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Tracing the Trajectory: Exploring the Origins, Iterations, and Impacts of the Muslim Travel Ban

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TRACING THE TRAJECTORY:
EXPLORING THE ORIGINS, ITERATIONS, AND IMPACTS OF THE MUSLIM TRAVEL BAN

by

DALIA YOUSEF

A master's capstone project submitted to the Graduate Faculty in International Migration

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requirement for the degree of Master of Arts.

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ABSTRACT

Tracing the Trajectory:

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by

Dalia Yousef

Advisor: Dr. Monica Varsanyi, Ph.D.

The Muslim Travel Ban emerged as an explicitly discriminatory policy when former President Trump signed Executive Order 13769 on January 27, 2017. The first version of the Ban suspended the entry of travelers from seven majority-Muslim countries into the United States. After several iterations, the third version of the ban was upheld by the Supreme Court on June 26, 2018, and only rescinded by a Presidential Executive Order issued by President Joe Biden on January 20, 2021. Although the Ban received significant media attention, it was analyzed by only a few scholarly works utilizing legal and discursive approaches. This thesis traces the Muslim Travel Ban back to Trump's electoral promises and examines the legal precedents of excluding specific immigrant groups under national security frameworks. Furthermore, it examines the Ban's impacts on targeted groups by thematically analyzing published narratives using Atlas.ti software. This thesis situates the Travel Ban within the history of anti-immigrant policies and the otherization of various immigrant groups while remaining focused on Muslims' experiences of otherness. It illuminates how the Ban was created, despite there being any actual crisis or political urgency making it necessary or justifiable. The thesis also presents an analytical framework outlining three paradigms of Muslim otherness (Orientalism, The Clash of Civilizations, and the War on Terror) to specifically demonstrate how the Ban corresponded and contradicted the War on Terror. It thus clarifies how the Muslim Travel Ban's exclusionist logic of "bad Muslim only" undermined the targeted group's attempts to prove legal status, deservingness, and innocence.

ACKNOWLEDGMENTS

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"How did our criminalization get normalized and justified so quickly?"
> Nisrin Elamin Abdelrahman, a Sudanese who lived in the US for 25 years, asked
> when she got detained at the JFK airport immediately after the Muslim Travel
> Ban was enacted.

The so-called "Muslim Travel Ban" was initially enacted when former President Trump signed Executive

Order 13769 [1]on January 27, 2017 and ended when President Joe Biden issued a Presidential

Proclamation [2]on January 20, 2021, to rescind it. Although the Ban moved along a circular path starting

with an executive order and ending with another one, it has roots beyond Trump's anti-immigrant

policies, and its legacy may continue even after Biden's presidential counteraction.

The first version of the Ban prevented travelers from seven majority-Muslim countries from entering the

US and was enacted instantly. Consequently, several travelers from the listed countries were detained

or sent back, including permanent legal residents and Green Card holders. The spontaneous protests

disrupted the chaotic implementation of the Ban at the busiest airports like John F. Kennedy, LAX,

Dulles, and Seattle-Tacoma...etc. The protesters placed the Travel Ban in the context of the anti-

immigration policies by using the pivotal slogan of "No Ban No Wall." Elected officials and TV cameras

joined the protesters. Taxi drivers were striking to show their solidarity, Yemeni owners of bodegas

announced they would close their stores in protest, and lawyers teamed up and assembled in the

airports, they coordinated with grassroots movements and elected representatives to release the

detainees, inform the individuals separated from their family members about their rights. Furthermore,

the Ban was legally challenged at federal courts. The Trump administration was forced to issue a second

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[1] Protecting the Nation from Foreign Terrorist Entry into the United States. Retrieved from
https://www.federalregister.gov/documents/2017/02/01/2017-02281/protecting-the-nation-from-foreign-terrorist-entry-into-the-united-states
[2] Ending Discriminatory Bans on Entry to the United States. Retrieved from
https://www.federalregister.gov/documents/2021/01/25/2021-01749/ending-discriminatory-bans-on-entry-to-the-united-states

version of the Ban, on March 6, 2017, due to the political and legal opposition and the chaos caused by the Ban's instant implementation. However, the second version faced similar problems as the first one and was overridden by a Presidential Proclamation on September 24, 2017, ultimately upheld by the Supreme Court on June 26, 2018.

The Ban got massive media coverage, especially as an alarming political moment at the beginning of Trump's presidency. Nonetheless, only a few scholarly works have yet to analyze the Ban. This thesis seeks to address this research gap in two ways. First, it will trace the roots of the Ban in the history of exclusionary policies, legal precedents, and contemporary national security frameworks. Then it will explore the impacts of the Ban's different versions on the targeted groups.

The literature review will look into the small body of scholarly work that tackled the Muslim Travel Ban, which focused chiefly on its legal and discursive characteristics, to explore if the Muslim Travel Ban is an anomaly that puts the Muslim communities in a unique position experiencing exclusion. First, it will establish the discussion of how the Ban is connected to legal precedents and otherization of immigrant groups through time. Subsequently, the literature review will outline the distinct paradigms of Muslims' otherness, including Orientalism, Clash of Civilizations, and War on Terror. It will thus provide the lens through which the thesis will examine how the Muslim Travel Ban corresponds and contradicts the latest paradigm of Muslims' otherness, the War on Terror.

The second chapter will trace the iterations of the Ban to show its discriminatory intent concealed afterward by expertise interference. It will identify the Ban's characteristics by comparing it to previous government-sponsored discriminatory policies that targeted minorities and outgroups, connecting it to legal precedents that entrenched the executive and presidential powers over immigration and furthered

the otherization of immigrants, as well as national security policies that intensified the otherization of Muslims, especially during the War on Terror. And the third chapter will perform a thematic analysis of datasets of published representative stories of the targeted groups to examine the Ban's impacts using Atlas. ti software.

II. Literature Review

In the following pages, I discuss the limited literature that focused on the Muslim Travel Ban to outline the basic arguments generated by this literature and show how they lead to further questions on whether the Muslim Travel Ban is a distinct policy revealing a unique Muslims' experience or not. Next, I draw on the existing research works to trace the legal precedents of exclusionary and anti-immigration policies. While situating the Muslim Travel Ban in the history of these policies, I also discuss the elements that specifically shaped the contemporary experience of Muslims' exclusion in the US. Finally, I refer to some influential and contested academic works to delineate "paradigms of Muslims' otherness" and elaborate on the discussion of the Muslim Travel Ban.

Although the Muslim Travel Ban received massive media attention, only a few scholarly works have tackled its iterations, mainly focusing on its legal and discursive characteristics. There was not enough academic and sociological research that thoroughly investigated the Ban's multiple versions and their impacts on the targeted individuals and families compared to the legal reviews. After the 9/11 attacks, Anny Bakalian and Mehdi Bozorgmehr (2009) noted how the legal scholars were more prolific in studying post 9/11 backlash against Middle Eastern and Muslim communities than social scientists' limited interest in addressing the topic. They highlighted how the legal scholars were vocal in critiquing the government-sponsored discriminatory initiatives and policies, but there was no systematic analysis of the impacts on the targeted groups.

Similar to studying post-9/11 backlash, the Muslim Travel Ban was analyzed mainly by legal scholars who primarily put the Ban in the historical contexts of executive power and the sovereign right to exclusion. Shoba Sivaprasad Wadhia (2018) discussed how the Travel Ban could not be separated from the historical usage of national security language to create and defend immigration law and policy. She specifically traced how the Chinese Exclusion Case (1889) enabled coupling national security and immigration through the tool of plenary power and much later, the Immigration and Nationality Act (INA) in 1952 had sections (INA § 212(f)) that stated that noncitizens can be excluded or deported for security reasons. Dan Ordorica (2019) dived deeper into the legislative history of INA § 212(f) to compare presidential power in different political contexts especially between the Alien Friends Act 1798 and the INA 1952.

To identify some parallels between the Travel Ban and precedent legal cases, Richard A. Dean (2019) contested that there is no similarity between *Korematsu v. America* (1944) and the Supreme Court review of the Travel Ban (in the case of *Trump v. Hawaii*). Instead, he argued that both of them essentially looked into the constitutionality of these executive orders in identifying the "bad" from greater numbers. He furthered the discussion about the legality of these orders through assessments of their purposes and factual evidence. Also, Jill E. Family (2018) focused on how the Supreme Court ultimately upheld the Muslim Travel Ban. However, she attributed the court's decision to the later experts' intervention in concealing the Travel Ban's discriminatory intent. In doing so, Family described how the Ban's three versions resulted from a manufactured political emergency portrayed by the Trump administration. In response to this manufactured emergency, Abed Ayoub and Khaled Beydoun (2017) explained how the Ban evolved emergency advocacy to defend the vulnerable and impacted Muslim populations, primarily through grassroots lawyering. Hu (2017) analyzed the Travel Ban within the framework of Crimmigration-Counterterrorism and mainly tracked the history and technologies of

screening and biometric identification systems in relation to the Muslim Travel Ban's proposal of "extreme vetting."

According to their focus, the studies that addressed the discursive characteristics of the Ban reached different, sometimes contradictory, findings. For instance, some tackled rhetoric and public opinion focused on the "mainstream" shift of hearts and minds against the Muslim Travel Ban (Collingwood et al.2018; Oskooii et al.2021). In contrast, others analyzed the statements of former president Trump compared to previous presidents to address the power of presidential rhetoric (Frederickson, 2018) and his tweets that influenced his political base (Gomez, 2018). However, most of them highlighted how Muslims and Muslim Americans are viewed as a "problematic," "unpopular," and "stigmatized" population that trigger feelings of cultural or security threats.

Rethinking the findings of these legal and discursive studies poses the question of whether the Muslim Travel Ban is an anomaly that puts the Muslim communities in a unique position of exclusion or not. On the one hand, most of the legal studies characterize the Muslim Travel Ban as a disturbing action, the first attempt to Ban entering the United States based on national origins since the 1965 Immigration and Nationality Act that undid system of national-origin quotas[3]. But, on the other hand, they connect it to precedent legal and exclusionary immigration policies. Figure (1) demonstrates some of these legal precedents targeted groups from various ethnic, national, and cultural backgrounds at different historical moments.

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[3] The Immigration and Nationality Act stated no "discriminated against in the issuance of an immigrant visa because of the person's race, sex, nationality, place of birth or place of residence." However, in "Can We Remake a Broken Immigration System?" Mae Ngai (2020) argued that the Act kept the overall numerical ceiling on total annual admissions low. Also, many suggested that the Act negatively affected the migrants from Mexico and other Latin American countries because it brought them under numerical limits for the first time.

FIGURE 1. LEGAL PRECEDENTS OF EXCLUSION AND DISCRIMINATORY IMMIGRATION POLICIES

1798	Alien and Sedition Acts
1882	Chinese Exclusion Act
1917	Barred Zone Act (no person were allowed to enter the US from the Middle East to South East Asia)
1924	Immigration Act (established "national origins" quotas aimed to limit the numbers of immigrants from Southern and Eastern Europe)
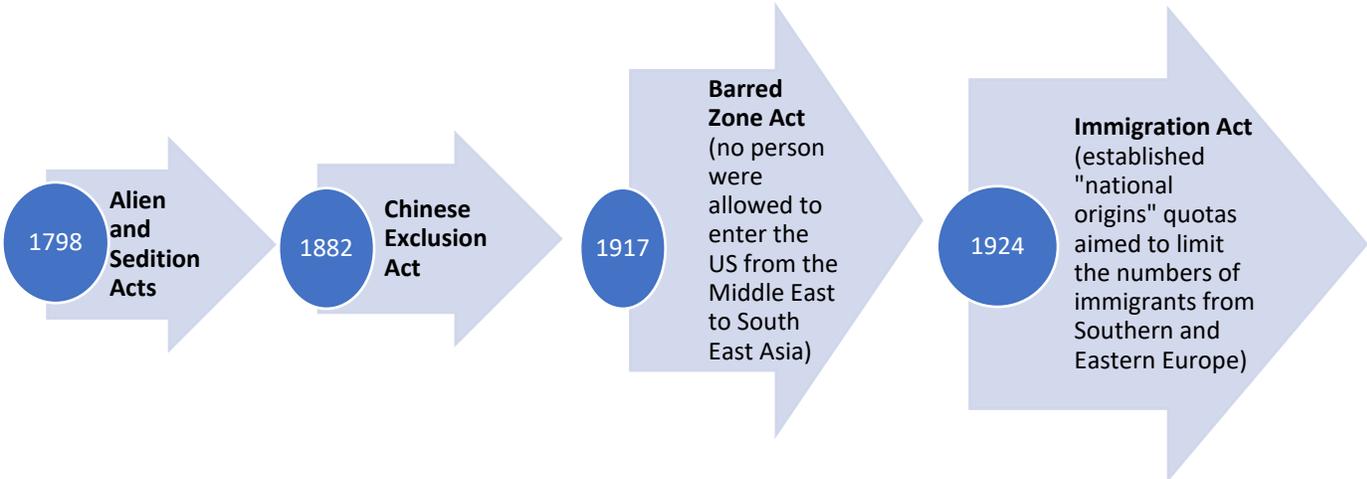
Similarly, the discursive works show the contested reactions and the shifts against the Muslim Travel Ban. However, they emphasize how Muslims are particularly perceived as a "problematic" and "unpopular" group (Gomez, 2018; Collingwood et al., 2018; Oskooii et al., 2021). To examine whether the Muslim Travel Ban is a continuity of previous discriminatory policies, or an exception derived from anti-Muslim sentiments, Gerteis et al. (2020) differentiate between historical and contemporary contexts. They argue that while the position of Muslims is not unique historically, the "otherness" of Muslims in the US modern context is distinct because, as illustrated in figure (2), it is defined by race, religion, and civic (or political) boundaries at one time (p.6). In this way, the Ban has shown how "anti-Muslim sentiment is a reminder of older, enduring forms of nativism and xenophobia" (Gerteis et al., p.19).

