



Faculty of Legal Sciences

International Studies Major

**THE RIGHT TO FREE MOVEMENT: MUSLIM
IMMIGRATION BAN**

**Degree work previous to obtaining the degree of
Bachelor in International Studies**

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Cuenca - Ecuador

Year 2023

Dedication

This work is dedicated to each of the people who have helped me shape my career and strengthen my personality.

In a very special way to my family who have been the engine to seek to be a better person.

To my father, who has been my example of self-improvement and who, thanks to his advice, has always encouraged me to achieve distinction.

In the same way to my sisters Diana and Daniela who have been the role model, for their support in the most difficult moments.

I would also like to thank my teachers who, to a great extent, have known how to go beyond the classes taught and have come to inspire me to seek to be a good professional.

In the same way to my classmates who became a family to be able to cope with complex situations over the years.

Acknowledgment

I would like to thank my tutor Damiano for having been my guide for the realization of this work, especially for having passionately taught his subjects that has made me open the path of curiosity about these topics.

To my thesis director, Ana Isabel, for demanding a deeper analysis of the subject.

In the same way, I would like to thank María Inés for understanding my situation and allowing me to merge my work with my academic schedule.

A special thanks to Andrés Ullauri for having given me the opportunity to gain experience while I was still studying, which has served as a contrast between the work and the academic field.

Geovanny Peñaloza

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Abstract:

The Muslim Immigration Ban were a series of policies carried out during the administration of Donald Trump in the United States since 2017 and ended in 2021 with President Joe Biden. The objective for which these actions were implemented was given by a national security issue and its fight against terrorism. For this reason, the entry of citizens of certain countries, mostly with Islamic culture, was restricted. These measures caused commotion inside and outside the United States. It was claimed to be contrary to article 13 of the Universal Declaration of Human Rights, certain international instruments, as well as the fundamental principles of the United States. These procedures caused effects in the area of education, tourism, business, health, etc. Its end comes when its unconstitutionality is recognized and these policies are ended.

Keywords: discrimination, free movement, human rights, national security, terrorism

Resumen:

El Muslim Immigration Ban fueron una serie de políticas llevadas a cabo durante la administración de Donald Trump en los Estados Unidos desde el año 2017 y finalizadas en el año 2021 en el mandato del presidente Joe Biden. El objetivo por el cual se implementaron estas medidas estaba dado por un tema de seguridad nacional y su lucha contra el terrorismo, por tal motivo se restringió el ingreso de ciudadanos de determinados países, en su mayoría con cultura islámica. Estas medidas causaron conmoción dentro y fuera del territorio estadounidense. Se señalaban estar contrarias al artículo 13 de consagrada en la Declaración Universal de los Derechos Humanos, determinados instrumentos internacionales, así como también a los principios fundamentales de los Estados Unidos. Estas medidas causaron efectos en el área de la educación, turismo, negocios, salud, etc. Su fin llega cuando se reconoce su inconstitucionalidad y se pone fin a estas políticas.

Palabras clave: derechos humanos, discriminación, libre circulación, seguridad nacional, terrorismo



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The Right to Free Movement: Muslim Immigration Ban

1. Introduction

Several countries have joined to improve instruments that enshrine human rights for the development of nations. An example is the Universal Declaration of Human Rights, which aims to establish the parameters for a dignified life for all human beings, without discrimination based on race, nationality, religion or sex. It has become the reference to measure what is right and what is wrong. The Declaration provides the foundation for a just and dignified future for all and provides people around the world with a powerful tool in the fight against oppression, impunity and affronts to human dignity.

The commitments made by all States in the Universal Declaration of Human Rights are in themselves a great achievement, since they discredit the tyranny, discrimination and derision of human beings that have marked human history. The Universal Declaration promises all people economic, social, political, cultural and civic rights that support a life free from want and without fear. They are not a reward for good behavior. They are not specific to a specific country, nor exclusive to a certain era or social group. They are the inalienable rights of all people, at all times and in all places: people of all colors, all races and ethnicities, disabled or not, citizens or migrants, regardless of gender, class, caste, religious belief, age or sexual orientation.

The adoption of the Universal Declaration did not put an end to human rights abuses. But, since then, countless people have achieved greater freedom. Violations have been prevented; independence and autonomy have been achieved. Freedom from torture, unjust imprisonment, summary execution, enforced disappearance, persecution and unfair discrimination, as well as equal access to education, economic opportunities, adequate resources and health care. In addition, global migration, by mixing various systems of cultural and moral values, exposes a series of tensions within the current configuration of the international human rights regime.

Prejudice and discrimination against Muslims have become a highly controversial issue where it is not based on hostility towards a particular ethnicity or nationality, but is directed at Muslims as a community with particular social identities. Such discrimination raises both theoretical and practical problems in identifying the form(s) of discrimination in order to combat it. One of the most common words to describe this type of prejudice and discrimination is Islamophobia. A term that refers to the rejection of Islam, Muslim groups and Muslim individuals on the basis of prejudice and stereotypes.

Specifically in the United States, which has been a host home for many immigrants for many decades and thanks to these migratory flows they managed to make progress in their society. Fear and suspicion of Islam took center stage in the 2016 presidential campaign. Republican presidential candidates, particularly Donald Trump, upped the ante on anti-Islamic and anti-Muslim rhetoric, during a stalemate in which the fears of terrorism and "local radicalization" are at their peak. Reaching its most critical point during the administration of Donald Trump with the Muslim Immigration Ban.

Political Islamophobia is first facilitated by deeply entrenched legal and political baselines in U.S. legal, media, and political institutions that frame Islam as anti-American and Muslims as presumed threats to national security. Second, it is enabled by the expansion of modern laws and policies that mark Islam as an extremist ideology that breeds "radicalization."

This work is based on analyzing the situation of the Muslim Immigration Ban in order to have a broad vision of the rights that were violated. Trying to strip the prejudices that have been socially gestated. Helping to promote a more harmonious life. Making the people most in need of protection of these rights know not only that the Declaration exists, but also that it exists for them. Making them a living reality for men, women and children around the world. The power of the Universal Declaration is the power of ideas to change the world. It inspires us to continue working to ensure that all people can achieve freedom, equality and dignity. That is, empower people to demand what should be guaranteed: their human rights.

The structure that will be handled for the present work will be to study the principle of free movement enshrined in the Universal Declaration of Human Rights in relation to the Muslim Immigration Ban. Next, analyze the origin of the Muslim Immigration Ban declared during the Trump government since 2017. To later examine some of the consequences and the resolution of the Muslim Immigration Ban.

1.1 Objectives

1. To study the principle of free movement enshrined in the Universal Declaration of Human Rights in relation to the Muslim Immigration Ban.
2. To analyze the origin of the Muslim Immigration Ban declared during the Trump government since 2017.
3. To examine some of the consequences and resolution of the Muslim Immigration Ban.

2. Methods

For the realization of the present work of literary review, based on the qualitative and quantitative investigation of information, it is necessary to consider the context of the situation. Bearing this in mind, I use a narrative design that aims to understand the events chronologically and reinforce this information with quantitative data that reflects the impact on Muslim society inside and outside the United States. Bibliographic documents and press articles will be used as a data collection tool for the analysis of the evolution of this right until reaching the situation of how the Muslim Immigration Ban was reached in the United States during the presidency of Donald Trump.

