirements for Iraqi nationals, and blocked entry to the United States for individuals from the other six Muslim-majority countries for a period of at least 90 days.

Litigation Challenging Muslim Ban 2.0

[Muslim Ban 2.0](#) was also challenged in several federal courts. In two of those cases—*IRAP v. Trump*, which was filed in Maryland federal district court and *Hawaii v. Trump*, which was filed in Hawaii federal district court—judges issued nationwide injunctions blocking the government from implementing parts of Muslim Ban 2.0. Specifically:

- The Maryland court blocked section 2(c), which would have barred travel to the United States for citizens of Iran, Libya, Somalia, Sudan, Syria, and Yemen for a period of 90 days.
- The Hawaii court blocked section 2(c) as well as section 6, which would have suspended all refugee processing for a period of 120 days and would have lowered the maximum number of refugees admitted to the US in 2017 from 110,000 to 50,000.

As a result of these decisions, those sections of Muslim Ban 2.0 never went into effect.

The federal government has appealed these cases. The U.S. Court of Appeals for the Fourth and Ninth Circuits have both affirmed the district court injunctions. The federal government has now asked the U.S. to “stay” the injunctions, meaning to allow Muslim Ban 2.0 to fully go into effect despite the Maryland and Hawaii decisions. The federal government has also filed a petition for certiorari with the Supreme Court, meaning that they have asked the Supreme Court to hear one or both cases and decide whether Muslim Ban 2.0 is lawful.

Possible Outcomes

- (1) The Supreme Court may *deny* the government’s petition for certiorari (“deny cert”) and *deny* the government’s motion for a stay (“deny a stay”).
- (2) The Supreme Court may *grant* the government’s petition for certiorari (“grant cert”) and *deny* a stay.
- (3) The Supreme Court may *deny* cert and *grant* the government’s motion for a stay (“grant a stay”).

(4) The Supreme Court may *grant* cert and *grant* a stay.



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IF THE SUPREME COURT DENIES CERT AND DENIES STAY

Under this scenario, the Supreme Court will not hear the case on the merits (deny cert), and also will not allow the government to proceed with full implementation of Muslim Ban 2.0.

What This Means In Plain English

- The status quo remains in place.
- The Maryland and Hawaii orders remain in effect, and the government may not implement the travel ban and refugee suspension sections of the March 6 order.
- Nationals of the six countries should be able to apply for visas and travel to the United States as before.
- Refugee processing should proceed normally.
- *If you have any questions relating to your specific circumstances, [be sure to consult an immigration attorney.](#)*
- *If you encounter any issues that you believe are related to the Executive Order, please complete our reporting form [here.](#)*

IF THE SUPREME COURT GRANTS CERT AND DENIES STAY

Under this scenario, the Supreme Court will agree to hear the cases on the merits at a specified future date, most likely sometime in the Fall of 2017. However, it will not allow the government to proceed with full implementation of the ban while the cases are under its consideration.

What This Means In Plain English

- At least until the Supreme Court issues its decision on the merits of the case, the status quo remains in place.
- The Maryland and Hawaii orders remain in effect, and the government may not implement the travel ban and refugee suspension sections of the March 6 order for the time being.
- Nationals of the six countries should be able to apply for visas and travel to the United States for the time being.
- Refugee processing should proceed normally for the time being.
- *If you are not a U.S. citizen or Lawful Permanent Resident of the United States and are a national of Iran, Libya, Somalia, Sudan, Syria, or Yemen and you have plans to travel to the United States, your safest course of action is to travel now, before the Supreme Court makes its decision.*
- *If you encounter any issues you believe are related to the Executive Order, please complete our reporting form [here.](#)*

IF THE SUPREME COURT DENIES CERT AND GRANTS STAY

Under this scenario, the Supreme Court will not hear the case on the merits. However, it will allow the government to proceed with full implementation of Muslim Ban 2.0, reversing the Maryland and Hawaii orders.

What This Means In Plain English

- All provisions of Muslim Ban 2.0 will go into effect within 72 hours. Please consult our detailed guidance [here.](#)
- If you are a national of Iran, Libya, Somalia, Sudan, Syria, or Yemen and you do not have valid entry documents issued as of the implementation date of the order, you will likely be unable to apply for a visa or travel to the United States for a period of 90 days *unless you apply for and obtain a waiver.*
- If you are a national of the six countries and have valid entry documents issued on or before the implementation date of the order *or* are in-flight at the time the order goes into effect, you may be able to enter the United States.
- *All nationals of the six countries with plans to travel to the United States should consult an immigration attorney before traveling.*
- *If you encounter any issues you believe are related to the Executive Order, please complete our reporting form [here.](#)*

IF THE SUPREME COURT GRANTS CERT AND GRANTS STAY

Under this scenario, the Supreme Court will agree to hear the case on the merits at a specified future date, most likely sometime in the Fall of 2017. In the meantime, it will allow the government to proceed with full implementation of Muslim Ban 2.0, reversing the Maryland and Hawaii orders.

What This Means In Plain English

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- If you are a national of Iran, Libya, Somalia, Sudan, Syria, or Yemen and you do not have valid entry documents issued as of the implementation date of the order, you will likely be unable to apply for a visa or travel to the United States for a period of 90 days *unless you apply for and obtain a waiver.*
- If you are a national of the six countries and have valid entry documents issued on or before the implementation date of the order *or* are in-flight at the time the order goes into effect, you may be able to enter the United States.
- *All nationals of the six countries with plans to travel to the United States should consult an immigration attorney before traveling.*
- *If you encounter any issues you believe are related to the Executive Order, please complete our reporting form [here.](#)*