FIGURE 2. MUSLIMS' INTERSECTING FORMS OF OTHERNESS (SEE GERTEIS ET AL, 2020, P.6)

Racial Others — Religious Others — Civic Others

6
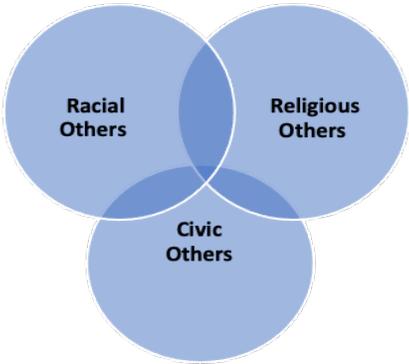
Paradigms of Muslims' Otherness

Within the enduring forms of nativism, each group can be othered in different ways at certain historical and political moments. The Muslim Travel Ban took advantage of how "Muslims are now a central outgroup in American Life" (Gerteis et al.,2020, p.10). However, I argue that Muslims' otherness is informed by multiple frameworks beyond the differentiation between historical and contemporary moments. Drawing on previous literature, I suggest that there are three interrelated paradigms of "Othering" Muslims operating across historical and contemporary contexts, including Orientalism, Clash of Civilizations, and the War on Terror. These paradigms do not offer an interpretation of every aspect. Yet, they provide a major part of explaining Muslim otherness. Even though they did not create Muslim exclusion, they reinforced it. They are not static categories, and they have worked in light of multiple interacting and conflicting factors. I argue that the Ban is essentially a state-sponsored anti-immigration policy that worked within these contested but influential paradigms of Muslims otherness by employing and problematizing some of their narratives and tools.

FIGURE 3. THE WAR ON TERROR, PRECEDED BY ORIENTALISM AND THE CLASH OF CIVILIZATIONS, DEEPENED THE OTHERNESS OF MUSLIMS
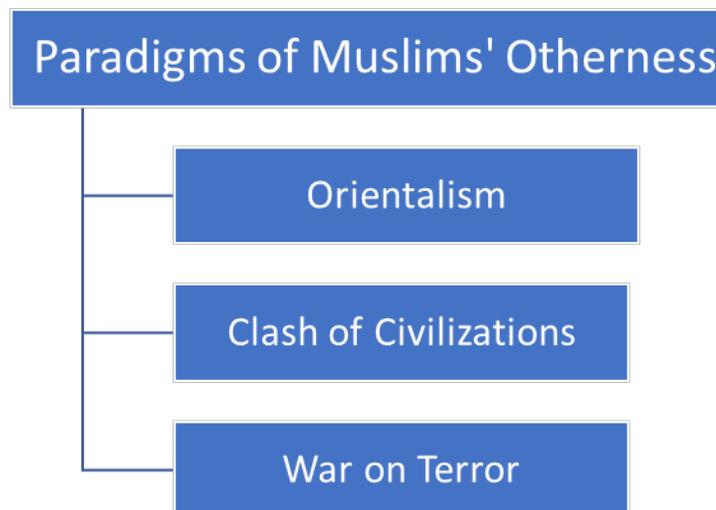
Orientalism

Edward Said (1979) defined Orientalism as a "style of thought based upon an ontological and epistemological distinction between the Orient and the Occident" (p.2). In criticizing Orientalism, Said went beyond the academic aspects and identified its historical and political elements as a knowledge system that preceded and accompanied the European power and hegemony in the 19th century to constantly create "flexible positional superiority" of the Westerner (p.7). By Positioning Europe as a reference point for human history, Orientalism worked in a hierarchical way to invent the "Orient"/"Other," not as an equal to the "self," but rather as "threatening, inferior and underdeveloped" (Haldrup & Koefoed, 2009, p.38). The invented "Other" is primarily used to cement the Self (European/ the West), which is pictured as civilized and rational. According to Said, non-West works as "danger" that justifies Western imperialism and the object that could be represented and controlled. Thus, the Orient is not a free subject but rather "an idea that has history and a tradition of thought, imagery and vocabulary that have given it reality and presence in and for the west" (Said,1979, p.5). However, Said shows that Orientalism is not a false construction but "a power relation with political implications" that has material foundations in colonialism and turns "distance into difference" (Haldrup & Koefoed, 2009, p.38-39).

Orientalism can operate differently across time and extend from textual and representative frameworks to practical ones. For example, scholars argue that early European scholars and artists who initially contributed to constructing Orientalism had backgrounds in philology, and their works had focused on languages and literature of the Middle and Near East. Later, a form of "neo-orientalism" emerged in the US, by the end of the Second World War, when officials and academics interested in foreign policies "started to view the Arab-Muslim world as a region of great importance for the economic interests and security of the United States" (Kerboua, 2016, p.16). Consequently, "Orientalism was refashioned as a

branch of area studies to provide the Cold War applied social sciences with much-needed content"

(Shalbak, 2018, p.508).

Understanding how Orientalism is not a static concept helps explore the nuances, contradictions, and

shifting attitudes of othering. Hence, othering can work differently against one group or many groups in

various periods. For example, after WWII, the emergence of the anti-Soviet Union global coalition and

the discovery of large oil deposits in the Arab Gulf complicated perceiving Islamic threat as a constant

danger. Alternatively, there was more focus on opposing Arab nationalism in a larger context of fighting

communism, "while Islam itself was just in the background and not center stage" (Bazian,2008,p.4).

Islam was also utilized from above as in Eisenhower Doctrine called the "Islam strategy," which tried to

create a top-down approach promoted by Saudi Arabia to align with the US interests to defeat the

Soviet Union (Kumar, 2012,p.67-68).

Clash of Civilizations

Despite the old roots of Orientalism alongside colonialism, Muslims' contemporary "otherness" in the

US has been more salient at certain political moments usually tied to foreign policies (e.g., the OPEC oil

embargo of 1973, the Iran hostage crisis of 1979, and the first Gulf War in 1991). Scholars historize the

Arab and Muslim exclusion from political and civic life that has turned them into the "enemy-other." The

cycles of political tensions were combined with demonization, "since the 1960s, large segments of US

culture have unofficially classified Arabs and Muslim as terrorists and perceived them as threats to

national security" (A. Jamal, N. Naber. eds., 2008, p.89). Although many argue that the 1979 Iranian

Revolution intensified the negative representation of Islam and Muslims in the West, particularly in the

US, the demonization considerably increased by the end of the Cold War. At the time, there was a

search for a unifying project when the political scientist Samuel Huntington (1993) "revived the idea of a

'clash of civilizations as a potential heir to the tensions of the Cold War" (Haldrup & Koefoed, 2009, p.42).

It is worth mentioning that Huntington has been among important figures "in US foreign policy since the Vietnam War, and has been a member of the National Security Council" (Tuastad, 2003,p.593). In "Clash of Civilizations," Huntington (2011) contended that "culture and cultural identities, which at broadest level are civilizational identities, are shaping the patterns of cohesion, disintegration, and conflict in the post-Cold War world" (p.20). Huntington assumed that the ideological clashes in the previous half-century would be replaced with the conflict between civilizations and restored the dichotomous confrontation between the West and the East (mainly the Muslim – Chinese alliance). Huntington built his argument about the Muslim threat using national security evidence that the USA had classified seven countries as 'terrorist states,' five of which were Muslim (Iran, Iraq, Syria, Libya, Sudan) and engaged in seventeen military operations in the Middle East, all of them directed against Muslims between 1980 and 1995. He attributed these confrontations to characteristics inherited in the Islamic religion that "glorifies military virtues." (Huntington, 2011, p.263).

In a way, Huntington recycled the Orientalist style of thought by constructing a singular threat to unify and affirm an advanced and rational Self. Huntington's claim that "Islam has bloody borders" (p. 254) has not been an utterly isolated viewpoint, and it resonated with some other policymakers' views and intellectuals' works, including those of Bernard Lewis. The latter adopted a similar binary and essentialist image of Islam and the Muslim world as in his earlier essay "The Roots of Muslim Rage" (1990) and later "What Went Wrong? Western Impact and Middle Eastern Response" (2002), where Orient and Occident are introduced as antithetical and internally homogenous entities.

There were early and heavy criticisms of Huntington's "Clash of Civilizations," especially for its simplistic and binary nature, emphasis on cultures over politics, and limited explanatory power that could not analyze the multiple levels of domestic, regional, and international conflicts. Moreover, it ignored how interests have mostly shaped contemporary politics (Bottici and Challand, 2006). Thus, it could not explain the internal variety and complexities of one "civilization," like the political rivalry and contradiction within the Western World, e.g., between the US and Europe (Nayak and Malone, 2009). Yet, despite these criticisms, the "Clash of Civilizations" paradigm gained some success, perhaps because it offered a conceptualization of the post-Cold War world and filled in some vacuum in politics and media after the collapse of communism. A success that incredibly increased after the 9/11 attacks as "Huntington's book became a bestseller to the point that by 2002 Netscape was offering Internet surfers free copies […] and was translated into many languages" (Bottici and Challand, 2006, p.322). Notably, the Clash of Civilizations intensified and turned into a powerful narrative interpreting the contemporary world through the division between the West and the East (or the Muslim World) regardless of any heterogeneous geographical, cultural, or ideological constructions within each of these two entities.

War on Terror

The global "War on Terror" has employed neo-orientalist images of contemporary Muslims not only as backward and inferior but, more importantly, as violent and threatening. It utilized knowledge about Islam and Muslims produced by some intellectual circles. Intellectuals like Huntington and Lewis inspired the neoconservative doctrine to operate within the Clash of Civilizations paradigm and replace the classical Orientalism paradigms that supported 19th-century colonialism. President George Bush described the "war on terror" following the September 11 attacks as a 'crusade.' Similarly, "on September 26, 2001, Italian Prime Minister Silvio Berlusconi stated that 'We should be conscious of the superiority of our civilization'" (Tuastad, 2003,p.592). With their emphasis on cultural and civilizational

explanations of the conflict, Bush and Berlusconi adopted the "clash of civilization" perspective. An oversimplified image of the "Other" within this framework was encouraged. Interestingly, this oversimplification had its commonalities with Bin Laden and affiliate movements' portrayal of the world as two blocs of believers and disbelievers (or Islam and the West).

The War on Terror was culturally institutionalized based on the "simplistic proclamation" by George W. Bush "that either you are with us, or you are with the terrorist." (Bayoumi, 2015, p.13). Earlier, Bernard Lewis, who was an advisor to the American administration after 9/11, argued that Muslim culture can turn violent. However, he considered that Muslims could be good and worthy if they were liberated from their "despotic culture" (Shalbak, 2018, p.509). Mahmood Mamdani (2004) observed that after 9/11, "[…]unless proved to be 'good,' every Muslim was presumed to be 'bad'" (p.15). Thus, the Other/ Muslim needed to be qualified as good. At a certain level, the War on Terror undertook the universal mission of sorting out the "good" and "evil." Though the "us" versus "them" binary logic is established upon what Mamdani named "cultural talk," it has a political implication that exacerbated the othering of Arabs and Muslims in the US and globally. The "us" versus "them" polarization moved beyond the minority/majority relation, the popular stereotype, and scapegoating to include the US government and state-sponsored policies (Bakalian and Bozorgmehr, 2009).

The War on Terror, preceded by Orientalism and the clash of civilizations, had deepened the otherness of Muslims just as the "cultural talk" "qualified and explained the practice of "terrorism" as 'Islamic.'" (Mamdani, 2004, p.17). The terrorist attacks of 9/11 enabled the turn from proxy wars to direct warfare on Afghanistan ruled by Taliban identified as hosts of Al-Qaeda, and later on Iraq with "little legitimate effort" to connect to 9/11 (Mamdani, 2004, p.178). In alternative non-cultural interpretation, Mamdani (2004) reclaimed the political context by addressing the Reagan administration's reconfiguration of the

Cold War and moving it to the Third World (perceived as Soviet proxies). A shift built on "the Nixon Doctrine – 'Asian boys, must fight Asian wars,'" continued by the Reaganite one through "the contras in Nicaragua, Unita in Angola, and the mujahideen in Afghanistan" (p.87). Similarly, Kumar (2012) brings geopolitical contexts to discussing the "checkered approach driven by Cold War interests" (p.64). She goes back earlier than Reagan's era to the Eisenhower Doctrine called the "Islam strategy," which tried to create a top-down approach promoted by Saudi Arabia to align with the US interests and defeat the Soviet Union (p.68).

In the War on Terror, national security became an imperial project. Thus, there was a need for the good Muslim versus the bad Muslim dichotomy to win the war. In the US, the visibility of Muslims increased, and they were turned from marginalized to "suspect" citizens (Jamal and Naber. eds, 2008; Selod 2018). Nationally, President Bush rhetorically endorsed "Islam is Peace" while emphasizing the dichotomous perspective that" 'Good Muslims' […] would undoubtedly support "us" in a war against 'them.'" Accordingly, the "model minority version of the good Muslims" was characterized by becoming increasingly reluctant to express dissenting political views and "distancing themselves from the bad Muslims by avoiding criticizing the US foreign policies" (Maria,2009,p.640).

Sunanis Maria (2009) suggests that differentiation between the "loyal subject" and the "unpatriotic dissent" or the" enemy alien" was not new. However, the disciplining practices of "war on terror" together with the "good" and "bad" Muslim dichotomy reinforced creating a "suspect category" and the otherization of Muslims and obscured diverse backgrounds of American Muslims, including their class and immigration statuses. Casting Muslims as a national security threat was not a rhetorical attitude. Kumar (2012) examines preemptive prosecution's violent logic after 9/11, targeting innocent people

because they were "predisposed" to commit violent actions. This predisposition could include the routine behavior of religious observances. A report issued in 2011 by NYU Law School titled "Under the Radar" argued that "religious cultural and political affiliations and lawful activities of Muslim or being constructed as a dangerous terrorism-related factor to justify detention, deportation, and denial of immigration benefits" (p.2). Moreover, sometimes, immigration violations were used to present Muslims as terrorists (Kumar 2012; Bayoumi 2015). These preemptive detention and deportation policies domestically seemed parallel to the preemptive overseas war and accentuated the suspect category.

Paddy Hillyard (1993) coined 'suspect community' in connection to the Irish in Britain; a term reused later in research on Muslims in Britain and the West. Christina Pantazis and Simon Pemberton (2009) draw upon Hillyard and define "suspect community" as follows

> a sub-group of the population that is singled out for state attention as being 'problematic.' Specifically, in terms of policing, individuals may be targeted, not necessarily as a result of suspected wrongdoing, but simply because of their presumed membership to that sub-group. Race, ethnicity, religion, class, gender, language, accent, dress, political ideology, or any combination of these factors may serve to delineate the sub-group (p.649).

