U.S Travel Ban Policy on 6 Muslim Countries as Attempt of Donald Trump Government in Counter-Terrorism in 2017

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Abstract

This research is a U.S. foreign policy review of Travel Ban policy during Donald J. Trump's 2017 administration. The travel ban policy, United States imposes policies on Muslim-majority countries as an attempt to reduce the entry of immigrants into the U.S. This research aims to discuss the aspects that led to the United States Travel Ban policy against immigrants from Muslim countries where immigrants entering the United States are considering be able to influence the stability of American security. This research will use the concept of national security, which will explain the security priorities of the U.S. state, one of which is to protect the country from terror attacks. The idea of foreign policy is used to analyze how the policy can be implemented by the U.S.

Keywords: travel ban policy, immigrant muslims, muslims countries

This research, uses the qualitative method with data collection technique through library research. The results of this research showed that in travel ban policy-making, there are several revisions until approved by the Supreme Court taking into account various aspects by stakeholders and its works on reducing the immigrant entry into the U.S. especially from Muslim countries.

I. INTRODUCTION

After Donald Trump won the United States presidential election in 2017, Trump realized his campaign's promise by issuing an executive order "Protecting the Nation from Foreign Terrorist Entry into the United States" or Executive Order 13769 also commonly referred to as the Travel Ban or Muslim Ban (Mohammadi & Javadi, 2017). This is because the number of refugees entering the United States in 2017 reached the range of 50,000 to the effect of the 120-day U.S. Refugee Admissions Program (Muhammad Arraf Rezkia Rachman, 2018). The majority are from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen where the majority of the population is Muslim (Cicilia, 2017).

The issue of migration, which became a concern during the Trump administration, is seen as an issue that needs to be reviewed immediately, often attributed to security threats caused by immigrants as one of the reasons for the weakness of the American economy. In addition, the immigrant is also often linked to the issue of terrorism that occurs in America (Schmidt, 2019). With the large number of refugees entering, the American government has concerns about its country, especially the threat of terrorism. Immigration policy during the Trump administration is based on American interests, namely "America First" which protects American interests from all forms of threats to the security of its country. (Jamaludin, 2019).

Immigrant groups from five countries are banned from entering America, namely: Iran, Iraq, Libya, Somalia, Syria, on the grounds that they are affiliated with ISIS (Islamic State of Iraq and the Syria) (Thontowi, 2017). Based on the reason of terrorism, Trump limits the movement of immigrants by issuing a Travel Ban policy to maintain the national security of the United States.

Counterterrorism is a government effort to prevent or reduce the impact caused by terrorist attacks in two policy categories, namely proactive policies and defensive policies. In offensive policies, the government targets terrorists directly from their resources and supporters by weakening their operational capabilities. Proactive policies can be implemented by reducing the frequency and action of terrorist attacks. (Sandler, 2005). One of them is by carrying out direct attacks on terrorist camps, killing terrorist leaders, freezing terrorist assets, and imposing embargoes on countries that support terrorism. As for defensive policy steps, the government seeks to protect potential targets from attacks and repair damage if an attack occurs. Defensive policies involve the installation of state-of-the-art technology, such as metal detectors, installing barriers in front of federal buildings, and establishing counterterrorism agencies. The problem is the definition of terrorists or terrorism which is still biased.

On January 27, 2017, Trump signed a policy suspending immigrants from several Islamic countries such as: Iran, Iraq, Libya, Somalia, Syria, and Yemen for 120 days, but revised in March 2017 except for Iraq (Nursita & Surwandono, 2017). The policy taken by Trump is an offensive policy, targeting countries that they consider to be sources of terrorism. This study aims to analyze the American government's policy in implementing the Travel Bans Policy which is considered to be directed at Muslim countries in the Middle East. Therefore, this policy is considered a Muslim ban policy because 6 of the 8 banned countries are Muslim majority countries (*Trump Travel Ban: What Does This Ruling Mean?*, n.d.). This research is interesting because the American government is considered to still be biased in understanding the issue of terrorism and is still indicated by the issue of Islamophobia.

II. METHODOLOGY

This research is a type of qualitative research by applying analytical descriptive methods by analyzing and describing a problem comprehensively, analyzing sentences

and providing detailed reports. Foreign policy is used as a concept in analyzing the travel ban policy towards 6 Muslim countries (Syria, Iran, Yemen, Somalia, Sudan and Libya), during the Donald Trump administration. Meanwhile, in collecting research data, researchers used library study techniques by collecting various secondary sources from journals, books and official American government websites. Data analysis techniques begin with collecting data, reducing data, continuing with data presentation and ending with concluding the final results.

III. RESULT AND DISCUSSION
Inter-Connection Between National Security and Foreign Policy in Travel Ban Policy

Foreign policy broadly points to efforts made by the government to influence or manage events outside the borders of its country. Besides, foreign policy also underscores the important influence of the decision-making space, which are choices and objectives in global politics. In foreign policy-making, there are 3 levels analyzed by Kenneth N. Waltz, are: *Firstly*, Individual decision-making levels personal priorities, psychological and cognitive tendencies, and more. *Secondly*, the National-state level discusses state disposition, type of government, bureaucratic structure and others. *Thirdly*, Systemic levels of the balance of power in the international system, the interdependence network of countries, global political dynamics, and others (Heywood, 2017).