Taking this background into account, I will be guided by the suggestion of the Research Methodology book with respect to qualitative research through 9 phases. Having as a first step the identification of the idea followed by the statement of the problem, the immersion in the field, the conception of the study design, the definition of the initial study sample and access to it, the data collection, the analysis of data, the interpretation of results to finally have the elaboration of the report of results (Hernández Sampieri et al., 2014).

With the structural organization of the document, it is necessary to mention that I will base ourselves on an exhaustive search for information in bibliographic sources, based on the development of the chronological events of the emergence of the right of free movement and its evolution in the various international instruments until the present time. Finally, to have a clearer interpretation of this situation and the problems generated by the actions of the former president.

3. Theoretical framework

In the field of human rights, migration brings familiar questions about the sources and nature of rights themselves, the balance between individual rights and public safety, with the desire for universality while recognizing the importance of tolerance. Global migration, by mixing diverse cultural and moral value systems, exposes a series of tensions within the current configuration of the international human rights regime. This is the dilemma that exists around the Muslim Immigration Ban because it goes beyond simple executive orders, as it encompasses an ethnic-religious issue, where many people lose the right to free movement due to their ethnic-religious origin.

Freedom of movement, is a concept of human rights by which everyone has the right to move freely, either within a country or from one country to another. It is partially recognized in Article 13 of the Universal Declaration of Human Rights, according to which a citizen of a state has the freedom to travel and reside in any part of the state in which one pleases, within the limits of respect to the freedom and rights of others, and to leave that state and return at any time. However, this article does not include or protect the right of any person to freely enter a country other than their own, that is, neither the right of entry nor the right to individual or collective immigration is recognized.

The Universal Declaration of Human Rights (UDHR) issued on December 10, 1948 was a great advance for society, since it gave the guidelines to seek a more dignified life for all people, however, its origin was nothing simple and to this day state sovereignty presents a fundamental challenge to any effort to establish universal norms. With a system that gives authority to state governments, for this reason it is very difficult to materialize the ideas written on paper and put them into practice. (Ozler, 2018).

The Westphalian state system, which has come to dominate human political organization. Where it can be provided that the implementation of universal human rights will be difficult in a system that gives ultimate authority to state leaders who lack the necessary incentives. This is nothing new or surprising, of course, and it is not unique to human rights. However, it requires careful consideration of how international declarations move from ideas on paper to practice. A declaration is only significant to the extent that it is implemented. As a universally endorsed document, the UDHR certainly has power, and can shape the behavior of international actors. (Batista Torres, 2018).

Certainly, the UDHR has moral rather than legal power, and can shape the behavior of actors who otherwise risk appearing to oppose history and social progress. However, it is only a document and, without corresponding strong global institutional mechanisms to ensure implementation and compliance, its impact is limited (UN, 2015).

Here I can capture the ideas of Norberto Bobbio who tells us about the IUS positivism « (...) The civil state, that is, the state in which the rules of conduct of man in society derive not from his conformity with reason, but from the fact that these rules are guaranteed by the sovereign power, it represents the only possible state for the social life man, the salvation of man against the inconveniences of the state of nature, the safe and stable refuge against the unbridled freedom of the state of nature" (Román Díaz, 2015).

Bobbio does not presuppose the existence of Law, but that this is a historical product whose knowledge is relative due to its mutability depending on the context and the temporal space that is being studied. Hence, he affirms: "The problem has been that: the derivation of the principles of justice from the nature of man-constant tendency of the iusnaturalists - is nothing more than a shortcut for those who do not have enough breath or maps to understand the long way and is content to imagine the landscape instead of seeing it. I believe that the nature of man will also be reached, but it will be a point of arrival, not a point of departure. However, before approaching, it will be necessary to do accounts with the history of Law (starting with legal ethnography). The guiding criterion of this inquiry should be the concept of "justice," understood as the set values, goods or interests for whose protection or increase men resort to this technique of coexistence to which we usually give the name of Law" (Roman Díaz, 2015)

It is common to observe that throughout history different terms have been used to refer to the issue of human rights. The iusnaturalists at the beginning of modernity used the term natural rights, in France it was not strange to use the expression fundamental rights and public liberties at the end of the 18th century, in Germany the locution subjective public rights were frequent and more recently we find denominations such as moral rights, all related to the term human rights. And it is that it is not the same to understand the term "human rights" giving the first word a strictly legal meaning, that is, rights contained in the legal system; on the contrary, to consider that this word contains rights that do not require legal recognition (Román Díaz, 2015).

To unravel the question of the historical evolution of rights in the work of Norberto Bobbio, it is necessary to begin by inquiring about the origin of human rights as a theoretical category. In the work of the Italian philosopher, these changes go through different moments as a result of historical evolution and the different political conjunctures that modified the theorizing about rights (Román Díaz, 2015). Hence, Bobbio, with his characteristic analytical zeal, considers that part of the problem lies in the meaning that is given to the word "rights" or what is the same, to his singular "right" that is attached to the word "human". In other words, in the expression "human rights" it is necessary to specify the word "rights", since its meaning may be different depending on whether it is conceptualized outside or within the legal system. This situation is better appreciated when other terms are used; however, in the term human rights, this differentiation remains hidden and that means that its use is considered inappropriate.

According to Bobbio's thought from modernity onwards, and in relation to the history of the formation of the Declarations of Rights, three historical phases could be distinguished; a first phase had occurred through the elaboration of philosophical theories; a second phase developed when these philosophical ideas were accepted and positivized in the Declarations of rights; and the third phase occurred at the moment in which the rights acquired the character of universality, when they were incorporated into the Universal Declaration of Human Rights of 1948 (Bobbio et al., 2015).

Based on the principles established in the UDHR, the international community has since negotiated a large number of human rights treaties and conventions and developed action plans in relation to aspects of living a dignified life. Despite providing a solid foundation for our collective understanding of the rights that human beings are endowed with, today we are still far from achieving these goals, and threats to the very principles enshrined in the UDHR continue to emerge. These threats are the consequence of a series of global events, including shifting geopolitical balances, extreme economic and social inequality, climate change, and the weakening of democratic institutions (Özler, 2018).

Recognition of the universality of human rights does not in itself guarantee that the ideals enshrined in the UDHR will be realized in practice. While some scholars argue that we are currently seeing some decline in human rights around the world, the overall historical trajectory of the last seventy years has nonetheless

been positive. A careful consideration of the social scientific data tells us that human rights in general have seen a real improvement. While external factors such as demilitarization, development, and democratic governance have played a role in improving conditions, without the ideals laid out in the UDHR and subsequent UN processes, it would be hard to imagine such improvements in human rights on global level (Özler, 2018).

The UDHR has served to guide the development of all subsequent human rights conventions, including those on racial discrimination, rights of women, the rights of persons with disabilities, and the rights of children. In addition to these treaties, there have been several important international conferences that have resulted in the creation of important action plans, which serve as international guidelines for states to follow. These conferences have covered housing, women, reproductive rights and health, social development and human rights in general.