Scholars argue that the "suspect community" is socially constructed, and its membership is an imagined one defined within the securitized imagination of the non-members. The terrorist attacks of 9/11 prompted the formation of "the global 'suspect community' of Muslims" augmented by the Bush administration's declaration of "war on terror" and enmity of the "axis of evil." The identification and othering of "suspect community" were activated through "surveillance, profiling, stopping, searching, arrest and detention of supposed members of that suspect community" (Breen-Smyth 2014, p.229). In

the domestic US context, thus the construction of the "Muslim suspect community" was activated using phenotype (skin color), gendered sartorial (headscarf, beard, turban), linguistic (names and accents) markers to "make and unmake American Muslims as citizens and suspects" through racialization and surveillance of Muslims in America after 9/11 (Abdul Khabeer 2017, p.104). Transnationally, "[p]utative members of the suspect community are singled out for special attention, over and beyond the routine kinds of security practices experienced by everyone who, for example, travels by air" (Breen-Smyth 2014, p.227).

On March 9, 2016, then-presidential candidate Donald Trump said, on CNN, that "Islam hates us, there is something there that -there is a tremendous hatred there." Shortly afterward, specifically after the Orlando nightclub shooting in June 2016, he initially proposed Banning Muslims from entering the US. Trump's attitude signaled a shift towards a blunt discourse of antagonism. Still, this shift was not entirely separated from the above discussed contested but deep-seated paradigms of otherness and the creation of the "suspect community," especially that "Trump's inner circle of advisors and operatives [...] collectively share the Clash of Civilizations worldview and intend on acting upon it" (Bazian,2018, p.10). They embraced Lewis' argument of the predestined clash between the Muslim World and the West as "Muslim societies' contemporary resentment of the West is total" (Salbak,2018, p.508). However, this explicit animosity needs to be discussed in tandem with Trump's call to "Make America great again" basically aimed at restoring "an idealized and glorified past where the political, social, and religious order was situated around a singular identity to the exclusion of others" (Bazian,2018, p.11). Thereby, this far-right logic has aimed to move towards the dichotomy's extreme end of "no good Muslim" and intensified the paradigms of Muslims' otherness while parallelly excluding different groups (e.g., Latino immigrants) to avoid the "demographic threats."

This thesis traces the origins of the Muslim Travel Ban in its multiple versions and addresses the research gap of studying its impacts on individuals and families. Although the Muslim Travel Ban

overwhelmingly targeted non-citizens, this thesis examines how the impact frequently extended to citizens, especially in mixed-status families. Thus, the thesis provides an additional perspective of seeing Muslims' legal contemporary experience in the US through immigration policies rather than solely cultural frameworks and complicates legality and citizenship. Furthermore, this thesis identifies how, unlike attitudinal discrimination mainly formed by the minority/majority dynamics, the Muslim Travel Ban is a political action adopted by the Trump administration. Accordingly, it shows the similarities and differences between the Ban and the previous state-sponsored discriminatory policies that had targeted minorities and outgroups.

This thesis broadens the discussion of the Muslim Travel Ban by situating it in the context of legal precedents of exclusionary policies and national security narratives. It emphasizes how legal precedents demonstrate the otherization of different immigrant groups and looks into the particular experience of Muslims' otherness hardened through the paradigms of Orientalism, Clash of Civilization, and the War on Terror. These paradigms are not static or remain unchallenged. However, they were influential, especially at certain political moments and among some intellectual and policy-making circles. The thesis mainly explores how the Ban corresponds and contradicts the latest paradigm of "War on Terror." In this context, the thesis borrows insights from post-9/11 and the War on Terror scholarship to argue how the Ban has strengthened the "suspect category" and necessitated the salience of the "bad Muslim" category rather than the dichotomy of the "good Muslim and bad Muslim."

III. Methodology

To explore the origins, iterations, and impacts of the travel Ban, I utilize the thematic analysis method for analyzing qualitative data as a widely used method that provides a flexible research tool for identifying, organizing, describing, analyzing, and reporting themes within a data set (Nowell et al.,

2017; Braun & Clarke, 2006). Despite its methodological flexibility, thematic analysis can afford a detailed, nuanced, and complex data account (Braun & Clarke, 2006). Thematic analysis can be conducted using a data-driven inductive approach, deductive coding, or hybrid approach incorporating both of them (Fereday & Muir-Cochrane, 2006). My objective is to take advantage of the thematic analysis as a "contexulist" method that involves more than a description of the data seeking an interpretative work in an organized but non-linear process (Braun & Clarke, 2006, p.81).

In establishing what Nowell et al. (2017) called "trustworthiness criteria" for thematic analysis, I followed well-structured, sequential, but recursive (allowing moving forward and backward) phases that included familiarizing myself with the data, generating initial codes, searching for themes, reviewing themes, defining, and naming themes to produce final analysis (p.4). Data collection involves analyses of primary and secondary sources. In the second chapter, I address the historical linkage between the Ban and previous exclusionary policies, situate it in sovereign power and national security contexts of the United States. Accordingly, I look into the executive orders, congressional hearings, media reports, and relevant former President Trump's tweets to show its discriminatory intention and the transformations from using a blunt approach to employing a bureaucratic one.

In the third chapter, my goal is to discuss the Ban's impacts on the targeted groups. The Ban received major media attention. I began by searching and collecting articles on the different reactions and consequences. After my initial search by "Muslim Ban," "Travel Ban, "and "Muslim Travel Ban," I found two well-organized datasets that documented stories of the impacted individuals collected by Muslim Advocates and ACLU (mainly collected from 2018 - 2019). Analyzing these stories varied from journalistic features or testimonies sent specifically to these organizations helped me identify themes and meaning patterns. I utilized ATLAS.ti qualitative data software to store and manage data by easily searching for

phrases and organizing quotes.

Importantly, ATALS.ti helped in making sense of the data through coding and memos. First, I entered the contents of the two databases into the ATLAS.ti. After the initial reading of the contents of the two databases, including around (150) stories or items, I compared them and excluded the repeated stories to make one dataset of (88) stories. Then I entered the contents of the database into the ATLAS.ti. In the following analysis phase, I re-read each story and wrote some comments about the similar issues raised across the different stories. Codes were then generated based on some of these similarities, and others were detected through insights provided by these stories and how they corresponded or differed from the theoretical frameworks and literature on exclusionary policies and othering Muslims and immigrants. Finally, after coding the entire dataset, I used ATLAS.ti to collect all the codes and relevant data extracts (e.g., quotes). My goal was to initiate the next phase of analysis and choose potential themes. Later, I was able to re-group the codes and review the candidate themes to develop a detailed analysis of each theme.

Chapter Two

Iterations and Origins of the Muslim Travel Ban

This chapter traces how the Muslim Travel Ban started as a promise made by former president Donald Trump during his campaign, then early in his presidency turned into a controversial executive order that came out in different versions until the Supreme Court upheld it. In detecting the efforts that have barely covered up the discriminatory intent of the Ban, I discuss how the Ban was enacted in a context that lacked any urgent political crises. Within this framework, I examine legal precedents connected to the Ban by discussing how they showed the otherization of different immigrant groups and revealed the rising plenary and presidential powers over immigration. Furthermore, this chapter discusses how the Ban is connected to national security policies intensifying the securitization of immigration, showing the Muslims' experience of otherization, specifically during the "War on Terror."

Figure 4. A timeline of the Travel Bans' multiple versions

Jan. 2,2017 Former President Trump issued an executive order temporarily blocked all refugee admissions, suspended travel exclusively from seven predominantly Muslim countries.

Jan.28, 2017 Protests broke out at several airports opposing the executive order and lawyers rushed to help travelers denied entry.

Jan.29,2017 Federal judges in New York and Massachusetts halted part of the Ban for being unconstitutional. Many cases were filed against the Ban.

March.6, 2017 A "revised" (second) Ban was issued. It excluded Iraq from the list of the Muslim majority countries and exempted already visa and green card-holders.

March.7, 2017 The second travel Ban also was challenged on constitutional and legal grounds. The Attorney of Hawaii filed a case against the revised Ban, then a nationwide halt was issued.

Sep.24, 2017 Trump signed a Presidential Proclamation. It blocked travel indefinitely from six predominately Muslim countries, North Korea, and certain government officials from Venezuela.

June 26,2018 Federal appeals courts challenged the third version of the Ban, but ultimately the Supreme Court, in a 5-4 ruling, upheld the Ban, after which President Trump tweeted, "SUPREME COURT UPHOLDS TRUMP TRAVEL BAN. Wow!"

Feb.22,2020 Trump administration added six countries to the travel Ban including four African countries (Nigeria, Sudan, Eritrea, and Tanzania), Kyrgyzstan and Myanmar where the Muslim minority is fleeing genocide.

The Muslim Travel Ban aligned with the way immigration was portrayed on the campaign trail of then-candidate Trump, who repeatedly depicted immigration as an inherent threat for economic and national security reasons. Trump's message to his base was that Latinx immigrants were taking their jobs, and the Muslim immigrants jeopardized their security (Ayoub & Beydoun 2017; Family 2018). Thus, although Trump endorsed some policies and stances motivated by animus towards Muslims before his presidency[4], I argue that the Ban cannot be perceived solely as an Islamophobic action. Instead, it is important to investigate it considering other immigration-related promises during Trump's presidential campaign.

In his first week in office, former President Trump signed three Executive Orders to implement some of his campaign promises- all of them addressed immigration issues, including two Executive Orders, on January 25, 2017. The first one was "Border Security and Immigration Enforcement Improvements, Executive Order 13767," which stated that it was "the policy of the executive branch to secure the southern border of the United States through the immediate construction of a physical wall" between the United States and Mexico. The second one is "Enhancing Public Safety in the Interior of the United States; Executive Order 13768", which threatened the loss of federal funding for "sanctuary" local and state governments. Then, on January 27, 2017, came the third Executive Order 13769, titled, "Protecting the Nation from Foreign Terrorist Entry into the United States," also known as Muslim Travel Ban (Hu 2017, p.982-983).

Immigration has been a central issue in presidential campaigns for decades, but immigration enforcement was the anchor of Trump's presidential campaign turned into executive orders and policies

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[4] For instance, Trump supported surveillance of Muslims by NYC police (March 3, 2012), suggested that Muslim Syrian refugees are escorted into the U.S. through the Mexico borders (October 12, 2015). In addition, Trump claimed that he watched Muslims cheering on 9/11 (November 21, 2015), referred to his preference for a database to track Muslims (November 19, 2015), then denied it (November 21, 2015).

during his presidency. Rose Cuison Villazor and Kevin R. Johson (2019) suggest that the "Trump administration has adopted or seeks to deploy the executive branch's war on immigration diversity in both admissions and deportations" (p.578). These policies might not candidly exclude immigrants based on race or national origin, but "both in terms of goals and effects, the policies (as adopted or proposed) have reduced or are certain to decrease the racial and national-origin diversity of the immigrant population of the United States" (Johnson and Villazor 2019, p.578). Accordingly, by focusing on a class of non-citizens, the Travel Ban constitutes one of these efforts to go back to pre-1965 of less diverse immigration policies.

On March 9, 2016, during his campaign, Trump said, on CNN, that "Islam hates us, there is something there that -there is a tremendous hatred there." Still, later, he had to design the Muslim Travel Ban based on geopolitical categories rather than ideological generalization. The first version of the Travel Ban temporarily blocked refugee admissions and listed seven Muslim majority countries including Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen (see figure 4). Although most of the Ban's critics reject it entirely for its discriminatory nature and ineffectiveness of halting possible security threats, others focus on the inconsistency of selecting the listed countries[5]. Islam is a religion followed by 1.6 billion people, and while the MENA region (where all of the Ban's listed countries are located) has the most concentration of Muslims, it only contains 19.9 percentage of the world's Muslim population. On the other hand, 62% of Muslims live in the Asia-Pacific region, and 15.5 are in sub-Saharan Africa as of 2010 (DeSilver & Masci 2017).

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[5] During the congressional hearings, there were repeated questions about the criterion of selecting the listed countries and why it did not include, for instance, Saudi Arabia (a country with substantial economic ties with the U.S.) from where came 19 perpetrators of 9/11, Egypt, or Lebanon…, etc. Moreover, according to Peter Mandaville (2017) in "Designating Muslim: Islam in the Western Policy Imagination," most of the countries whose citizens have actually been convicted on U.S. homeland terrorism charges— about 40 or so cases since 9/11—are not included in the travel Bans (p.60).

The first version of the Ban was issued prematurely, which thinly disguised its discriminatory intent. Only

one day after announcing the first Ban, President Trump's adviser Rudy Giuliani appeared, in an

interview on Fox News, on January 28, 2017, to defend the legality of the Ban. When he was asked how

President Trump selected the seven countries targeted in the first Ban, Giuliani answered[6]

> So, when he first announced it, he said 'Muslim Ban.' He called me up. He said, 'Put a
>
> commission together. Show me the right way to do it legally.' What we did was we focused on,
>
> instead of religion, danger. It's based on places where there is substantial evidence that people
>
> are sending terrorists into our country.

Despite moving from religion to danger and regions, the first version was challenged on political and

legal levels through massive protests, grassroots lawyering, and federal cases. There was an agreement

that the first version of the Muslim Travel Ban was devoid of bureaucratic expertise. The Departments of

Justice, State, and Homeland Security did not receive any notice to maintain the elements of surprise,

which intensified the chaos in the airports (Blackman 2018). In the first-ever oversight congressional

hearing on President Trump's Travel Ban (held on 9/24/2019), a Deputy Assistant Secretary Department

of State, Edward J. Ramotowski, and Assistant Director in the Department of Home Security, Elizabeth

Neumann, testified that their departments were not consulted before the issuance of the first Ban. But

they emphasized that the purpose was to keep America safe.

Masking the discriminatory intent through the successive versions was the goal of the "afterthought

justification provided by agency experts" (Family 2018, p.611). The second version[7] of the Travel Ban

took Iraq off the listed countries and attempted to avoid the chaos in the airports by allowing the entry

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[6]Interactive Timeline: Trump on Muslims & the Muslim Ban. (Oct.22,2017). Bridge: A Georgetown University Initiative. Retrieved from https://bridge.georgetown.edu/research/tump-on-muslims/ last access November 2021

[7] Executive Order 13780: Protecting the Nation from Foreign Terrorist Entry into the United States (March 6,2017). Retrieved from https://www.federalregister.gov/documents/2017/03/09/2017-04837/protecting-the-nation-from-foreign-terrorist-entry-into-the-united-states

of the holders of Green Cards and already approved visas. After the second version was also challenged

legally and constitutionally, a third version[8] kept six Muslim majority countries listed on the Ban and

added North Korea and certain government officials from Venezuela. The subsequent iterations

attempted to rationalize the Ban until the Supreme Court upheld the third version with a narrow

majority (5-4) on June 28, 2018. Consequently, the multiple versions of the Ban revealed in real-time the

possible ways bureaucratization can obscure the discriminatory intents of immigration policies.

