

Trump Travel Ban: US Court Rejects Bid to Reinstate Trump Travel Ban #MuslimBan

By [Middle East Eye](#)

Global Research, February 06, 2017

[Middle East Eye](#) 4 February 2017

Region: [Middle East & North Africa, USA](#)

Theme: [Police State & Civil Rights](#),
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Trump denounces judge who lifted travel ban, as airlines begin allowing passengers back on US flights

A US federal appeals court early Sunday rejected a request by the Department of Justice to immediately reinstate President Donald Trump's travel ban.

Trump's administration had lodged the request with the Ninth Circuit Court of Appeals as part of an appeal against a lower court order temporarily suspending the travel ban on citizens from seven mainly Muslim countries.



A rally outside the US consulate in Hong Kong organised by the International Migrants Alliance protests against US President Donald Trump and his recent immigration and refugee restrictions (AFP)

For now, the travel ban suspension remains in place. Both the State and Homeland Security Departments said Saturday they were resuming normal practices concerning travelers from the affected countries.

Judge William Canby, Jr. in Phoenix and Judge Michelle Friedland in San Francisco did not give a reason for their denial in a two-paragraph ruling.

However, they told the states of Washington and Minnesota, which had filed the original suit against Trump's travel ban, to provide documents detailing their opposition to the government's appeal by 11:59pm Sunday (0759 GMT Monday).

The Department of Justice was given a deadline of 3pm Monday to supply more documents supporting its position.

Major global airlines including British Airlines, Emirates and Air France began boarding passengers bound for the United States after the lifting of the court order.

Trump on Saturday denounced the judge who lifted the travel ban for citizens of seven mainly Muslim countries, vowing his government would reinstate it.

Seattle-based federal Judge James Robart late Friday issued a nationwide order blocking Trump's ban in the most severe legal blow yet to the president's executive order. The challenge was brought by the state of Washington and later joined by the state of

Minnesota.

Judge James Robart nominated to federal bench by Bush in 2003, heralded for pro bono work <https://t.co/4ahx5DLSza> <https://t.co/PdPub00fRD>

— Jake Tapper (@jaketapper) [4 February 2017](#)

Although a few airlines said they were waiting to see how the situation developed, carriers including Air France, British Airways, Emirates, Etihad Airways, Lufthansa, Qatar Airways, Swiss Airways and United Airlines said they would allow nationals of the countries in question to board if they had a valid visa. “Since this morning we have applied with immediate effect the judicial decision taken overnight. All passengers presenting themselves will embark once their papers are in order to travel to the United States,” an Air France spokesman told AFP. Swiss Airlines said it was in touch with US customs and border services and that “at the present time all passengers with valid travel documents can travel on any Swiss flights bound for the United States”.

Germany’s Lufthansa also cited the court injunction and underscored that those “holding a valid immigrant or non-immigrant visa for the US are again allowed to travel to the US”.

The Washington state lawsuit was the first to test the broad constitutionality of Trump’s travel ban, which has been condemned by rights groups that consider it discriminatory.

“The opinion of this so-called judge, which essentially takes law-enforcement away from our country, is ridiculous and will be overturned!” Trump said on Twitter.

“When a country is no longer able to say who can, and who cannot, come in & out, especially for reasons of safety & security – big trouble!” Trump tweeted.

The political backlash for Trump has been severe, with the order fueling numerous mass protests and internal White House infighting. In Washington, demonstrators marched to Capitol Hill and the Supreme Court, chanting “Donald, Donald, can’t you see – we don’t want you in DC!” Some held signs that read “Brown is the new white” and “Love knows no borders”.

Fun fact: The federal judge that blocked Trump’s immigration ban was not a liberal judge. He was appointed by George W. Bush.

— Jonathan Merritt (@JonathanMerritt) [4 February 2017](#)

About 3,000 people rallied in New York, while an estimated 10,000 people turned out in London, and smaller gatherings took place in Paris, Berlin, Stockholm and Barcelona.

Trump was forced to defend a botched rollout of the plan, which called his government’s competence into question, and fired the government’s acting attorney general for refusing to defend the order in court.

His approval rating has sunk to the lowest level on record for any new president.

His latest rhetorical outburst is only likely to stoke the controversy.

Presidents from Thomas Jefferson to Barack Obama have criticized court rulings, but have rarely, if ever, criticized individual judges.

"I can't think of anything like it in the past century and a half at least," constitutional scholar and Harvard Law professor Laurence Tribe said.

Because of the temporary restraining order, the US government said travelers with valid visas would be allowed to enter the country.

The State Department said almost 60,000 visas had been suspended because of Trump's ban.

Qatar Airways to fly passengers affected by US President Donald Trump's travel ban after a Seattle's judge temporarily blocked the move
pic.twitter.com/o19XxK1OLN

— CGTN (@CGTNOfficial) [4 February 2017](#)

The Department of Homeland Security said on Saturday it would return to its normal procedures for screening travelers, but that the Trump administration would fight to overturn Friday's ruling.

"At the earliest possible time, the Department of Justice intends to file an emergency stay of this order and defend the president's executive order, which is lawful and appropriate," DHS spokeswoman Gillian Christensen said in a statement.

US Customs & Border Protection (CBP) informed US airlines late Friday that they could once again board travelers with proper visas, an airline official told Reuters.

Robart, a George W Bush appointee, made his ruling effective immediately, suggesting that travel restrictions could be lifted straight away. He is expected to issue a full written ruling over the weekend.

"It's a wonderful day for the rule of law in this country," said Washington state solicitor general Noah Purcell.

Trump's order had set off chaos and moved thousands of people to protest at airports across the US last week.

"I am very happy that we are going to travel today. Finally, we made it," said Fuad Sharef, an Iraqi with an immigration visa who was prevented from boarding a flight to New York last week.

"I didn't surrender and I fought for my right and other people's right," Sharef told Reuters as he and his family prepared to fly from Erbil, the capital of the Kurdish region of northern Iraq, to Istanbul and then to New York, before starting a new life in Nashville, Tennessee.

Virtually all refugees also were barred, upending the lives of thousands of people who had spent years seeking asylum in the US.

On Saturday, a small group of immigration lawyers, some holding signs in English and Arabic, gathered at New York's John F Kennedy International Airport, offering services to

passengers arriving from overseas destinations. "This is an instance where people could really slip through the cracks and get detained and nobody would know," said John Biancamano, 35, an attorney volunteering his services.

At Dulles International Airport outside Washington, volunteer lawyers also were in place to help travelers and monitor how visa holders and permanent residents were being treated as they arrived.

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