Within the entire conglomerate of articles that are framed within the UDHR, I would like to emphasize the right to free movement and the eligibility of residence in any State, that is detailed in Article 13. Whose focus is more focused on understanding the international phenomenon of human mobilization. Most of the States cite, from the classical sovereigntist conception, that the right to migrate is part of the sovereign, exclusive and excluding competences of the States. Other positions point out that the interests of the people must prevail over the wills and interests of the States. These proposals, which facilitate the full right of people to live with dignity, free from violence and free from fear.

It is one of the first-generation human rights or civil rights. It applies to the right to cross national borders, therefore, in social terms it has to do with international migration. According to the UDHR and the international agreements that develop it, "there is a right to leave one's own country, but, in reality, nothing about the right to enter another, except in cases of persecution, be it political, ethnic or religious, in which the right of asylum is applicable [...] International law affirms, it is true, the right to emigrate, but ignores its logical counterpart, the right to immigrate, so that in the end the first one ends up being violated of those rights.... An individual right is recognized, but no specific obligations are indicated for the possible addressees involved in its satisfaction" (Velasco, 2012)

Article 13 is perhaps one of the most discussed or with a complex interpretation because it depends a lot on the way it is interpreted and the historical moment in which it is carried out both from the point of view of the internal Law of the States and from international Law public. Being such a debatable and very broad article to explain, since there is confusion around this issue since the immigration policy in the countries consists of the set of political acts, provisions and regulations of an internal nature that affects non-nationals and that regulate their fundamental rights and freedoms, political rights and rights of any kind that foreigners can enjoy in a given country. These immigration policies and regulations cover issues such as entry, residence, work, transit or investment of foreign capital, as well as rules regulating the political, administrative and economic right of foreigners.

In addition to being contemplated in the Universal Declaration of Human Rights, it has also been addressed in the International Covenant on Civil and Political Rights (ICCPR) where it is stated that this right "may not be subject to restrictions unless they are provided for in the law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of third parties, and are compatible with the other rights recognized in this Covenant" (art. 12.3) (International Covenant on Civil and Political Rights, 2015). In addition to the above, the 1951 Geneva Convention prohibits the States parties from imposing sanctions on refugees who have been forced to enter their territory "illegally" and obliges them to guarantee their freedom of movement through it once they have been recognized as such (art.31 and art. 26) (Zandy, 2019).

Every legitimately constituted political community has the right to control immigration in order to also be able to define its own contours and its internal composition. From this, however, it does not follow that this right is absolute and, even less, that the way of implementing it cannot be criticized. However, no right is absolute and the sense of justice incorporated in the institutions and legislation of each State supposes, in any case, an irreversible limit: our sense of "justice" imposes on us "important moral constraints on how of exercising such control" (Velasco, 2012).

The immigration regulations are internal and obey current situations, which is why they are usually modified according to the economic and security needs of each State. And much more specifically when we refer to immigration policy. In addition, States must also respect their international obligations – pacta

sunt servanda – and protect the human rights not only of their citizens, but of all people, whether migrants, displaced persons, refugees or asylum seekers. If this is accepted, then the controls will have to be the exception and the rule, that the borders usually remain open, except for reasons of force majeure. In other words, “Although the States can preserve their territorial limits, these should not constitute obstacles to mobility; and the right to live and work within a State should not depend on the side of the border on which one was born” (Velasco, 2012).

4. State of the Art

To understand the meaning of the "Muslim Immigration Ban" it is necessary to approach it from its origins and that is how we go back to the period of time during the 2015 United States presidential campaign, the representative of the Republican party, Donald Trump, emphasized anti-Muslim, with ideas of promoting tough laws and policies for the Muslim community. Throughout the entire campaign, he constantly expressed the fear of Islam and the terror of Muslims around the world and reflecting an Islamophobic ideology (Kyle Blaine & Horowitz, 2017).

Donald Trump's presidential campaign was officially launched on June 16, 2015 at Trump Tower in New York City. Trump was the Republican nominee for President of the United States in the 2016 election, having won a majority of the primaries, caucuses, and state delegates at the 2016 Republican National Convention. He chose Mike Pence, the acting governor of Indiana, as his vice-presidential running mate. But to understand the events that led to this situation, we must go back to more specific moments in the history of the United States. Well, some episodes like, for example: 9/11; the 2009 Fort Hood shooting; the Boston Marathon bombing; the shootings in Chattanooga, Tennessee shooting; and the Orlando nightclub shooting (ACLU of Washington, 2016).

They all have as a common factor that they have been carried out by people who identify themselves as Muslims. In a speech on August 31, 2015, Trump promised to "suspend the issuance of visas" to "places like Syria and Libya" as the source of terrorists. On September 4, vice-presidential candidate Mike Pence defended the Trump-Pence ticket plan to suspend immigration from countries or regions of the world with a history of terrorism on Meet the Press. Giving Syria as an example of such a country as a source of rise of terrorists (Khan et al., 2019).

For example, on December 2, 2015, a massive attack and attempted bombing occurred at the Inland Regional Center in San Bernardino, California. The perpetrators, Syed Rizwan Farook and Tashfeen Malik, a married couple assaulted a group of people attending a San Bernardino County Department of Public Health training. Additionally, an attack was perpetrated on a Christmas party of about 80 employees in a banquet hall. The two attacks led to the death of 14 people and seriously injured 22 others. Farook was a U.S. citizen of Pakistani descent, who worked as a health department employee. Malik was a Pakistani-born green card holder (Sivaprasad Wadhia, 2017).

This event was used by Donald Trump on December 7, 2015, to request a temporary ban on any Muslim entering the country. He issued a written statement saying, "Donald J. Trump is calling for a full and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on." The following day, December 8, 2015, the Pentagon issued a statement of concern, stating that Trump's comments could lead to strengthening the resolve of the Islamic State of Iraq and the Levant (ISIL). Later, Trump appeared to modify his position on Muslims (Beydon, 2015).

In January 2016, the Department of Justice (DOJ), at the request of the Senate Subcommittee on Immigration and the National Interest, provided a list of 580 public convictions for international and terrorism-related terrorism from September 11, 2001 through the end of 2014. Based on this data and news reports and other open-source information, the committee determined in June that at least 380 of the 580 convicted were foreign-born. The published version of Trump's August 15, 2016 speech cited that report. Alex Nowrasteh of the Cato Institute said the list of 580 convictions shared by the Justice Department was problematic because "241 of the 580 convictions (42 percent) were not even for terrorism crimes"; They started with a trail of terrorism (Teague Beckwith, 2016).

On June 12, in reference to the Orlando nightclub shooting, Trump via Twitter made a petition for a ban on Muslim immigration. On June 13, Trump proposed suspending immigration from "areas of the world" with a history of terrorism, a change from his earlier proposal to suspend Muslim immigration to the United States; the campaign did not announce details of the plan at the time, but Jeff Sessions, Trump's campaign

adviser on immigration, said the proposal was a statement of purpose that would be provided with details in the coming months.(Teague Beckwith, 2016).

On July 15, Pence, who as governor of Indiana tried to halt the settlement of Syrian refugees in the state but was prevented from doing so by the courts, said the decision was based on the FBI's fall 2015 assessment that there is a risk associated with the incorporation of refugees. Pence cited the infiltration of Iraqi refugees in Bowling Green, Kentucky, who were arrested in 2011 for attempting to provide weapons to ISIS and Obama's suspension of the Iraqi refugee program in response as precedent for the "temporary suspension of immigration from countries where the Terrorist influence and impact pose a threat to the United States." (Shinkman, 2018).