Observers agree that the Ban was born as a political emergency against an artificial threat. To intensify

the sense of this manufactured crisis, Trump emphasized the preemptive nature of the first Ban even

after its chaotic aftermath. On January 30 (9:31 am), Trump tweeted[9]

> If the Ban were announced with a one-week notice, the "bad" would rush to our country during
>
> that week. A lot of bad "dudes" out there!

Subsequently, the first Ban applied even to lawful permanent residents, green card holders, and "[t]he

White House did not clarify until February 1, 2017, that Travel Ban One did not apply to lawful

permanent residents." (Family 2018, p.615). It is worth noting that it is almost impossible to issue a visa

to the U.S., from the listed countries, in a week due to the already existing prerequisites and strict

security measures.

Unlike most previous presidents and their administrations who utilized crises to advance policies that

could be inherently discriminatory, the Muslim Travel Ban showed how Trump created it to serve as a

manufactured political emergency. Anny Bakalian and Mehdi Bozorgmehr (2009) have outlined

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[8] Presidential Proclamation 9645: Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into United States by Terrorists or other Public- Safety Threats (September 24,2017). Retrieved from https://www.federalregister.gov/documents/2017/09/27/2017-20899/enhancing-vetting-capabilities-and-processes-for-detecting-attempted-entry-into-the-united-states-by

[9] Interactive Timeline: Trump on Muslims & the Muslim Ban. (Oct.22,2017). Bridge: A Georgetown University Initiative. Retrieved from https://bridge.georgetown.edu/research/tump-on-muslims/ last access November 2021

"Topology of State Policies Toward Minorities (Outgroups) in Times of War or Political/Ideological Crisis" (p.47). In Table (1), I adjust Bakalian and Bozorgmhers' Topology by adding the Muslim Travel Ban to demonstrate the similarities and differences between the Ban and previous government-sponsored policies during crises and war. While most of the earlier policies targeted minorities or outgroups from different ethnic and national backgrounds were urged by wars, ideological/political crises, or attacks on the US, the Muslim Travel Ban was not produced by any urgent crisis. Like post 9/11's backlash, the Ban has primarily targeted Arab and Middle Eastern nationals and communities (and later the nationals from four African countries in its latest version, 2020).

According to Table (1), the Germans targeted in World War I, and the Japanese in the internment camps established during World War II were mainly citizens and naturalized citizens. Likewise, the communist sympathizers targeted during the Palm Raids and McCarthyism included citizens and immigrants. On the other hand, similar to the Iranian foreign students and the post 9/11 backlash, the Travel Ban overwhelmingly targeted non-citizens. However, in the next chapter, I examine how the Ban's impact frequently extended to citizens, especially in mixed-status families. Usually, the investigations against minorities during war or crisis provided minimal or no results, as demonstrated in Table (1). Ironically, this could not be applied in the case of the Travel Ban because there was no investigation of any specific accusations. The response of the affected minorities by the state policies in times of war or political crisis varied from rapid assimilation, long-term-redress to mobilization. At the airports, the Ban resulted in brief detention, several cases of instant deportations, and then effectuated no-entry policy. The Ban was primarily countered by protest, mobilization, and legal challenges.

TABLE 1. TOPOLOGY OF STATE POLICIES TOWARDS MINORITIES (OUTGROUPS) IN TIMES OF WAR OR POLITICAL / IDEOLOGICAL Crisis (BAKALIAN AND BOZORGMHER 2009, P.47), ADJUSTED BY ADDING THE TRAVEL BAN BASED ON THE SAME ELEMENTS OF COMPARISON

Characteristics of Crisis	World War 1st	Palmer Raids	Japanese Internment	McCarthyism	Iranian Hostage Crisis	Post 9/11's Backlash	Travel Ban
Cause of crisis	US entry into the war in 1917	Bolshevik menace	Foreign attack on Pearl Harbor	Cold War (Fear of Soviet invasion)	Taking of American hostages in Iran	Terrorism on U.S. soil	None
Targeted ethnic minorities (out groups)	German Americans	Communist party members (many Jews and Italians)	Japanese Americans	Communist party members and sympathizers	Iranian students	Middle Eastern and South Asian immigrants	Mostly Arab and Middle Eastern (and Later Africans)
Legal status of target population	Naturalized citizens and immigrants US	Citizens, naturalized citizens, and immigrants.	Citizens and naturalize citizens	Communist party members and sympathizers	Foreign nationals	Non-citizens and immigrants	Refugees and Foreign nationals of some Muslim majority countries
U.S. government policy	interment culture, suppression, involuntarily assimilation	Expulsion to Soviet Union.	Internment	Detention, loss of livelihood, becoming a pariah	Deportation	Detention, deportation	Initially, detention, and deportation. Later, prohibited entry
Yield from government investigation	None	Minimal	None	Minimal	None	Minimal	N/A

Erik Love (2017) mentioned that Trump's proposal for the Travel Ban during his campaign "attracted the support of a majority of Americans polled in March 2016, with a striking 81 % of Republicans in favor"(p.22). However, the lack of an immediate crisis to invoke state policies against minorities diluted the Muslim Travel Ban's political effectiveness (see Table.1). Additionally, media criticism and the changing information environment strengthened the opposition against it (Collingwood et al., 2018).

If the Muslim Travel Ban was characterized by limited political urgency and discriminatory intent that barely was concealed afterward by the interference of bureaucratic expertise, how was the Ban enacted legally and institutionally? One way of engaging with this question is to link the Ban to legal precedents that established exclusionary policies and illustrated the otherization of different immigrant groups through different points of time, including the Alien and Sedition Acts (1798), the Chinese Exclusion Act (1882), the Asiatic Barred Zone Act (1917), and the Immigration Act 1924 (see figure 1).

The Alien and Sedition Acts of 1798

The Alien and Sedition Acts of 1798 is considered the first legislation that impacted national security and immigration. Contextually, the Acts can be seen in the light of the political tensions shaped by President Adams and Federalists' animus of many foreigners who supported his vice president Thomas Jefferson and the Democratic-Republicans. By supporting the "Alien and Sedition Acts," the Federalists aimed to undermine the Democratic-Republicans' political support base of immigrants and newly naturalized citizens (Hatch, 2014). The Alien and Sedition Acts had consisted of three bills that targeted aliens in the US. The first bill appended the previous naturalization act and made it more difficult for aliens to become citizens by extending the residency requirement for citizenship from five to fourteen years. The second bill, also known as "Alien Enemies Act," bestowed too much power to the President by stating that in case of war, "all male subjects of the hostile nation could be 'apprehended, restrained, secured,

and removed, as alien enemies' on the President's order" (Olthof 2013, p.383). The third bill called "An Act concerning Aliens" granted the President even more extensive power, made all aliens "deportable," and shifted the burden of proof to put it upon the aliens' shoulders. Under this bill, it became lawful for the President

> [...] to order all such aliens as he shall judge dangerous to the peace and safety of the United States or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States.[10]

Although the third bill, or the "Alien Act," had never been applied to any alien, it had an indirect effect that pushed some foreign nationals to avoid its possible impacts by leaving the US. Perhaps the partisan nature of the Alien and Sedition Acts resulted in the expiration of most of their articles by the end of Adams' presidency in 1800. However, the Alien Enemies Act was amended and remained on the books to shape the presidential powers during times of war. As discussed below, the presidential power over immigration as an issue of national security and foreign affairs extended beyond the time of war. Decades later, it has continued to constitute reliable legal justification for upholding the Travel Ban by the Supreme Court.

The Chinese Exclusion Acts 1882

Prior to the Chinese Exclusion Acts, the first federal restrictive immigration law, the 1875 Page Act, prohibited the entry of "those categorized as 'Chinese coolies,' convicted felons, and women 'imported for the purposes of prostitution' (US 1875, chap. 141, sec. 5)" (Sharma 2020, p.77). Seven years later, the Chinese Exclusion Acts emphasized the Supreme Court's view of the limitless power of the national sovereign state over the admission and exclusion of aliens. The Act that demonstrated "phobias of

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[10] Alien Friends Act of 1798, ch. 58, 1 Stat. 570 (expired 1800).

foreign culture" (Hu 2017, p. 992) also expanded "the plenary power doctrine from excluding aliens outside the United States to the removal of aliens inside the United States" (Shmueli & Hassan 2017, p.30).

Historically, the causes of Chinese exclusion centered on racism and economic reasons—anti-Chinese sentiment developed due to perceived cultural, labor, and health threats. The Act had been encouraged by years of nativist resentment against growing Chinese immigrant groups, especially on the West Coast, which transformed, in some cases, into electorate desires to exclude Chinese laborers (Chin 2012). The conceptualization of Chinese inferiority was incorporated in the legal construction of the "Mongolian race" and embedded in the anti-Chinese immigration laws. Thus, anti-Chinese groups mobilized to hinder the so-called "Chinese invasion" by passing overtly discriminatory legislation (Lu 2010, p. 403-404). The Chinese Exclusion Act was followed by other steps to extend and tighten the restrictive policy, included the Scott Act (1888), which prevented Chinese laborers who left the US from reentering, and the Geary Act (1892) that extended the Chinese Exclusion Act for ten years and asked the Chinese in the US to register and obtain "certificate of residency." In 1902, Congress indefinitely extended the laws that restricted the entry of Chinese and applied to the US territories (e.g., Hawaii that was annexed in 1898) (Chin 2012, p.19). Those subsequent steps created an era known as "the Chinese Exclusion Era" (1882-1943) prohibited all "but a few exempt classes" from applying to enter the US (Lee 2005, p.1).

Notably, the later Chinese Exclusion Cases demonstrate how the Supreme Court allowed Congress "almost absolute authority to exclude or deport immigrants for any reason" (Munshi 2020, p. 118) and formulated the "plenary power" that lasts as an enduring legacy. Additionally, these cases emphasized that "the power to exclude foreigners from the national territory was itself constitutive of territorial sovereignty and essential to demographic 'self-preservation'" (Munshi 2020, p.124). The impact of the

legislation did not only prohibit the entry of the Chinese but also made it extremely difficult for the

Chinese immigrants in the US to become citizens. According to the bill, the Chinese who had already

immigrated were asked to register with authorities and carry identification. Moreover, the Chinese

would not be allowed to become naturalized citizens through the courts for 61 years. In 1943, the Act

was finally repealed when "China and the USA were allied during World War II" (Kil 2012, p.663).

Asiatic Barred Zone 1917

Unlike the Chinese Exclusion Act, the attempts to pass a congressional bill of "Hindu" Ban between 1910

and 1917 were not equally successful because of the changing political environment and complicated

legal and racial statuses of the Indian immigrants being subjects of the British Empire and sharing the

same racial origins with the Europeans. Instead, the proponents of the Immigration Act of 1917

(referred to as the Asiatic Barred Zone) avoided the crude nativist language and employed "race-neutral

designs of geographic exclusion" (Munshi 2020, p.119). Hence, Congress passed a law barring

immigration from the so-called "Asiatic Barred Zone" to restrict immigration based on place of origin

and nationality rather than race. Consequently, exclusion and restriction of residency were applied to

most of the people of nations of the far East.

The Immigration Act 1924

Under the Immigration Act of 1924, Congress put a numerical ceiling of immigration into the US, which

was 150000 annually based on quotas allocated proportionally with the national origins of the American

people. It was suggested that the 1924 policy "was supposed to fix the ethnic proportions of the

population" (Glaser and Moynihan 1970, p.22). An approach described as part of what Stephen

Steinberg (2001) called "Social Darwinism" replaced heredity and biological determinism with the

cultural interpretation of success or underachievement of some immigrant groups (p.78). The scientific

data and statistics were used to prove that new immigrants were less healthy, less educated, and poorer than native-born Americans. This type of "New Darwinism" shifted the blame away "from social institutions and placed on victims." (p.80). However, Congress introduced the national origins quota as "fair and non-discriminatory."

Criticizing the Immigration Act of 1924 mainly was based on denouncing race-based nativism, which favored northern and western Europeans over eastern and southern European immigrants. But Mae Ngai (1999) pointed to the lack of thorough critical analysis of the Act's reliance on "national origin" and presenting nationality as a normative category "in the ordering of the world" (p.69). Notably, she argued that although the Act categorized Europeans according to nationality, regarded them hierarchically, and uncoupled their ethnic and racial identities, it also deepened the racialization of all non-European immigrants as one group with foreign unassimilable national origins. Thus, the Act divided Europe, and divided Europe from the rest of the non-European world. Interestingly, this worldview was reflected in how the national origins of the American people in 1924 were listed "under the column 'Country of Origin' fifty-three countries (from Australia to Yugoslavia) and five 'colored races' (black, mulatto, Chinese, Japanese, and Indian)" (p.73).

The above-mentioned legal precedents shaped many characteristics of immigrant exclusion through the years. The Muslim Travel Ban can be connected to these legal precedents on different levels, including the extended presidential and plenary powers in excluding non-citizens, establishing a racial hierarchy of desirable immigrants, and using territories and nationalities to obscure discriminatory policies. As mentioned above, the Immigration Act 1924 allegedly aimed to "fix the ethnic proportions of the population" by establishing a hierarchy of preference. Likewise, Trump's restrictionist immigration policies, including the Muslim Travel Ban, tapped into the anxiety about demographic shifts and

undermined "immigration diversity" (Johnson and Villazor 2019) by excluding immigrants due to their place of birth and national origins.

Exploring the exclusionist policy of the Asiatic Barred Zone reveals how 'territory' and nationality continue to provide a legitimate basis for plainly discriminatory immigration policies, similar to the shift Trump did from religion to territory to enact the Muslim Travel Ban. In the same vein, many scholars and commentators indicated how the Muslim Travel Ban conjures the Chinese Exclusion Act of 1882, not only as the earliest example of federal law explicitly restricting immigration based on race and ethnicity but importantly also as an establishment for the plenary power doctrine and contemporary immigration architecture even when racist rhetoric disappeared. Notably, as detailed below, the Immigration and Nationality Act (INA), Section 212(f) that provided a legal justification of the Supreme Court's upholding the Travel Ban, is descended from the Alien and Sedition Acts (1798) that intensified the presidential power over immigration as an issue of national security and foreign affairs.

Presidential Power over Immigration

The presidential power over immigration has developed from various constitutional, political, and administrative sources. The President's rhetoric on immigration could increase its salience, create national discussions and "shape the public's opinions and understanding of the state of the nation." (Fredrickson, 2018, p.6). Nonetheless, Adam Cox and Cristina M. Rodriguez (2020) suggest that the presidents' position on immigration expands beyond rhetoric, symbolic politics, and even legal and constitutional parameters. Cox and Rodriguez historicize the presidential authority over immigration by detecting the diplomatic roots of the immigration policies shaped by the presidents since the 19th and 20th centuries (p.23, p.35-45). Importantly, they argue that currently heading an immense bureaucracy and enforcement establishment mainly defines the President's status as "immigration policymaker- in-

chief" (p.3). However, the Muslim Travel Ban showed that, in addition to bureaucratization and fluid political and foreign affairs, the combination between the constitutional and executive authorities strengthened and formalized the presidential power over immigration.

The Muslim Travel Ban was legally challenged in the federal courts. The primary two reasons for invalidating it were animus and the violation of the Establishment Clause of the first amendment to the US Constitution. For instance, the Ninth Circuit invalidated the first Ban for being unconstitutional. The same went for the second Ban as the Fourth Circuit held that the Ban was unconstitutional because the President acted with animus as he "was more concerned with acting against Muslims than he was about protecting national security" (Starr,2018, p.285). On February 15, 2018, the Fourth Circuit invalidated Travel Ban 3.0 for similar constitutional reasons. Ultimately, in June 2018, the Supreme Court upheld the third Ban in a sharply split 5-4 decision. In the case of *Trump v. Hawaii*, the Supreme Court declined to find the Presidential Proclamation (or the third Ban) intended "spiritual, and dignitary" injury or "establishes a disfavored faith." Instead, it stated that the plaintiffs could only rely on a "more concrete injury" and that the Establishment Clause is concerned with domestic policies and does not apply to the President's foreign policy decisions like the Ban (Blackman,2018, p.40). The judicial deference to the executive and presidential power in the matters of national security and immigration reflected in the Supreme Court's majority treating of the challengers' religious discrimination claims as "legally irrelevant" despite the "considerable evidence that the entry Ban had been motivated by anti - Muslim animus" (Cox and Rodriguez, 2020, p.47).

Importantly, the Supreme Court reviewed the (third) Ban as a matter "within the core of executive responsibility" (Blackman,2018, p. 42). The Supreme Court did not deny the implied power of Congress over immigration; instead, it decided that Congress explicitly delegated some of its power to the

President. Since the 1880s, the plenary power doctrine shaped immigration law. Congress that enjoyed

plenary power over immigration matters broadly delegated it to the President according to the provision

of § 212(f) of the Immigration and Nationality Act ("INA")1952, states in the related part

> Whenever the President finds that the entry of any aliens 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 shall deem necessary, suspend the entry of all aliens or any class of aliens
>
> as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem
>
> to be appropriate.[11]

Although the Section 212(f) includes some of the broad presidential authorities delegated by Congress

to exclude non-citizens, Megan Kinney (2020) argued that the Supreme Court's upholding of the third

version of the Ban rested mainly on "the President's authority in the national security context," and

based on the deference to "his independent constitutional authority concerning foreign affairs and

national security" (p.280). In this context, the presidential powers combine those delegated by Congress

and any possessed constitutional ones. Thus, in upholding the Ban, the Supreme Court considered the

post of the presidency itself rather than the stances of a particular President (e.g., the anti-Muslim

rhetoric by former President Trump). In this context, and according to the Washington Post reporter

Robert Barnes, the Supreme Court decided to consider "the president" vs. "this president."

Cox and Rodriguez (2020) contend that despite section 212 (f)'s sweeping authority delegated to the

President to suspend the entry of large classes of immigrants, "presidents have not used the power as a

significant tool for immigration regulation" (p.62). But Trump attempted to "dramatically disrupt settled

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[11] Immigration and Nationality Act § 212(f), 8 U.S.C. § 1182(f) (2012)

practice" by enacting a Ban "barred the entry of most nationals from several Muslim - majority

countries" (p.62). Contrarily, Ordorica (2019) suggested that after the end of the Cold War, the extra

power granted by § 212(f) re-emerged as "a foreign policy tool […] to protect American interests

abroad," which normalized its use (p. 1846, p.1869). Blackman (2018) argued that Presidents Carter and

Reagan had denied entry to Iranian and Cuban nationals, respectively; therefore, to call into question

the sufficiency of President Trump's order would immediately call into question the adequacy of similar

orders issued by past presidents. Moreover, he defensively assumed that "it would be unthinkable for

Congress to deny the president the power to exclude aliens from belligerent nations, even absent a

formal declaration of war" (p.39).

As mentioned previously, the roots of the enormous executive power granted to the President in INA

212(F) went back to the Alien and Sedition Acts that were passed at the time of a possible war with

France in 1798. The Acts empowered the President to deport any non-citizen suspected to be a national

security threat. Ordorica (2019) suggested that the gray area of the quasi-war with France in 1798

invoked an anti-foreigner hysteria that could resemble the anti-Muslim one in the context of the "War

on Terror." He argued that in both cases, "there is no identifiable enemy state with which to treat for

peace, and thus, no identifiable end to such a 'war'" (p.1870). Hence, the extra executive and president's

power embedded in the enacted Muslim Travel Ban doesn't link the Ban only with the legal precedents

but also with national security narratives and policies that widely targeted Arabs and Muslims in the

context of the "War on Terror."

Situating the Ban in National Security Policies

While the legal precedents of exclusionary policies place the Muslim Travel Ban in the historical context

of the exclusion and otherization of different immigrant groups, the War on Terror, after the 9/11

terrorist attacks, has underscored the unique patterns of excluding Muslims (see figure 3). Moreover, being the latest paradigm of Muslim otherization preceded by "Clash of Civilization" and "Orientalism" (see figure 4), "War on Terror" provides theoretical and procedural frameworks that even if they do not identically correspond to those of the "Muslim Travel Ban" they were broadly utilized to effectuate the Ban. For instance, the language of the first version of the Ban justified the suspension of the entry of the nationals (of seven Muslim majority countries) and paused refugee admittance for 120 days by invoking the terrorist attacks of 9/11. The second version cited a U.S. Department of State Country Report on Terrorism. Accordingly, the two versions suggested that the entry suspension would "reduce investigative burdens" on agencies (Family 2018, p. 612).

The first two versions of the Ban transformed into the third one through the agencies' search for an "invented" legal rationale. The third version justified the Ban by linking it to prevent entry "from nations whose governments do not comply with intelligence-sharing requirements" (Ordorica 2019, p.1871). In defending the legitimacy of the Ban, the Trump administration repetitively pointed out that the countries listed were the same picked by former President Obama's administration and Congress. Although the Trump administration used pre-existing security measures to form the Muslim Travel Ban, prohibiting entry of a whole class of non-citizen lacking any real connection to terrorism made the Ban explicitly discriminatory. Peter Mandaville (2017) argued the logical and technical differences between the Ban and the earlier restrictions instituted by the Obama administration as they did not target citizens of the seven listed countries. Instead, these restrictions were aimed at travelers entering the United States on the Visa Waiver Program and had recently visited those seven countries. It is worthy of mention that the Visa Waiver Program permits citizens of several dozen mainly OECD countries to enter the U.S. without a visa interview.

Despite its logical fallacies and discriminatory intents, the Muslim Travel Ban cannot be perceived as an anomaly in the context of securitizing immigration. As mentioned before, the legal rights of non-citizens are limited primarily by the deference to the executive in immigration issues. Consequently, policies that might be unconstitutional when applied to citizens are permissible when applied to non-citizens. Furthermore, the fragile legal protection of non-citizens could excessively diminish in times of wars and crises (See Table.1). Nevertheless, after the downfall of the Soviet Union, ideologically based deportation declined, and "Congress significantly curtailed the ideological grounds upon which an immigrant could be excluded" (Hatch 2015, p.697). Alternatively, sections excluding anarchists, communists, and totalitarians were mostly substituted with anti-terrorism and foreign policies provisions.

Congressional Acts that undermined the legal protection of foreign nationals and resulted in criminalizing immigrants preceded the 9/11 attacks. In 1996, Congress passed the Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). For instance, The AEPDA permitted the use of secret evidence in deportation cases, expanded the scope of offenses that can cause deportation, eliminated the judicial review of deportation, and limited the availability of waivers (Hines 2006). The IIRIRA equipped for retroactive deportation for relatively minor criminal offenses, restrained immigration access to public benefits, increased the judicial power of the executive agency and limited judicial scrutiny provided by previous immigration law and resulted in eliminating judicial hearings allowed the INS to combine prosecutorial and judicial powers (Verdeja 2002).

The restrictive immigration policies intensified after the 9/11 attacks, and the "War on Terror" has severely blurred the line between immigration and terrorism. The climate of uncertainty after 9/11

connected immigration control to security issues discursively and institutionally. In March 2003, after

Congress passed and former President Bush signed the Homeland Security Act of 2002, the

Department of Homeland Security was created to consolidate 22 diverse agencies and bureaus (U.S.

Senate Committee on Homeland and Governmental Affairs, n.d.). Earlier, six weeks after the 9/11

attacks, Congress passed a powerful package of legal instruments to fight terrorism known as the

"USA Patriot Act"[12] that former President Bush promptly signed on October 26, 2001. The Act

expanded the definition of terrorism and "deportable terrorist activity" (Hines 2006, p.12) and made

them retroactive, permitted usage of "roving wiretaps," granted broad surveillance powers to the FBI,

and included the Attorney General power to certify a non-citizen as a terrorist. Nazia Kazi (2020)

underlined that the US PATRIOT Act "was established, renewed, and expanded during the bipartisan

'terror age'" (p.270). Scholars pointed out how the US PATRIOT Act marked one of the changes in

immigration policies, especially the increased administration authority over deportations.

Even before the passage of the PATRIOT Act, law enforcement and immigration officials rounded up

1200 immigrants of South Asian, Arab, and North African descent, primarily in New York and New

Jersey areas. These persons were held "indefinitely, without charge, and in secret locations allegedly

in relation to the investigation of the terrorist attacks" (Glover 2011, p.86). However, only "four

people were indicted and two convicted for criminal terrorism," and the majority were charged on the

grounds of minor immigration violations and overstayed visas (Hines 2006, p.15). In 2002, the

government initiated a program titled Security Entry-Exit Registration System (NSEERS) required all

males ages between sixteen to forty-five from 25 designated Arab and Muslim countries "to appear

for registration, photographs, fingerprints, and extensive interviews" (Glover 2011, p.86) annually and

"answering questions under oath at the Department of Homeland Security offices" (Hines 2006, p.16).

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[12] The Act titled "Uniting and Strengthening America Act by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism."

There had been over 80000 non-permanent residents who complied with the program, 13000 of them placed on deportation proceedings primarily for overstaying visas. Ultimately, the NSEERS program was described as an ineffective bureaucratic burden that resulted in zero convictions for terrorism and was discontinued in 2011 and ended in 2016 (Shmueli & Hassan 2017).

The subsequent legislation demonstrated the continuing erosion of immigrants' rights using national security's framework. For instance, Congress adopted the Homeland Security Act in 2002 and implemented the REAL ID Act in 2005. Pieces of these anti-terrorism laws became integral parts of federal regulations of immigration. For example, the REAL ID Act of 2005 furthered restricted immigrants' access to judicial review and "represented a continuation in the trend to expand the terror-related grounds for exclusion and removal" in that it "expanded the terror-related grounds for inadmissibility and deportability and amended the definitions of 'terrorist organization' and 'engage in terrorist activity'" (Hatch 2015, p. 697). Consequently, the Act intensified the agencies' powers to detain and deport and increased immigration enforcement and Border Patrol.

Despite the already existing immigration controls and surveillance measures intensified after 9/11 and the "War on Terror," Trump's policy advisers suggested harsh immigration methods in disguise of countering terrorism. The former Kansas Secretary of State Kris Kobach was among those advisers. Kobach, who helped design anti-immigration frameworks in Arizona [Arizona's SB 1070] and elsewhere, proposed an "immigration strategic plan" in the Trump administration's first year, including updating the NSEERS program. In his presidential campaign, Trump promoted the concept of "extreme vetting," including a call for a sort of cultural examination. Accordingly, he stated that "[i]n the Cold War, we had an ideological screening test. The time is overdue to develop a new screening test for the threats we face today. I call it extreme vetting" (Hu 2017, p. 982).

Notably, the first version of the Ban used a language that "seemingly enabled U.S. State Department and

Customs and Border Protection (CBP) officials to investigate the religious views of immigrants […]

equipped CBP officers with the ability to conduct religious tests at primary and secondary checkpoints at

airports to assess if immigrants' religious identity, or views, was linked to 'violent ideologies'" (Ayoub &

Beydoun 2017, p.225). Hence, the Muslim Travel Ban is a component of hardening anti-immigration

policies utilized actual diminishing legal protection of non-citizens and creating a political class of

suspects, especially after 9/11 and the "War on Terror," widely impacted Arab and Muslim communities.

This chapter has traced the Muslim Travel Ban iterations showing that later agency expertise

interference barely concealed its discriminatory intent. Unlike the previous state-sponsored policies

against non-citizens and immigrants during war or crises, the Ban lacked any real political urgency.

Although the Ban initially got some support, especially from Trump's base, massive protests coupled

with legal challenging occurred as soon as the first version of the Ban was announced. Later and despite

the discriminatory nature of the Ban, the weakened political effectiveness due to the absence of

immediate crisis, and enormous opposition, the Ban was legally enacted after the Supreme Court upheld

it.

Placing the Ban in the history of legal precedents of immigrants' exclusion has helped answer how the

Ban was lawfully and institutionally effectuated and demonstrated how plenary and presidential powers

emerged, delegated, and developed to enable exclusionary policies targeted immigrants. The legal

precedents also showed how otherization activated by categorizing immigrant groups as racial, cultural,

and economic threats and establishing a hierarchy of desirability using territorialization and national

origins. The implied plenary and presidential powers were magnified by considering immigration as an

issue of foreign affairs and national security. Thus, situating the Muslim Travel Ban in the national

security policies that were toughened after 9/11 manifested how the "War on Terror," as the latest

paradigm of Muslim otherization, impacted the Muslim communities and created a class of suspects.