In an August 15, Trump listed the terrorist attacks in the United States (9/11; the 2009 Fort Hood shooting; the Boston Marathon bombing; the shootings in Chattanooga, Tennessee; and the shooting at the club Orlando nightlife). These events served as ideological tests to formulate a discourse that allows for the creation of a temporary ban on immigration to countries with a history of terrorism.(Livingston, 2017).

On November 8, 2016, Trump and Pence were elected President and Vice President of the United States. On November 28, 2016, there is a terrorist hit-and-run attack at Watts Hall at Ohio State University. President-elect Trump claimed the attacker was a "Somali refugee who should not have been in the United States." In early December, he said the attack showed that immigration security is national security by setting goals for his administration. The attacker injured 11 before being killed by police. This person was a Somali-born refugee who spent seven years in Pakistan, the country from which he immigrated to the United States with his family on a refugee visa (White House, 2017).

On January 27, 2017, at that the newly elected 45th President of the United States, Donald Trump, signed Executive Order 13769 "Protecting the Nation from Foreign Terrorist Entry into the United States" which prohibited the entry of citizens of majority Muslim countries to U.S. territory. One of the speeches used for this action was that the United States must ensure that it does not admit foreign citizens who "hold hostile attitudes" toward the nation and its Constitution, who "place violent ideologies on American law" or who "participate in acts of intolerance and hate" such as "honor killings" (Ramahi, 2020).

The way the order was made was through Trump advisers in consultation with officials from the Department of Homeland Security and the State Department. On the other hand, then White House cybersecurity adviser Rudy Giuliani says Trump called him about a "Muslim ban" and asked him to form a committee to show him "the right way to do it legally." Once this task force was formed, they decided to abandon the religious basis and focus on regions where, as he said, there is "substantial evidence that people are sending terrorists" to the United States. Non-governmental research indicates that foreign nationals from countries affected by the travel ban have been arrested and implicated in terrorist plots since 9/11 But the Department of Defense did not see a final version of the order until the morning of day President Trump signed it (Shinkman, 2018).

Section 1, which describe the purpose of the order, invoked the attacks of September 11, 2001, stating that State Department policy prevented consular officers from properly examining the visa applications from attackers.

Section 3 of the order blocks the entry of people from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen, for at least 90 days, regardless of whether or not they hold valid non-diplomatic visas.

The Secretaries of State and Homeland Security may, on a case-by-case basis and when it is in the national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked (Livingston, 2017).

For Donald Trump, the migrant and refugee resettlement program has served as a Trojan horse for terrorists to infiltrate the nation. This order immediately suspended the entry of immigrants and nonimmigrants from seven Muslim-majority countries for ninety days: Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen. The ban also imposed various restrictions on the admission of refugees into the country, reducing the number of refugees admitted in fiscal year 2017 from 110,000 to 50,000. But in parallel with this it established preferential treatment for refugees of "minority religions" in their country of origin. This preferential treatment provision was intended to prioritize Christians from these countries (Ramahi, 2020).

While, in June 2017, it declared that the temporary ban would apply to people originating from countries with a history of terrorism against the United States or its allies. Thus, he has justified his proposals for

increased ideological testing and a temporary ban on immigration from countries with a history of terrorism (Khan et al., 2019).

Trump's "Muslim Ban" is unprecedented; but one can mention a period of 154 years that goes back from 1790 to 1944, when the immigration law prohibited the naturalization of Muslim immigrants. This period, which legal historians refer to as the "Age of Naturalization," echoes current anti-Muslim rhetoric. This policy preceded the blatant fear and rancor against Muslims that gripped the 2016 presidential campaign and, more deeply, the latent suspicion of Islam that guides counterterrorism policy (Beydoun, 2017).

In the past, the U.S. used to ban specific countries and entire regions from entering. But in 1965, the United States Congress enacted and passed the Immigration and Nationality Act which said that no person could be "discriminated against in the issuance of an immigrant visa because of race, sex, national origin, place of birth, or place of origin." of residence. And it is precisely at this point where it is believed that the exclusion of all these people would be enough to challenge Trump's order in court because all Muslim nations give a compelling reason (Arafa, 2018).

The signing of the Executive Order provoked widespread condemnation and protest, and led to legal intervention against the execution of the order. Critics referred to it as a "Muslim ban," because President Trump had previously called for a temporary ban on Muslims entering the United States, and because all of the affected countries had a Muslim majority, even though the affected Muslims were only the minority. 12% of the world's Muslim population. Egypt, Saudi Arabia, Turkey and the United Arab Emirates were also notably left out, despite being located in the same region as the countries subject to the ban and home to large Muslim populations. This differential treatment was given because Trump has commercial ties with these countries (Dennis, 2017).

This has generated public debate on cultural and moral values that has developed in a political arena with immigrants and religious minorities as central actors. Migration, by bringing individuals, families and communities from one part of the world into direct and intimate contact with their counterparts in another part of the world, raises latent tensions over the content of local communal identity. It calls into question the association that sustains communal life, both within immigrant-receiving communities and among the immigrants themselves. This has caused an uneven and uncomfortable communal integration, with results of political violence (Heindl, 2017).

While it is simple to identify the use of national security language by Congress, the executive branch, and the courts, measuring the national security value of a particular immigration law or policy is more challenging. Furthermore, when governments are allowed to create immigration policies on a national security justification that are never tested or, worse still, found to be flawed, the human consequences can be dire (Sivaprasad Wadhia, 2018).

Executive Order 13780 popularly known as "Travel Ban 2.0" repealed and replaced Executive Order 13769 that was in effect since January 27, 2017. This new order was signed by President Trump on March 6, 2017. It imposed a 90-day restriction on entry into the United States for citizens of Iran, Libya, Somalia, Sudan, Syria, and Yemen, and barred entry to all refugees without valid visas or travel documents for 120 days (Hill et al., 2017).

This order prohibited citizens of the countries named above from entering the United States, for 90 days. This order did not include Iraq, which had been included in the previous Executive Order. The Trump administration listed these countries citing their governments' support for or inability to combat terrorism, as well as the possible unreliability of identity documents.

In drafting this order, paragraph (f) of Title 8 of the United States Code 1182 was cited, which discusses inadmissible aliens:

"Whenever the President determines that the entry of any alien or any class of aliens into the United States would be detrimental to the interests of the United States, he may, by proclamation and for such period as he deems necessary, suspend the entry of all foreigners or any class of foreigners as immigrants or non-immigrants, or impose restrictions on the entry of foreigners that it deems appropriate. " (Hee Lee, 2016).

Trump called the new order a "watered down and politically correct version" of the previous executive order. However, the order was challenged in court by several States. For example, on March 9, Washington

Attorney General Bob Ferguson indicated that the State of Washington would seek a temporary restraining order and a preliminary injunction to block Executive Order 13780. Requesting a temporary restraining order and a preliminary injunction in current proceedings related to Executive Order 13769 asking the Court for permission to file an amended complaint to address Executive Order 13780 (ACLU of Washington, 2017).