The next chapter will discuss how the Muslim Travel Ban has impacted the targeted groups and utilized

and deepened Muslims' otherness.

Chapter Three

Exploring the Travel Ban's Impacts

To discuss the Muslim Travel Ban's impacts on the targeted groups, I adopted the thematic analysis method and utilized ATLAS.ti qualitative data software (see Methodology). Based on my initial search for relevant news stories and articles, I found two adequately organized datasets separately collected by the Muslim Advocates and ACLU organizations. The databases listed representative stories of the impacted communities (between 2017-2019). These datasets include testimonies sent by affected individuals or family members exclusively to the [Muslim Advocates](#) or [ACLU](#) or republished news stories mostly from American national and local newspapers. After storing, reading, and managing the final dataset on ATLAS.ti. I put a list of codes developed, regrouped, and reviewed several times while organizing and analyzing the data. Subsequently, I identified some initial themes (based on the regrouped codes). Then, I re-examined them by collecting the relevant data to each potential theme (using ATLAS.ti's reports organizing codes and quotes and having different filters).

Thematic Analysis involves recognizing codes and themes that can be approached using inductive or deductive reasoning. The inductive approach requires that the themes are directly related to the raw data forming what is known as "data-driven" themes (Braun and Clarke, 2006). Differently, the deductive approach mainly depends on prior research and analytical interest to develop the concept-driven themes (Fereday and Muir-Cochrane, 2006). I combine the two approaches in analyzing the data. After reviewing the initial themes by incorporating some of them and discarding a few others, I defined three main themes that encompass meaningful patterns.

The first theme, "falling through the Cracks of the Ban's Versions," is generated by describing the initial and immediate impacts, provided by the data, of the multiple versions of the Ban. Each version had

specific characteristics that affected the targeted groups' lives—furthermore, moving from one version

to another complicated the impacts and intensified ambivalence and uncertainty. The second theme of

"family separation and socio-psychological impacts" is also developed through descriptive codes and is

data-driven, containing a few overlapping subthemes forming an overarching theme. The family

separation has resulted in direct social and psychological impacts on the targeted individuals and

families and is linked to different forms of loss and anxieties. On the other hand, the third theme of

"deepening otherness through animating the 'suspect category'" is concept-driven and directed by more

theoretical codes and existing literature. Specifically, I identify how the data speaks to or expands on the

prior research on othering Muslims or framing them as forever suspects.

1) Falling through the Cracks of the Ban's Versions

Each version of the Ban had peculiarities, and in various cases, people were caught between the changes

caused by enacting these different versions. As shown in figure 5, the first Ban was characterized by the

entire exclusion of nationals from the listed countries. While the second iteration provided an exception

for citizens of affected countries who had a "bona fide relationship" with people or entities in the US,

the third version did not offer a similar opportunity but authorized a Visa Waiver Program (VWP).

FIGURE 5. CHARACTERISTICS OF THE MUSLIM TRAVEL BAN'S DIFFERENT VERSIONS
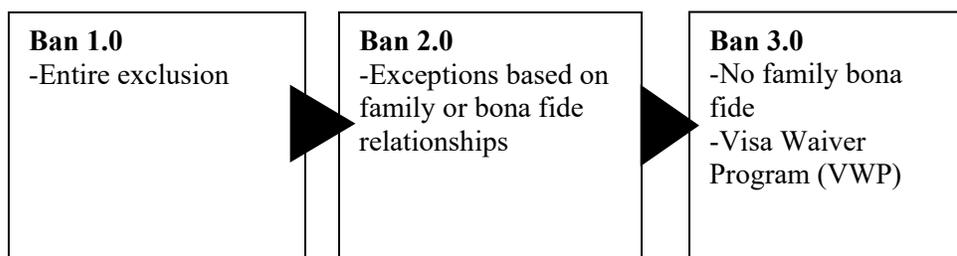
The preemptive nature of the first Ban and its immediate implementation had chaotic effects, especially

by denying entrance to people who already came legally to the US holding valid visas. Hence, the Ban

abruptly changed their status and delegitimized their entry. For example, Nabila Moustafa, who had a J-1 visa, was pulled aside in the customs line, denied a translator, and could not see her husband or a lawyer. When she argued that she legally came to the US with her J-1 visa, the agent replied, "you are not American, and you cannot say 'my visa,' because this visa belongs to the United States, not to you" (Parks & Walker, 2017). Similarly, Mohamed Eltoum said that his Sudanese friend was on the plane traveled to the US when the Ban was announced. Consequently, at the US customs, this friend was told that he could not enter and had to return home immediately even though he had a valid student visa (Cheang, 2019).

The second version had granted an exception to family members of people in the US. However, persistent confusion was caused mainly by a lack of knowledge about this change and the unequal implementation at US embassies and consulates. For instance, Hossein Barati, whose first visa was denied, did not know he could have been admitted because he has a US citizen brother (Lee, 2018). Differently, Mohamad Mashta's wife had barely escaped a similar situation because she received a call from the US embassy in Sudan that urged her to come to get her visa and make use of the exception based on bona fide (offered by the second version) before the third version that could stop her from ever coming to the US enacted on Oct. 18, 2018. She barely made it on Oct.17, 2018, when her husband and his family happily met her at the airport ("Mohamad Mashta,"ACLU,n.d.).

The Ban and its various iterations pushed many impacted people to repeatedly change their plans, even though many of them had previously received initial visa approval. Thus, the Ban forced the system to produce contradictory results as people who won the lottery or got visa approval after a long process of extreme vetting were also Banned. For instance, the sister's fiance of Shaghayegh Ansari, who lives in the US, won Diversity Visa Lottery. The family was so happy despite that their father had incurable

cancer. Although Shaghayegh wanted to stay with her father for a longer time, she had to leave and go

back to the US after the second version of the Ban was issued because she should be "the bonafide

relationship waiver for [her] sister's immigration case" ("Shaghayegh Ansari,"ACLU,n.d.).

The third version of the Ban granted no exception to family members of people in the US. Instead, the

visa applicants must apply for Visa Waiver Program (VWP). The VWP put the burden of proving to be

innocent and beneficial upon the shoulders of the visa applicants as somehow they must show that their

entry would not pose a threat to the national security of public safety of the US and that a visa denial

would cause them to suffer undue hardship and their coming to the US would serve the national

interest. However, the lawyers complained about the exasperating vagueness of these requirements

and that there was "no actual application form" while the administration announced that the "approval

is at the discretion of consular officers" (Shapiro, 2019). It is important to remember that the Trump

administration utilized the waiver to prove that the Ban policy (in its third version) is not racist or

discriminatory "by allowing the neediest to come to the United States" (Hauslohner, 2018). Thus, these

waivers partly justified the divided Supreme Court's decision to uphold the Ban .

Lawyers emphasized a gap between what is on the paper and reality and noticed that many people who

applied for waivers received automatic denial at US embassies. Although the State Department

emphasized that it granted many waivers, there were no ways to know how and when the State

Department had authorized these waivers. Even the information provided by the State Department to

Congress looked unwelcoming as "only two waivers were approved out of the 8,406 applications

processed from the targeted countries in the first month of the Ban" (Chekuru, 2018). Later the waiver

approval rate was a paltry 2 percent in six months. In September 2018, "the State Department revealed

that 1,836 applicants were "cleared" for waivers, out of more than 27,000" (Chehata, 2019).

Notably, the rejection stories vastly outnumbered those who received waivers, even the critical cases

that needed medical help like Hossein Barati, an Iranian citizen who suffered from Stage III mixed germ

cell cancer and was denied a B-2 visitor's visa. Doctors' recommendations in Iran and the U.S. asserted

that Barati's treatment required CyberKnife (a form of radiosurgery that uses computer technology)

unavailable in Iran due to the sanctions (Lee, 2018). Barati's case was not an isolated one. Marwa, the

16-year-old Syrian refugee based in Germany who was disfigured in a bomb attack on her home in Syria,

was denied her visa in December 2018. Although her doctors in Germany "encouraged her to get more

sophisticated medical treatment in the U.S. following 13 operations to repair trauma from third-degree

burns to her face, arms, and chest," she was denied her visa because there was not enough evidence

that she would return to Germany (Holpuch, 2019).

2) Family Separation and Socio-psychological Impacts

Not being able to travel is how Trump and his supporters see this Ban, but for people who have been affected by it, it's not just to Ban travel. It Banned living a normal life, liberty and happiness.

> S.W., Yemeni, who the Ban had separated her from husband for two and half years, consequently; her husband never saw his two year old daughter at the time

Although, as mentioned earlier, scholarly literature usually does not frame Muslims' position in the US

as an immigration problem but rather as a security and cultural one, the Muslim Travel Ban resulted in

family separation, a kind of suffering that is chiefly connected with "illegal" immigration and was

tragically exacerbated by the Trump administration's implementation of a "zero-tolerance policy."

Stephen Lee (2019) re-addresses family separation, not as exclusively tied with "illegal" border crossing, but rather a principle "pervasively defines our entire immigration system," because a great deal of this system "thwarts or frustrates the ability of migrants to remain or reunite with their family members" (p.2322). Accordingly, even if the multiple versions of the Ban did not state de jure family separation, one of the social impacts that harshly affected the targeted groups was a de facto family separation.

The Muslim Travel Ban framed the impacted people as homogenous and isolated groups that came from regions of danger. However, the stories showed how the affected people are not groups of isolated foreigners, and the Ban was not merely a decision of their non-entry. Instead, the Ban's impact extended to disconnecting Americans from their spouses. For example, Pamela Raghebi, a native Washingtonian, felt like "the government has divorced her." The Ban separated her from her Iranian husband, Afshin Raghebi, stuck in Turkey at the time (Shapiro, 2018). Similarly, Ricky Smith, an American engineering executive, got married to his Iranian wife in Canada but was stuck not knowing when she could come to start their new family after the Ban was put in action (Pilarski, 2018).

Family separation caused by the Ban took shape through different dimensions, including direction, intensity, and time. The Ban has affected family members who tried to enter the US and those inside the US or who attempted to travel outside for family visits which occasionally formed a two-way dilemma. The intensity of family separation has been particularly compounded for refugees and family members from war-torn countries. Family separation operated via time and resulted in missed milestone events, irrecoverable losses, and experiencing waiting time that morphed into uncertainty and provoked socio-psychological hardships.

A) A two-way dilemma

The Ban has not only constituted a no-entry policy; in many cases, it prevented people from traveling to their listed countries, fearing that they wouldn't be allowed to re-enter the US. For example, when Toktam, an Iranian Ph.D. student in Electrical Engineering, bought her ticket to visit her family in Iran, the first Ban came out, and she had to cancel her trip because even being a student on an F visa would not exempt her the Ban. Later, when her parents decided to apply for a US visa to visit her, they initially received approval, but then their visa issuance stopped due to the third Ban. As a result, besides losing money for the flight and visas expenses, she felt like she was "trapped in a huge prison and […] not allowed to even have visitors!" ("TOKTAM," ACLU, n.d.).

In many cases, the Ban imposed difficult choices upon the impacted family members (inside and outside the US). For example, Niloofar Hajibeiklou is a Ph.D. candidate and an only child who did not want to take the risk and travel to his parents because there was no guarantee he could issue a new visa, and he might lose 2.5 years of studying. Similarly, student Mina Ostovari was afraid to travel to Iran to see his elderly mother and ill father because this could prevent him from returning to his studies in the US. The choice can get more complicated if there are more things to lose, as was the case with Mahnaz, who started his life in the US through the Diversity Lottery program and worked and learned the language. After becoming a citizen, he applied for his retired and old parents to come from Iran, especially since his mom had severe heart conditions. After a year of paying fees and following the application process, he knew that his parent's case was affected by the Ban. He faced the complicated question of choosing between his family and the life he built in the US ("Niloofar Hajibeiklou," ACLU, n.d.). Mohammad Reza Mirzaeian had the same situation being an American citizen who could not bring his father to live with

him simply for being born in Iran. For him, the Ban did not only show the flimsiness of his citizenship, but he felt it stripped him from "the natural right to be with [his] family" (Srikrishnan, 2019).

Dire circumstances could augment the suffering of those who could neither have their family members in the US nor leave the country to visit them. At times, residents and new immigrants greatly need their families' help. For example, Elnaz is a student and pregnant with her first child. She and her husband had no previous experience taking care of their child in the first months and needed her parents to be with her, especially since she wanted to continue her residency at school. The Ban turned her wish to have her mother by her side into a far-reaching dream("Elnaz," ACLU, n.d.). Family help could turn into an essential need like the case for Maral Charkhatb Tabrizi, an Iranian -American, who had a full-time job, raised a newborn, and suffered from connective tissue disorder. Tabriz's parents were denied visas, leaving her vulnerable because of her medical condition and the absence of support and child care her parents would have provided (Muslim Advocates, July 29,2018).

B) Compounding suffering of refugees

The regulations of refugee admissions originated in universal human rights rather than nation-states that usually govern immigration legally and politically (Ngai, 2020). However, through its different versions, the Ban indefinitely suspended Syrian refugees, suspended the US Refugee Admissions Program for 120 days, and lowered the number of refugees[13] allowed to be admitted to the US (Stephanie L. Gomez, 2018). Mostly, lawyers underlined that it was hard to get the waiver, "even when individuals would seem to easily meet the criteria," as was the case of a Somali woman lives in the US who applied for a waiver on behalf of her son, who lives in a Kenyan refugee camp and his father with

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[13] In "Can We Remake a Broken Immigration System?" Mai Ngai (2020) states that from 2010 to 2014, The United States ranked twenty-eighth of forty-three industrialized countries in terms of refugee admissions per capita.

whom he had been living died. The Ban made it more difficult for refugees to flee persecution and death and find safety and freedom.