Additionally, the states of Oregon, Massachusetts and New York would ask the Court for permission to join the current lawsuit against the executive order. On March 13, 2017, the Washington State Attorney General filed a second amended complaint addressing Executive Order 13780 and moved the court to enjoin enforcement of the order under the previously issued current preliminary order barring enforcement of the Order. Executive 13769 by filing a motion for emergency application of the preliminary injunction(ABC NEWS, 2018).

The State of Washington, in its second amended complaint, asked the Court to declare that sections 3(c), 5(a)–(c), and 5(e) of the first Executive Order (13769) are not authorized by the Constitution and laws of the United States and are contrary thereto, and that the United States should be prohibited from implementing or enforcing sections 3(c), 5(a) through (c), and 5(e) of the first Executive Order, including at all United States borders, ports of entry, and in the issuance of visas, pending further orders from this Court (ABC NEWS, 2018).

The Court was also asked to find that sections 2(c) and 6(a) of the second Executive Order (13780) are unauthorized and contrary to the Constitution and laws of the United States, and that it must also be prohibit the United States from implementing or enforcing sections 2(c) and 6(a) of the second Executive Order, including at all United States borders, ports of entry, and in the issuance of visas, and prohibiting United States to implement or enforce section 5(d) of the first Executive Order and prohibit the United States from implementing or enforcing section 6(b) of the second Executive Order(Adida et al., 2017).

While on March 15, 2017, Judge Court for the District of Hawaii; Derrick Watson issued a temporary restraining order that prohibits the government from enforcing several key provisions of the order (Sections 2 and 6). The judge determined that the executive order was likely motivated by anti-Muslim sentiment, thus violating the Establishment Clause of the United States Constitution.

The Amended Complaint listed eight specific causes of action related to Executive Order 13780 which are:

1. Violation of the Establishment Clause of the First Amendment which states that the travel bans targets Muslims
2. Violation of the Equal Protection Clause of the Fifth Amendment
3. Violation of the substantive due process clause of the Fifth Amendment
4. Violation of the due process clause of the Fifth Amendment
5. Violation of the Immigration and Nationality Act 8 USC 1152(a)(1)(A), 8 USC § 1182(f) and 8 USC § 1185(a)
6. Violations of the Religious Freedom Restoration Act 42 USC § 2000bb1(a)
7. Substantive violation of the Administrative Procedure Act through violations of the Constitution, Immigration and Nationality Act, and Arbitrary and Capricious Action 5 USC § 706 (2) (A) – (C).
8. Procedural Violation of the Administrative Procedure Act 5 USC § 706(2)(D), 5 USC § 551(1), and 5 USC § 553

On the same date, Judge Theodore Chuang of the District Court for the District of Maryland reached a similar conclusion (barring Section 2(c)).

Section 2 suspended the United States Refugee Admissions Program for 120 days. While Section 6 reduced the number of refugees admitted to the United States from 110,000 to 50,000 by 2017(ABC NEWS, 2018).

When Judge Chuang barred part of the executive order, he based his decision in part on paragraph (a) of Title 8 of the United States Code 1152, which discusses impermissible discrimination in granting immigrant visas: “No person shall receive preference or priority nor will you be discriminated against in the issuance of an immigrant visa because of your race, sex, national origin, place of birth or place of residence.” (Hee Lee, 2017).

Due to court orders, the executive order was suspended until June 26, 2017, when the Supreme Court allowed it to take effect, but it was limited to individuals who did not have a "bona fide relationship with a person or entity in the United States". Similarly, on June 26, 2017, the Supreme Court agreed to hear oral

arguments for the petition to annul the injunctions, meanwhile allowing the government to continue the ban. The Court ultimately dismissed the challenges as losing practical relevance after the 90-day travel ban expired (Office of Inspector General, 2018).

At the end of the initial 90-day period, on September 24, 2017, President Donald Trump signed Presidential Proclamation 9645 popularly referred to as Travel Ban 3.0, extending the ban permanently, modifying the list of countries, and specifying the immigration categories affected. of their nationals. This Proclamation superseded the expired ban. The new Proclamation barred the entry of many citizens from Iran, Libya, Somalia, Syria, Yemen, Chad, Venezuela and North Korea (Hill et al., 2017).

The ban applied to all North Korean and Syrian nationals; nationals of Iran, except on student or exchange visitor visas; nationals of Chad, Libya and Yemen as immigrants or on tourist or business visas; Somali nationals as immigrants; and to certain Venezuelan government officials and their direct family members, but not to their nationals in general, with tourist or business visas. According to the proclamation, these countries were included on the list due to their inability to adequately share public safety and terrorism-related information about their nationals, among other reasons. Sudan was removed from the list (Dennis & Markon Jerry, 2019).

The district court and the court of appeal again barred the new proclamation. The State of Hawaii amended its pre-existing lawsuit in federal court to prevent Presidential Proclamation 9645 from taking effect. On October 17, 2017, a federal judge found that Presidential Proclamation 9645 "lacks sufficient findings that the entry of more than 150 million nationals of [the] six specified countries would be 'detrimental to the interests of the United States.' ". The federal judge granted a temporary restraining order, preventing Presidential Proclamation 9645 from taking effect in relation to all of the mentioned countries, except North Korea and Venezuela, the next day (Gore & Robertson, 2017).

On October 18, 2017, a federal judge ruled that President Trump's public comments strongly indicated that national security was not the primary goal of the travel ban. Finding that President Trump may have intended to violate the constitutional ban on religious preferences by issuing Presidential Proclamation 9645, the federal judge ruled that the federal government could not enforce the travel ban on individuals from the listed countries, except North Korea and Venezuela, who had a bona fide relationship with a person or entity in the United States (Gore & Robertson, 2017).

The execution of the orders, except partial execution of the proclamation, of the Court of Appeals for the Fourth and Ninth Circuits was stayed by the Supreme Court of the United States on December 4, 2017, effectively reversing the decisions of the lower courts against the president. For this reason. the Supreme Court allowed the ban to go into full effect, pending legal challenges.

After this situation, on April 13, 2018, Presidential Proclamation 9723 eliminated travel restrictions for Chadian citizens. On June 26, 2018, the Supreme Court upheld the president's authority to implement these restrictions ("BBC News", 2018).

On February 21, 2020, Presidential Proclamation 9983 is executed where the ban was reaffirmed and, in addition, it prohibited the issuance of certain types of visas for citizens of Eritrea, Kyrgyzstan, Myanmar, Nigeria, Sudan and Tanzania who were outside the United States. States, who were seeking to travel to the United States and did not yet have a valid visa. This suggests that the United States would stop issuing immigrant visas to nationals of Eritrea, Kyrgyzstan, Burma/Myanmar, and Nigeria as immigrants, and would suspend the participation of Sudanese and Tanzanian nationals in the Diversity Visa Program. Reasons for inclusion focused on identity management and information sharing (Chmaytelli & Noueihed, 2020).

In June 2020, the United States Supreme Court issued a decision in the case of Trump v. Hawaii, endorsing the president's authority to implement travel restrictions based on national security reasons. In January 2021, during the final days of Donald Trump's presidency, the travel ban for Sudan was lifted. (Nicholas & Pallet, 2020).