Some affected groups by the Ban were refugees from war-torn countries, which compounded their suffering and made their experience with the Ban iterations more strenuous. For example, Sharifa, a Yemeni married to US citizen Mohsen and a mother of four American children, was forced to flee the war in Yemen to protect her children. Like many other Yemenis, Sharifa had to take a long trip, navigated checkpoints to reach the city of Aden, then boarded a plane to Sudan before waiting for weeks to arrive in Djibouti. Finally, she got approval for her visa from the US embassy and thought she and her family were about to be safe and just needed to wait for her visa to be printed. But "the US Supreme Court gave the green light to the third version of President Donald Trump's travel Ban, which bars entry for nationals from Yemen and four other Muslim-majority nations" (Chekuru, 2018). She joined hundreds of Yemenis who have spouses and relatives in Yemen and who applied for visas years ago "well before Trump introduced the Ban" (Chekuru, 2018). Similarily, Dhana Nur was separated from his mother by the civil war in Somalia when he was a child. He came to the US without her. Finally, after years, he received his citizenship in 2014. He immediately applied for his mother's visa. They went through the already long and complicated bureaucratic pathways "from the original visa application to supplying [his] mother's DNA evidence." Eventually, in August 2017, they elatedly finished all the visa requirements. After all, on Oct. 11, 2018, they received the notice: "Denial under Presidential Proclamation 9645" (Nur, 2019).

For refugees, family separation is more harmful as it could impose risky choices for them. Some of them were pushed to consider moving to war-torn areas and joining their family members, like Crystal, who married a Syrian refugee and thought of moving to be with her spouse. But, besides the financial

difficulties, she has a daughter to worry about her future. Mari Khoury, an American citizen from Ohio, already decided and moved to Syria to be waiting for waiver adjudication with her Syrian husband, Fadi, who was denied a visa even though Khoury and their daughter Suzzane are American citizens (Starr, 2018). Similarly, Ismail Alghazali, an American citizen, was forced to stay in Djibouti with his Yemeni wife and newborn son because they were denied a US visa. Alghazali left his job in the US and was stuck in Djibouti with minimal resources (Muslim Advocates, July 29,2018).

C) Missed milestone events

The Ban increased the possibility of missing life's milestone moments among the impacted individuals and their families, or what Lee (2019) called "life-defining events," including the birth or child, a wedding, graduation, or the death of an elder. In these cases, the Ban prohibited the targeted groups from seeking the company or comfort of family members. For example, the Somalian-American Sudi Wardere's husband "was unable to be a part of the birth of their child" as he was waiting for his waiver application (Muslim Advocates, July 29,2018). Rashad and his wife were together, but their parents missed the birth of their first grandchild, who they can see only through video calls and imagine "what it'd be like to hold him" ("Rashad," ACLU, n.d.). The same question was asked by Mary's parents, who expected a "rainbow" child (a baby born following a miscarriage). At first, the US rejected her father's visa, concerned that if both parents "had the visa, they might not go back to Iran." Later, after the Supreme Court approved the Ban, Mary's mom could not be with her during her precious moment ("Mary,"ACLU,n.d.). For a month, Hanieh Deilamsalehy's mom planned for her trip to the US to attend her daughter's Ph.D. graduation ceremony. Although she was initially approved in November 2017, she could not come to the US after the Supreme Court upheld the Ban ("Hanieh," ACLU, n.d.).

Marriage is another pivotal moment that gathers family members. Arefeh, a legal permanent resident

who was set to marry a US citizen, could not have her mother and sister attend her wedding because

the officials did not see this as enough reason to come to the US after the enacted Ban

("Arefeh,"Muslim Advocates, n.d.). Likewise, Mitra Farnoodian-Tedrick and her US citizen husband were

forced to cancel the wedding event and bear the costs because her Iranian parents could not obtain

visas and join their celebration in the US("Mitra Farnoodian-Tedrick," Muslim Advocates, n.d.). Samira

Sheikholeslam's parents could not also travel to the US to attend their daughter's wedding.

Furthermore, her husband's father died while trying to come to the US for the wedding, which marked

an irrecoverable loss for the family ("Samira Sheikholeslam," Muslim Advocates,n.d.).

D) Irrecoverable losses

Many of the impacted individuals did not only miss milestone family events, but at times the impact

turned viciously into irrecoverable losses. For example, Mania Aghdasi, who immigrated from Iran to the

US in 1999 and became a citizen in 2006, could not bring her 78 years old father to her house after

losing her mother and only brother. After waiting for 16 months, her father passed away, dreaming of

joining his only family and seeing his grandson in the US. Aghdasi commented, " my father no longer

need the US visa […] Both the embassy and the US Department of state let us down when we most

needed our government's help" ("Mania Aghdasi," ACLU, n.d.).

The Ban's impact turned into a tragedy when Mahmood Salem ended his life after his wife and two

oldest children were denied visas. Salem moved his family from Yemen to Djibouti in 2016. Like many

previously mentioned stories, their visas were initially approved in November 2017, but then the Ban

was put into action before the visas' issuance, and they were subsequently denied. Salem's father and grandfather are US citizens, and he had three US citizen children, but his wife and two eldest children are non-citizens. He moved them from Yemen to Djibouti to escape the escalated war. Salem could not support his family financially. The rent in Djibouti was around six times higher than in Yemen, and his kids got sick because of the bugs and hot climate in Djibouti. He borrowed money from other family members but could not manage and handle all the pressure. Salem fatally shot himself in his apartment at the back of the grocery store where he worked in Louisiana (Moench, 2018).

E) Waiting time morphed into uncertainy

The Ban seemed like an absolute, and open-ended policy morphed the already long waiting time of issuing immigration visas into uncertainty. Brian Swank complained about how the Ban interrupted bringing his fiancé Mehraneh from Iran to get married in the US. Supposedly, before the Ban, it would have taken around two years for a spouse or fiancé of a US citizen to get a visa. Swank had so much emotional stress fearing that his dreams to be with his "soulmate in life" would not come true ("Brian Swank," ACLU, n.d.). Like Swank, many of the impacted groups felt stuck in an endless limbo without enough information except that their cases are placed in administrative processing and pointed out the increased psychological toll of family separation as part of their undue hardship. For example, Amirhesam worked part-time and studied for her Doctorate in physical therapy. Since her separation from her husband, she had anxiety attacks and stress compounded y the uncertain future ("Amirhesam," ACLU, n.d.). Also, Ali, born and raised in the US, could not have his wife by his side despite her applying for a visa in September 2015 and going through numerous background checks. Ali said that he could not work, sleep, lost so much weight, and went through depression because of being separated from his wife and inhibited from starting a family in the US ("Ali," ACLU,n.d.). Some married

couples tried to overcome separation by trips that usually cost them a lot, or they kept a virtual

relationship, like Olivia Cross and her husband Yahya, who did their third anniversary in 2019 via Skype,

while Yahia's case is in the administrative process since 2017 (Rezaian and Woodsome, 2019).

The applicants' burden of proving that they constituted no national threat, advanced by the third

version of the Ban, was not a mere bureaucratic process; it was also a social one with psychological

influences. For example, the Ban separated Mohamad Mashta, an engineer who worked in an

automobile manufacturing plant, from his wife. Each day after the Ban's announcement, he felt that he

was no more welcome and forced to defend his religion, origins, and the right to the life he built in the

US. Mashta said that he spent his days "trying to somehow show to the world that I was not bad"

("Mohamad Mashta,"ACLU,n.d.). Mashta's attempt cannot be seen only as an individual one because,

on a larger scale, the Ban animated the category of the "forever suspect" and resurfaced the good/bad

Muslim dichotomy question.

3) Deepening Otherness by animating the "suspect category"

Although the Ban did not create the "Muslim suspect category," hardened by rhetoric and policies post

9/11, it has drastically turned it into a constant "national security threat" and aggravated Muslims'

otherness by excluding a class of US non-citizens while in some cases undermining the citizenship of

their American larger groups and families. Unlike the imperial project of "War on Terror" that needed

the good Muslim/bad Muslim differentiation, the Trump campaign and presidency moved toward the

extreme of only the "bad Muslim" perspective, which had been aligned with the campaign's nationalist

approach of exclusion.

In the aftermath of the first Ban that listed seven Muslim majority countries, the two perspectives of

Good/Bad Muslim or Bad Muslim only seemed unequivocally different over keeping Iraq or taking it off

the list. The inner circles of the Trump administration staunchly rejected removing any country on the list, while the career military and intelligence officials warned against losing Iraqi allies on the ground because of the Ban[14]. Eventually, the differentiation between the "good" and the "bad," through the national security lenses, survived the nationalist Right approach, and Iraq was excluded from the March 6 modified second Ban.

Hameed Khalid Darweesh, who fits squarely in the category of "good Muslim," was detained at JFK Airport in New York after the Ban was announced. Darweesh worked as an interpreter for the US military in Iraq and was granted a special visa to come to the US. He was released after a Brooklyn federal judge Anne Donnelly's order. Darweesh was one of two Iraqis detained that night. After his release, Darweesh told the reporters, "America is the land of freedom," "America is the greatest nation." (Lewin.L., 2017). Nevertheless, Nisrin Elamin Abdelrahman, who lived in the US for 25 years but has a Sudanese nationality, told the story from a critical viewpoint of American foreign policy.

> During my detention, I witnessed an officer tell an Iraqi man that he could be deported. The man was handcuffed and escorted into the same terminal I was being held in minutes after getting off a plane from Sweden. He had waited for two years to receive a visa to be reunited with his partner and child. Another Iraqi man, who was an official translator for the US military, was similarly threatened with deportation. I wondered how an officer could threaten to deport someone to a war zone that was created by the US government in the aftermath of its invasion of Iraq in 2003, knowing that they could face political persecution or even death. ("Nisrin Elamin Abdelrahman," ACLU, n.d.)

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[14] H. R. McMaster, who by then was Trump's second National security advisor, told the administration that Iraq has to be excluded from the travel Ban. In *Border War: Inside Trump's Assault on Immigration*, Julie Hirschfeld Davis and Michael D. Shear (2019) reported that McMaster argued that "[o]n a practical level, it will complicate cooperation with Iraqi allies still in the field fighting insurgents. Banning Iraqis will play into the hands of jihadists who want to portray America as waging war against the Islamic religion." Nevertheless, Attorney General Jeff Session reacted dismissively, and the White House Chief Strategist Steve Bannon yelled, "' They are not an ally. They're a f […] protectorate.' Bannon did not want the president to take Iraq, or any country, off his travel Ban list."

Importantly, Abdelrahman wondered how immediately they lost their legal status at the airport: "How

did our criminalization get normalized and justified so quickly?" ("Nisrin Elamin Abdelrahman," ACLU,

n.d.). While the Ban disabled the logic of "good (immigrant) Muslim," the analyzed data show how the

impacted individuals used techniques to circumvent being trapped in the "suspect category" and

"national security threat." As illustrated in Figure 6, negating being a "suspect" or "threat" included

reclaiming deservingness through highlighting innocence, signs of meritocracy (e.g., education, class,

employment, or job experience), and contributions and, contrastingly, examining the validity and

continuity of the "American Dream." In addition, emphasizing legality is the other technique to defy the

suspect category while exposing the inconsistencies and fragility of "second class citizenship."

Figure 6. Techniques used, by the impacted, to negate being "a national security threat."
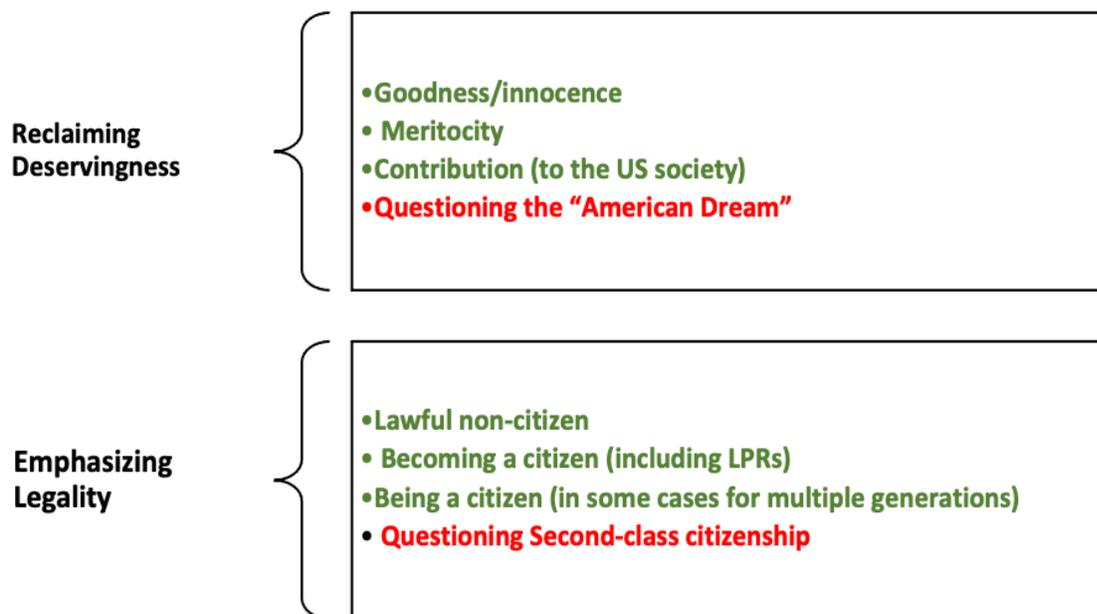
a) **Deservingness and questioning the "American Dream"**

My name is Majid Jamshid Zadeh. I'm from Iran and living in Houston. I have a master's degree and
have been working as an electronic engineer for two years in one of the best industrial companies in

Houston.I have been married for 10 years. My wife's name is Shabnam Taleb, and she lives in Iran now. She is a licensed medical doctor and is one of the best doctors in her field in Iran […] We are legal immigrants, educated people whom the president promised to help come to U.S., but after the travel Ban, they seem to have stopped processing applications. What is our fault? For what reason do we have this hardship? (Rezaian and Woodsome, 2019).

Farida Chehata, the Immigrants' Right Managing Attorney at the Los Angeles Office of the Council on American – Islamic Relations (CAIR-LA), defended one of her clients impacted by the Ban by underlining the much-needed professional and economic contributions by the MENA immigrants. Chehata stated that according to a new report from New American Economy (NAE), almost half of MENA immigrants who attend college gain degrees in much-needed STEM disciplines. Also, 18 percent of them are entrepreneurs. Thus, they often secure well-paid jobs, contributing taxes that support the growth of key cities (Chehata,2019).