The Muslim Immigration Ban during the transition to Joe Biden's term

During his presidential campaign, Joe Biden expressed his opposition to the Muslim Immigration Ban implemented by the Donald Trump administration. He has promised to take steps to reverse the travel ban if he is elected president. Biden called the ban discriminatory and contrary to fundamental American values. In his immigration proposal, Biden stated that if he became president, he would end the Muslim

Immigration Ban and take steps to reinstate the policy of admitting refugees to the United States. He also pledged to work on comprehensive immigration reform to more broadly address immigration-related issues and challenges (Francisco et al., 2020.).

At that time, candidate Joe Biden highlighted his focus on promoting a more inclusive and humane immigration policy. Like, for example: Protection of the DACA program: Biden expressed his support for the Deferred Action for Childhood Arrivals (DACA) program, which provides temporary protection from deportation and work authorization for undocumented youth who came to the United States as children. He promised to strengthen and protect DACA, and take steps to ensure its continuity and legal security.

In addition, make a comprehensive immigration reform that addresses various aspects of immigration, including a path to citizenship for undocumented immigrants who meet certain requirements. He proposed working with Congress to develop legislation that would allow for fairer and more equitable immigration. Protecting Asylum Seekers: President Biden promised to restore asylum policy in the United States and take steps to protect asylum seekers and provide them with a fair and secure process. This included ending the "Remain in Mexico" policy implemented by the previous administration, which required asylum seekers to wait in Mexico while their cases were processed in the United States.

Additional Biden promised to expedite and facilitate the family reunification process for those immigrants who have immediate relatives in the United States. This included reviewing policies and practices that made it difficult for families to reunify and streamlining procedures for obtaining family visas.

After assuming the presidency, Joe Biden made good on his promise, issuing an executive order in January 2021 to end the Muslim Immigration Ban. This action made citizens of the affected countries once again eligible to apply for visas and travel to the United States, provided they meet the usual visa and admission requirements. Thus, on January 20, 2021, President Joe Biden revoked Executive Order 13780 and its related proclamations in Presidential Proclamation 10141.

It is important to note that with the arrival of the new administration of President Joe Biden in January 2021, there were changes in immigration policies. In his first days in office, President Biden issued an executive order to reverse the travel ban on Muslim-majority countries. This action ended the Muslim Immigration Ban and allowed citizens of the affected countries to once again be eligible to apply for visas and travel to the United States, provided they meet the usual visa and admission requirements.

Joe Biden overthrew the Muslim Immigration Ban implemented by the previous Donald Trump administration through executive action. The executive order issued by President Joe Biden on January 20, 2021, regarding the review of legal immigration policies and practices, does not have a specific executive order number. The nomenclature for executive orders generally consists of a number that uniquely identifies them. However, the executive order in question was issued as part of a series of executive actions taken in his first days in office.

The way in which this executive order was developed was as follows:

Executive Order First: Within days of taking office as President on January 20, 2021, President Biden issued an executive order titled "Review of Legal Immigration Policies and Practices," revoking the travel ban. According to the guidelines to the relevant agencies through the relevant departments and agencies, including the Department of State, the Department of Homeland Security and the Department of Justice, to conduct a review and take the necessary measures to end the implementation and application of the travel ban. Third Reinstatement of Prior Policies: The Biden administration worked to reinstate pre-ban policies and procedures.

5. Results

The orders developed during Donald Trump's tenure drew widespread condemnation from the international community, including longtime allies of the United States and the United Nations. Canadian Prime Minister Justin Trudeau stated that Canada would continue to welcome refugees regardless of their faith. British Prime Minister Theresa May was initially reluctant to condemn the policy, having just met Trump the day before, saying she agreed that "the United States is responsible for U.S. policy on immigration." but said that he "did not agree" with the approach that had been given to him.

France, Germany and Türkiye condemned the order. Some media outlets said Australian Prime Minister Malcolm Turnbull avoided commenting publicly on the order, and Turnbull argued that it was not his job

to be critical. However, Australian opinion soured after a tweet from Trump appeared to question a refugee deal already agreed to by Turnbull and Obama. Separately, Iran's Foreign Ministry characterized Trump's order as insulting to the Islamic world and counterproductive in the attempt to combat extremism. The Iraqi Air Force commander said he is "concerned and surprised" that the ban may affect members of the Iraqi security forces (such as US-trained Iraqi pilots) who are on the front lines of the fight against ISIS terrorism. Yet America's traditional allies in the region were largely silent (McKay & Phares, 2017).

Self-styled jihadist and Islamic groups hailed the executive orders as a victory, saying "the new policy validates their claim that the United States is at war with Islam." ISIS-linked social media posts "compared the executive order to the 2003 US invasion of Iraq, which militant Islamic leaders at the time hailed as a 'blessed invasion' that ignited anti-Western fervor across the Islamic world." Separately, the United Arab Emirates became the first Muslim-majority nation to endorse the order (Fox News, 2017).

Trump's stated reason for issuing the executive order was to prevent terrorism. However, an internal report compiled by the US Department of Homeland Security's Intelligence and Analysis Unit concluded that people from the seven nations affected by the travel ban do not pose an increased risk of terrorism. The report found that "country of citizenship is unlikely to be a reliable indicator of possible terrorist activity" and that few people from the seven affected countries access the United States, in any case, since the State Department grants a small number of visas to citizens of those countries.

During the time that the decree was maintained, surveys were carried out, where the feeling of the population could be appreciated. For example, one of the polls found that a majority of Americans (55%) supported Trump's travel ban on citizens of predominantly Muslim countries.

The report found that of 82 people determined to have been inspired by a foreign terrorist organization "to carry out or attempt to carry out an attack in the United States, just over half were United States-born United States citizens." while the rest came from a group of 26 countries, only two of which were among the seven nations included in the ban. White House and DHS officials downplayed the importance of the report, saying it was only a draft.

Shortly after the executive order was enacted, on January 27, border officials across the country began enforcing the new rules. The New York Times reported that people with various backgrounds and statuses were denied entry or turned away; this included refugees and minority Christians from affected countries, as well as students and green card holders returning to the United States after visits abroad (Livingston, 2017).

Among one of the consequences of the order is that people from the countries named in the order with valid visas were turned away from flights to the United States. Some were stranded in a foreign country while in transit. Several people who were already on planes flying to the United States at the time the order was signed were detained upon arrival. On January 28, the American Civil Liberties Union (ACLU) estimated that between 100 and 200 people were detained at airports in the United States and hundreds were barred from boarding flights to the United States.

Some 60 legal permanent residents were reportedly detained at Dulles International Airport, near Washington, DC. Travelers were also detained at O'Hare International Airport without access to their cell phones and unable to access legal assistance. The Council on American-Islamic Relations (CAIR) offers free legal help to travelers experiencing "ban" issues. Attorneys are on standby around the clock at the Chicago airport and CAIR also encourages travelers to check in with them before they travel. The effect of the order resulted in a considerable number of people arrested.

In terms of prohibited visa holders, the federal government reported that more than "100,000 visas for aliens inside and outside the United States have also been revoked, at least temporarily." The Washington Post fact-checker, citing State Department figures, reported that 60,000 US visas were issued in the seven affected countries in fiscal 2015.

The New York Times reported that 86,000 temporary nonimmigrant visas (mainly for tourism, business travel, temporary work or education) were granted to citizens in the seven affected countries in fiscal year 2015. The executive order also barred people from all seven countries get new immigrant visas. In 2015, 52,365 people from the seven affected countries had received green cards (generally issued shortly after an immigrant visa holder's arrival in the United States); "Overall, about half of recent new lawful permanent

residents are newcomers to the country, and the other half had their status adjusted after living in the United States." (Hersher et al., 2017).

In the weeks of 2017 preceding the executive order, the United States admitted approximately 1,800 refugees per week (total) from the seven countries covered by the order. While the executive order was in effect, the United States received two refugees from those countries.

Additionally, many universities were affected by the issuance of the travel ban. An example is Bennington College. Since almost twenty percent of the students are from all over the world, some students were not allowed to return. Even the students who were planning to attend this university in the future were unable to do so. Universities like New York University updated their students on each iteration of the travel ban to keep students informed about what they can do if they are affected by the order. Many university administrators believe that because of President Trump's views on immigration, students abroad have become reluctant to study in the United States (Silver, 2018).

Students who have the F1 visa are put at risk with this executive order. Since F1 visas only allow these visa holders one entry into the United States, this executive order may not allow these individuals to return if they decide to leave the country for a school break. Due to the ban, students on F1 visas may not be able to see their families for several years, especially if their parents are unable to enter the United States as a result of the ban.

On the other hand, citizens who held dual citizenship of both a prohibited country and a non-prohibited country were not affected by the order, as were US citizens who hold citizenship of one of the seven prohibited countries. The International Air Transport Association told its airlines that dual nationals holding a passport from a non-prohibited country could enter the United States.

The UK Foreign and Commonwealth Office issued a press release saying the restrictions apply to those traveling from the listed countries, not those who simply hold their citizenship. The confusion led companies and institutions to take a more cautious approach; for example, Google told its dual national employees to remain in the United States until more clarity could be provided. On January 31, 2017, the Department of State updated the restrictions to allow dual citizens to enter the United States as long as they hold a US visa and entered with a passport from an unrestricted country.

Google called its traveling employees back to the United States in case the order prevented them from returning. Around 100 of the company's employees are believed to have been affected by the order. Google CEO Sundar Pichai wrote in a letter to his staff that "it is painful to see the personal cost of this executive order on our colleagues. We have always made our views publicly known on immigration issues and will continue to do so." Amazon.com Inc., citing the disruption to their employees' travel, and Expedia Inc., citing the impact on their customers and reimbursement costs, filed statements in support of the executive order (BBC News, 2017).

However, the CEO of the Committee for Economic Development, Steve Odland and several other executives and analysts commented that the order will not lead to significant changes in IT hiring practices among US companies, since the affected countries are not the main source of foreign talent. According to The Hill, "a cross-section of legal experts and travel advocates" say the order "could have a chilling effect on US tourism, global business and enrollment at US universities."

While Green Card holders (legal permanent residents) "are not included and may continue to travel to the United States." According to the Associated Press, no green card holders were denied entry to the United States, although several initially spent "long hours" in detention. As of January 29, 2017, Secretary of Homeland Security John Kelly deemed the entry of lawful permanent residents into the United States "in the national interest" by exempting them from the ban under the provisions of the executive order. On February 1, White House counsel Don McGahn issued a memo to the heads of State Departments, Justice and Homeland Security clarifying that the ban provisions of the executive order do not apply to lawful permanent residents.

According to Trita Parsi, president of the National Iranian American Council, the order afflicted citizens of the affected countries, including those with valid green cards and valid visas. Those outside the United States fear they won't be allowed in, while those already in the country fear they won't be able to leave, even temporarily, because they won't be able to return.

Some sources have stated that the executive order may have affected a shortage of doctors in the United States, disproportionately affecting rural areas. According to an analysis by a group of Harvard Medical School professors, research analysts, and physicians, the executive order is likely to reduce the number of physicians in the United States, as about 5% of trained physicians abroad in the United States were trained in the seven countries targeted by the executive order. These doctors are disproportionately likely to practice medicine in rural and underserved regions in specialties that face severe professional shortages. According to The Medicus Firm, which recruits physicians for jobs that are difficult to fill, Trump's executive order affected more than 15,000 physicians in the U.S.

Trump's executive order also had an effect on the U.S. tourism industry, which contributed \$1.47 trillion to the country's GDP in 2014. As reported by Frommer's, according to the Global Business Travel Association, as well as the offices local tourism, with policies like Executive Order 13769 making foreigners feel less welcome, and as a consequence fewer tourists began traveling to the United States, with all foreign tourism down 6.8%, online searches for flights from foreign countries decreasing 17% and foreign business travel decreasing by \$185 million during the first week of the immigration suspension. Economic research firm Oxford Economics found that Los Angeles County could lose 800,000 visitors, which would otherwise account for \$736 million in tourism spending, as a direct result of the ban.

A document redacted by the New York Times reported that "for an action directed at terrorism, the order appeared to garner little or no support among experts and former officials of all political persuasions with experience in the field." For this reason, terrorism experts such as Charles Kurzman, Brian Michael Jenkins of the RAND Corporation, and Daniel Benjamin of Dartmouth College, a former senior State Department counterterrorism official, commented on the order. On the one hand, Benjamin said the order was unlikely to reduce the terrorist threat, and "many experts believe that the unintended consequences of the order will worsen the threat." Benjamin stated that the order could be counterproductive in terms of counterterrorism cooperation and feed 'the jihadist narrative' of a West at war with Islam.

On the other hand, Kurzman of the University of North Carolina pointed out that, since the attacks of September 11, 2001, no one has died in the United States in a terrorist attack by someone who has immigrated or whose parents have immigrated from the seven affected countries.

In turn, Jenkins explained that of the 147 jihadist plots and attacks since 9/11, 105 were perpetrated by US citizens and 20 involved legal permanent residents. "In other words, 85 percent of terrorists lived in the United States long before carrying out an attack, they radicalized within the nation's borders." He added, "If this temporary ban had been in place since 9/11, how many lives would have been saved. Not one." While Jenkins admitted there were two individuals whose entry would have been barred had the ban been in place since 9/11, both were in the country for years before engaging in terrorism-related activities. According to Jenkins, failure to identify these individuals before they entered the United States is not a failure of the investigative process. He sums it up as an inability to predict human behavior years into the future.

According to Scott Shane, a reporter for The New York Times, the seven countries in the executive order had a "random quality"; the list excluded Saudi Arabia and Egypt (where many jihadist groups were founded) and Pakistan and Afghanistan (where extremism has a long history and which have "produced militants who have occasionally reached the United States"). Jonathan Schanzer of the conservative Foundation for Defense of Democracies said "the order appears to be based primarily on a campaign promise" and did not appear to be linked to any efforts to improve the investigation or other procedures.

A 2021 study in the American Political Science Review found that Trump's refugee ban (which caused a 66% reduction in refugee resettlement) had no impact on crime rates.