After nearly three years of the Travel Ban, and at the first Congressional hearings on the Muslim Travel Ban, Abdollah Dehzangi was one of the main speakers describing how the Ban impacted his personal life. Dehzangi's profile as an Iranian who is a permanent resident in the U.S. and a professor at Morgan State University in Maryland conforms to the features of the "model minority" and defies the stereotypical "forever suspect" or "national security threat." However, Dehzangi's wife, Ghazaleh Taherzadeh, who has "a Ph.D. and [...] secured a job in the U.S. as a researcher," could not join her husband in the U.S. after the Ban (Oversight of the Trump Adminstration's Muslim Ban, September 24, 2019).

Contributing to society could accentuate the contradictions felt by these immigrants between helping people while being unable to help their loved ones and families. For example, Mohammed Al-Awadhi, an internal medicine physician and an assistant professor at the University of Arkansas, talked about his helplessness because he could not bring his new wife, who suffers from rheumatic heart disease, from

Yemen. "I wake up every day, go into the hospital, treat people, take care of people, relieve people's suffering and illness and take care of their loved ones, and I'm remembering how my wife is suffering […] It's heartbreaking. I honestly feel like I failed her," Al-Awadhi said (Hauslohner, 2018).

Professional success even did not signal enough deservingness to immediately exempt the Ban's complicated impacts, including risking a life-saving chance. The Immigrants' Right Managing Attorney at (CAIR-LA), Farida Chehata, told the story of one of her clients who came several years ago from Yemen to study dentistry in the U.S. After successfully graduating from a prominent program, he was hired as a professor and worked to train U.S. dentists. Tragically, this client was diagnosed with an acute form of leukemia that needed bone marrow donors, but neither his wife nor their U.S. citizen children matched. So, he asked his mother and sisters in Yemen to be tested, but the donor analysis needed to be done in the U.S. The initial attempts to obtain temporary visas for them were denied at the time because of the Ban (Chehata,2019).

- **The "American Dream"?**

> My husband is a medical doctor and I want to go to medical school. I need my husband to support me but because of this travel Ban our American dream of happiness and hope turned into a nightmare. ("Saba," ACLU, n.d.)

Despite emerging critical views refuting the simplistic perception of the "American Dream" as a story of personal success, some stories highlighted the American dream's indicators to demonstrate how the Ban threatened to lose this dream and turn it into a nightmarish experience. For example, Bobby, who described himself as a proud U.S. citizen living in California, showed the signs of the American Dream by saying, "I worked hard and achieved so much in my life. I got married, I bought a house." Nevertheless, he demonstrated how "not fair" he cannot share this with his father, who he has not seen for 14 years, and failed to get him an immigrant visa after applying in January 2017("Bobby," ACLU, n.d.). In more exceptional terms, Seyed Mousavi narrated how he could not make his fiance Arafeh come from Iran to

join him in the U.S. despite being enormously successful at a young age. Mousavi graduated from USC with a degree in Business Administration and emphasis in Finance and Business Economics and started work as an investment Banker at one of the most well-known valuations firms in the country. Mousavi put his story of success in numbers: "my expected annual income is $120K; top 2nd percentile income compared to my age group in the U.S. I'm off to a fantastic start, and now I am on my way to becoming a millionaire before reaching the age of 30" ("Seyed Mousavi," ACLU, n.d.).

Arguably, the "American Dream" signs are not unchangeable ones. Ahmed Almuliki, an American citizen, could not bring his wife from Yemen that turned to a war zone. His wife had a kidney failure and moved from Yemen to Djibouti, and then she had to travel to Egypt seeking medical help. Almuliki said that he "has spent over $100,000 on his wife's ordeal" (Michaelson, 2019). He used to own four stores, but he had to sell them. Hussain Saleh, another Yemeni American, used to operate a pharmacy, and then he became Bankrupted as he had to send money for his family to move from Yemen to Djibouti in their attempt to be reunited in the US (Michaelson, 2019). The Ban demoted the impacted individuals and families financially and professionally in certain circumstances. The Libyan- American Abdurraouf Gseaa had to quit "a stable and well-paying job" and worked as a cab driver to be able to travel regularly to Libya because he could not leave his wife alone, especially with the escalating violence in Libya (Muslim Advocates, July 29,2018). Because of their financial and legal status, those citizens once considered themselves the embodiment of the "American Dream," However, the travel Ban that had combined economic precariousness with a legal exclusion pushed them toward nightmarish experiences.

b) **Legality and second-class citizenship**

The impacted individuals and their families usually underlined how they aimed to enter the US legally, while the Ban abruptly altered the notion of legality and undermined it. It is assumed that citizenship could mitigate the Ban's impact as lacking citizenship restricts the option of overcoming the Ban's effect

by traveling outside the country and returning. For example, Ehsan Mahmoody, who came to the US as a student, finished school, and worked in government projects to design infrastructure and utility substations, could not meet her family because she has no permanent residence allowing her to travel outside the country and be able to come back to her work("Ehsan Mahmoody," ACLU, n.d.). However, Ardeshir explained how the transition from non-citizen to citizen did not make any difference in his brother's case, who has become an American citizen recently but had to break up with an Iranian girl he loved for years because he was "so hopeless about bringing her to the US" ("Ardeshir,"ACLU,n.d.). Comparably, the American citizen Rashad showed his parents' deservingness to challenge the durability of his citizenship. He denounced "[h]ow could anyone find [his 66 years old caring pediatrician father and his 55 years old passionate math teacher mother] a national security threat?" and concluded that the Ban effectively treated him as "second-class US citizen" ("Rashad," ACLU, n.d.).

- **Second-class Citizens**

    I am a U.S. citizen that was born in the United States. I gave birth to my baby girl without her father being around and it's was one of the hardest things I went through. I feel I am like a second-degree citizen only because I have origins from Yemen. ("Yusra," ACLU,n.d.)

Although the Ban targeted non-citizens, the existence of many mixed-status families did not limit the ramifications and included many citizens. As a discriminatory policy urged by a nationalist vision, the Ban exposes the flimsiness of citizenship. Various American citizens impacted by the Ban perceived themselves as "second-class citizens." Racialization and otherness of immigrants, intensified by the "Muslim suspect category," reduced them to a perpetual status of "foreignness" (Silverstein 2005, Sharma, 2020). Even citizenship and contributing to society could have not worked in favor of Najib Adi, "a US citizen who owns a highly successful small business in Virginia. He employs close to 20 people and provides services to well over 4000 people" (Muslim Advocates, July 29,2018). Adi has not been able to visit his family since the war outbreak in Syria in 2011. After his father died in 2014, he wanted to bring

his mother to live with him in the US. Adi traveled to Jordan to be with his mother at the interview, but he could not grant his mother a visa and applied for a waiver. Sometimes, the thick layers of otherness and racialization cannot be penetrated even through the model of multi-generational national belonging, as is the case of American citizen Ali Mohsen "whose family migrated to the United States in 1931 and whose grandfather fought for the U.S. in World War II." Mohsen's wife, born in Yemen, escaped the war with their three U.S.-born children, but they were stuck in Djibouti and unable to come to the U.S because of the Ban ("Ali Mohsen," Muslim Advocates, n.d.).

This chapter has examined stories of the groups targeted by the Muslim Travel Ban using thematic analysis methods. Accordingly, it has tracked a wide range of the Ban's impacts, from immediate to long-enduring ones. The analysis has captured how initially, the preemptive Ban resulted in chaos and abrupt evaporation of the legal status of many holders of green cards and visa approvals, demonstrated the confusion caused by the changing versions and disparate implementation, and revealed how the system contradicted itself by denying entry of people previously admitted after usual extreme vetting. Notably, the thematically analyzed data have illustrated the social and psychological effects of the de facto family segregation caused by the Ban, which particularly intensified in the cases of refugees and people from war-torn countries and refuted framing the targeted groups as foreigners coming from territories of danger by showing the complexities of mixed-status families. Importantly, this chapter has explored the Ban's impact in light of existing literature of Muslims' otherness, especially during the "War on Terror," and detected how the Ban animated the "forever suspect category" by undermining legality, signs of the American Dream, and deservingness and consequently increasing the persistence of "second-class citizenship.

Chapter Four

Conclusion

This thesis has addressed a twofold purpose. First, it has traced the Muslim Travel Ban iterations, started as an electoral promise by the former President Donald Trump, and looked into its origin in historical precedents and national security frameworks. Then, it has explored the Ban's impacts on the targeted groups. The thesis has connected the Ban to the legal precedents of excluding different immigrant groups without losing the focus on the particular Muslims' experience in the US. It has thus presented the story of the Ban and sought to identify its political nature and sociological impact. By comparing the Ban to previous discriminatory policies during times of crisis and war, the thesis showed how the Ban was implemented as a state-sponsored policy even though it has lacked any political urgency or materialized threat.

Despite political opposition, shifting public opinion, media criticism, grassroots lawyering, the only way to rescind the Muslim Travel Ban was a counter executive order by President Joe Biden. This was primarily because of how the Ban has been considered an immigration policy, and immigration is categorized as a topic of state sovereignty. Thus, by analyzing the legal precedents, the thesis demonstrated how the Ban was effectuated due to the long-standing perception of immigration as an issue of sovereignty entailing deference of the executive and presidential powers. Furthermore, it has illustrated entrenched Muslims' otherness in the US by tracking national security narratives and policies.

The thesis has identified the research gaps in the scholarly work that tackled Muslim Travel Ban and mainly adopted legal and discursive approaches. Hence, it focused on filling these gaps by closely examining the Ban's multiple versions and its roots and impacts using qualitative methods. Progressively, the thesis has evolved through revisiting the literature review and engaged with the

emerged question of whether the Ban reflected a unique experience of Muslims or not. It has, consequently, placed the Ban in the history of anti-immigrant policies and otherization of different immigrant groups through time while it has also delved into the particular experience of Muslims' otherness.

This thesis, theoretically, has established the paradigms of Muslim otherness (including Orientalism, Clash of Civilization, and War on Terror) in the literature review, laying out how they operated across historical and contemporary contexts. Importantly, it has expanded the post-9/11 literature by using the frameworks of good Muslim/bad Muslim and the "suspect category" to see how the Ban corresponds and contradicts the last paradigm of Muslims' otherness, "War on Terror." On the one hand, subsequently, the thesis has argued that the imperial logic of the "War on Terror" used the dichotomy of Good Muslim and Bad Muslim. On the other hand, it has contended the Muslim Travel Ban, developed by the Trump administration's nationalist and anti-immigration agenda, endorsed the reasoning of "bad Muslim only" and re-activated the "suspect category" to exclude Muslim immigrants and work towards its ultimate goal of reducing immigration.

Contrary to the 9/11 backlash, the Ban was an adversary action responding to a non-materialized threat incited by a generalization of "Islam hates us." However, despite the differences and how an anti-immigrant and nativist agenda distinctly urged the Ban, the thesis has clarified how it cannot be seen as totally disconnected from the War on Terror. Although the Ban did not create the "Muslim suspect category," hardened by rhetoric and policies post 9/11, it has framed this category as a constant national security threat. Primarily, the differential rights caused by the War on Terror's reliance on racial surveillance and expanded executive power facilitated the implementation of the exclusionary policy of the Ban.

The thesis has illustrated how the Ban employed the same narratives of national sovereignty and bureaucratic sorting-out to enact exclusion preemptively. Notably, the analyzed data has illuminated the ways the Ban utilized the "Muslim suspect category" and aggravated Muslims' otherness by excluding a class of non-citizens while in some cases undermining the citizenship of their larger American families and groups. The "suspect category" works at the boundaries between innocence and threatening that could be ambiguous, shifting, and porous. Nevertheless, the thesis has manifested how the Ban turned the ambiguous suspect category into a definite threat by manufacturing a crisis that was allegedly caused by the possible entry of a homogenous bloc of people coming from territories of danger which necessitated a preemptive policy like the Muslim Travel Ban.

The thesis has reintroduced significant data sets incorporated the stories of the impacted individuals and groups. The analysis that has been structured using data-driven and theory-driven codes and the resulting thematic categorization has filled a research gap and deepened the discussion of the Travel Ban's impacts beyond the media attention it had initially received. In doing so, the thesis has illustrated the direct and obscured suffering of the impacted groups, especially in terms of the de facto family separation. It has captured the ambiguous loss that usually goes unrecognized of missing defining moments and obstructs fulfilling the family's social, economic, and emotional obligations. Furthermore, the thesis has revealed how the Ban morphed the already long waiting time for admissions and visas into a spiral of uncertainty.

It is worth mentioning that the Ban put a high burden of proof of non-threatening on the impacted individuals. However, the thematic analysis of the targeted groups' stories refuted how they were framed as a bloc of suspects or dangerous foreigners. Contrarily, the thesis has shown their diverse

backgrounds and the Ban's impact on their individual and family lives. Notably, the thematically analyzed stories of the impacted groups have problematized the concept of "good Muslim" that overlapped with "good (or model) immigrant." Ultimately, the logic of "bad Muslim" adopted by the nationalist Trump administration led to a deep impasse because it impeded the attempts of the influenced individuals to mitigate the Ban's impact by illustrating their innocence, goodness, legal status, and deservingness. The thesis thus has clarified how the Ban was employed as a practice of collective punishment that nullified individual agency and deepened Muslims' otherness.

This thesis has utilized thematic analysis as a qualitative method by carefully examining the data and identifying meaningful patterns. However, the analysis has been applied to secondary data sources, primarily including published texts. Therefore, further research can adopt qualitative primary research methods, including in-depth interviews with the impacted individuals or triangulating the research with quantitative techniques by conducting in-person or online surveys. This thesis has tackled the Ban during Trump's presidency. Future research can expand to include the transition after the Ban was rescinded, including the immediate bureaucratic effects and the durable ones, especially since it has been reported that many of the impacted groups have continued facing additional waiting time as they had to start over the admission process.

Future research can study the Muslim Travel Ban in light of the partisanship during Trump's presidency to tackle different focal points. Further research work can explore if the political polarization urged Democratic politicians and members of the congress to hold the first-ever hearing to examine the Ban and introduce the National-Based Antidiscrimination for Nonimmigrants (No Ban) Act. The Act importantly aimed to prohibit discrimination based on religion in immigration law and limit executive authority in this respect. Moreover, it suggested changes included creating an oversight mechanism and

requiring credible facts and connections before any future Ban. Another topic can discuss the parallels

and differences between Latinos and Muslims' experiences as both faced scrutiny and profiling but in

different manners and examine the opportunities and challenges of developing the anti-Ban protests'

slogan #NoBanNoWall into a solidarity coalition energizing the immigrant rights movements.

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