6. Discussion

For the realization of the present work of literary revision, based on the qualitative investigation of information, it is necessary to consider the context of the situation. Taking this into account, we used a narrative design where the events were emphasized chronologically and this information was strengthened with quantitative data that reflects the impact on Muslim society in the United States. Bibliographic documents and press articles were used as a data collection tool for the analysis of the evolution of this right until reaching the situation of how the Muslim Immigration Ban was conceived in the United States during the presidency of Donald Trump until his subsequent removal with the Joe Biden administration.

Taking as a suggestion the book of Research Methodology regarding qualitative research through 9 phases, the first step is the identification of the idea followed by the problem statement, immersion in the field, the conception of the study design, the definition of the initial study sample and access to it, data collection, data analysis, interpretation of results to finally have the preparation of the results report (Hernández Sampieri et al., 2014.)

In order to obtain the information for the development of this work, the exhaustive search for information in bibliographic sources was used as a basis, linking with the development of the chronological events of the emergence of the right of free movement and its evolution in the various international instruments until Get to the present to finally have a clearer interpretation of this situation and the problems that arose from the actions of former President Trump and the annulment of the ban with the new Joe Biden administration.

For this reason, a review of the information has been carried out in two stages, in order to facilitate the understanding of the text.

For the first part of the document where the theoretical framework was addressed, bibliographic sources were used, such as books that address the theoretical foundations of the structure of the international system that governs our society to date and in turn provided us with the keys to the role played by the States. as main actors in this system. The sections of the book consulted give us the bases to understand how the international system works where the responsibilities fall on the States and, in turn, the interest on the part of the States to search for the universality of rights.

Understanding and comparing the different sources was easy, since the authors of the different documents reflect the historical interest that exists on the part of the States to develop universal rights, but it is very limited by the state sovereignty of the States. However, it has been possible to develop instruments that reflect these wishes, such as the UDHR, but they also showed us how complex it can be to encompass all issues regarding human rights and, above all, the necessary mechanisms to make state actors comply with it.

The main cause is the clash of the diverse moral and cultural systems of the States around the world. And precisely here it could be complemented with ideas from Nberto Bobbio regarding human rights as a result of historical processes and not as something that he is simply given by nature and implicitly understood. Making us understand that the rights are strengthened with the passage of time and contrasting with ideas of authors who speak of ius naturalism of human rights.

For the development of the second section of the document where the state of the art is addressed, bibliographic sources such as books, articles, newspaper sections, public documents have been used. In the first instance, it helped us to weave together the list of events of how the Muslim Immigration Ban came to be.

On the one hand, the newspaper sections provided us with information on how the events developed. The newspapers that have mainly served us to add this information have been the New York Times and the Washington Post. In some cases, it has been possible to notice a bias in the way of counting the events. For this reason, it has been necessary to make an interpretation that is as close to the facts as possible, leaving aside the ideological bias. The most complicated thing in structuring the facts has been to give the most precise chronology possible with the most relevant facts.

In some parts it has been quite difficult to be able to link the events, since the period of time in which it was developed was a little more than 4 years, but it was full of changes over time. To all this, it can be added that it did not only implicate the government but also a large number of state actors who also had a position on the issue. And to attempt a sequence and relevance of the facts, it has been necessary to filter the information. To choose the most important facts, it has been necessary to see what have been the repercussions of the actions taken by each of the actors and how they have been influenced around the right of free movement of Muslims to and from the United States.

Additionally, there were international actors, such as the countries of the citizens who were affected by the ban, but also countries that were not directly affected, but did have a position on the issue. However, for this point, conferences and communiqués issued by heads of state or representatives on the subject were taken into consideration. It is worth clarifying that an exhaustive deepening of the position of the different

countries was not made, since, although these could have a certain influence. This subject is internal and competent to the politics of the United States.

For the part of the results, we had to resort to reports from various entities that present us with the consequences of what was the Muslim Immigration Ban. At this point, an attempt was made to cover the greatest number of areas affected by the prohibition. These documents and reports our approximate figures of the people or values that were affected, but these cannot be contrasted with information from official government sources.

7. Conclusion

It can be concluded that the Muslim Immigration Ban, in light of article 13 of the Universal Declaration of Human Rights, has raised a series of questions regarding the right to freedom of movement. Since, this article clearly establishes that every person has the right to move freely within their own country and to leave it, as well as to return to their country. But it does not support admission to another State, since this is a sovereign competence of each State. Although this right is contemplated in other international and regional human rights instruments, there are no mechanisms that oblige States to manage their migration policies in a specific way.

The implementation of a ban directed at citizens of Muslim countries can be considered an unfair, discriminatory and unjustified restriction on the right to freedom of movement and contrary to the principles of equality, non-discrimination and fair treatment. However, it was backed by United States national security legal grounds.

The ban on Muslim immigration during the presidency of Donald Trump is recognized as a controversial measure that generated widespread concerns and tensions both domestically and internationally. This policy had a significant impact on Muslim communities inside and outside the United States, creating division, fear, and injustice. Impacting the areas of health, education, business, tourism, etc. It was argued that this measure contradicted the fundamental values of the country, such as religious freedom and equal treatment. But remembering that States are autonomous political entities and have exclusive power and authority over their territory, government and internal affairs. This implies that States are recognized as the primary and sovereign actors in the international community, and they have the ability to make decisions and exercise their authority within their borders. This leads us to the conclusion that this series of policies can be considered legal, but not legitimate. Taking advantage of the interpretations and legal gaps that exist.

However, the Joe Biden administration's repeal of the ban represents a major shift in the direction of immigration policy. The decision to repeal this discriminatory measure sends a message of openness, inclusion and respect towards all religions and cultures. The repeal of the ban under the Joe Biden administration has been a significant milestone in protecting the rights and inclusion of Muslim communities. This action has demonstrated the importance of advocating for immigration policies based on justice, respect, and equal opportunities for all people, regardless of their religion or ethnic origin.

This step-in immigration policy reflects the importance of safeguarding the fundamental principles of equality, diversity and respect for human rights. The repeal of the Muslim immigration ban shows a renewed commitment to fairness and equity in US immigration policy. However, it is essential to recognize that the impact of this ban and the wounds it caused will not disappear immediately. It will take a continued effort to heal the divisions and rebuild trust in the affected communities.

Ultimately, the repeal of the Muslim immigration ban is a step in the right direction towards a more inclusive and respectful society. It is a reminder that promoting human rights and equality requires constant vigilance and a willingness to right past injustices.

It is essential to seek solutions that promote the safety and well-being of people without compromising fundamental human rights. Migration policies must be designed in such a way that they fully respect the rights and freedoms enshrined in the Universal Declaration of Human Rights and other relevant international instruments, as well as being attached to the needs of States. Promoting inclusive migration, based on the principles of equality and non-discrimination, will strengthen social cohesion and contribute to building fairer societies that are more respectful of human rights.

Remembering the ideas of Norberto Bobbio, it can be concluded that rights are in constant evolution, including the right to free movement and that there is still a long way to go and improve. The evolution of

human rights over time shows that they are not static, but rather evolve in response to the challenges and progress of society. These changes reflect humanity's commitment to protecting and promoting dignity, equality and justice for all human beings, and remind us that we must continue to work together to ensure that human rights are a reality for all, regardless of their origin, gender, religion or sexual orientation.

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