In the process of making the Travel Ban policy, the level of analysis used in making foreign policy is the nation-state level where the character of the country, type of government and also the bureaucratic structure greatly influence the policy-making process. The process of making and implementing US foreign policy involves three government institutions, namely: executive, legislative and judiciary. In its mechanism, the making of US foreign policy is different from the making of domestic policy. The

process of making foreign policy pays more attention to the sticking point aspect, where the president's authority is broader than the influence of Congress and there is no input from domestic groups. In policy-making on the travel ban, the president played a big part. This is because not only were Trump's campaign promises during the election, but also Trump was known as an anti-Islamic figure (Pertwee, 2020). The bureaucracy controlled by the Republican Party also influenced the Travel Ban policy, where according to them the Travel Ban policy was intended to achieve domestic security (Restad, 2020), namely by suppressing the entry of refugees from abroad, especially from Muslim countries.

The security system should be directed to ensure the upright and strengthening of a nation from external threats and domestic threats (Woolhandler et al., 2021). In the context of the 21st century, national security is defined as a fundamental need for every country to protect and safeguard the national interest by using political, military, and economic forces from future threats (Mukhtar, 2017). National security is defined as a country's ability to protect itself from external threats, with the aim of preventing or eliminating the risk of attacks on the country and its population. (Lestari, 2018).

According to Christopher S, national security in the context of the United States national security means "the protection of the United States from major threats to territorial, political, or economic well-being". Referring to the United States National Security Strategy Document, December 2017, American national security has four main priorities, namely: protecting the American people, the homeland, and the American way of life by strengthening control over the country's borders and stopping terrorism. (Wadha, 2018). The Travel Ban policy is intended to realize national security in America, on the grounds of US anticipation of terrorist attacks.

U.S. Foreign Policy Process on Travel Ban Policy Against Muslim Countries

The mechanisms in U.S. foreign policymakers are different from domestic policymaking. The most fundamental point in the formulation of U.S. foreign policy is the presence of greater presidential authority, more limited congressional influence, and more override input from domestic interest groups (Singh, 2003). The existence of greater presidential authority is due to the presence of information directly from the CIA, NSC, DHS, and the State Department, therefore the president gets information about the external state of the U.S. directly and becomes the reason for foreign policy decision-making (Nemeth, 2021). Regarding the travel ban policy, the US government believes that in order to protect its country from terrorist attacks, the government needs to make preventive efforts through the travel ban policy (Huff & Kertzer, 2017). There are restrictions and travel bans in several countries that they consider to be terrorist countries, although in principle they have not been able to explain the definition of terrorists clearly and firmly.

During the Donald J. Trump administration, U.S. national security policy has been based on provisions made by the Department of Defense, the Department of State, and several other federal agencies, including the National Security Council (NSC) (LaGattuta & Limbocker, 2021). The first stage in the decision-making process is to identify problems. In formulating American policy, the president is the dominant actor in formulating foreign policy. Presidents can negotiate agreements or executive agreements with other countries, change policies through executive orders, mobilize public opinion to push Congress and shape foreign policy. In addition, the president is also the commander in chief of the highest armed forces in the U.S (Mauk, 2022).

Executive Order 13769 (Protecting the Nation from Foreign Terrorist Entry into the United States) issued by Donald J. Trump was the result of recommendations from the US Secretary of Homeland Security and the Attorney General. This was based on the results of a review by the US Secretary of Homeland Security, that efforts to establish

requirements in immigration screening needed to be reviewed more stringently to increase capacity and ability to assess whether foreign nationals entering the US could pose a domestic threat to the US (Trump, 2017). Therefore, the US banned 6 Muslim-majority countries from entering America through a lower federal court, and was later ratified by the Supreme Court.

In formulating the EO, the US government through the Department of Homeland Security coordinates with the Department of State to implement protocol procedures regarding the immigration of foreign nationals entering the US on the grounds of reducing the risk of terrorism and the safety of US citizens (Haner et al., 2020). The high number of immigrants in the US causes domestic instability and threatens US security. Relaxation of US domestic security, Trump considered, is a way for international terrorists to enter the US (Alamillo et al., 2019).

After a few days in office, Trump suspended refugee admissions and reduced the quota to 50,000 from the previous 110,000. Trump argued that this was based on considerations of the security of the American people and the lack of a vetting process for refugees arriving in the US (Chisti et al., 2018). In addition, Trump also increased vetting for refugee applicants from 11 countries considered high risk, namely: Egypt, Iran, Iraq, Mali, North Korea, Somalia, Sudan, South Sudan, Syria, and Yemen.

Counterterrorism in America aims to maintain US security by deploying all capabilities, both military and non-military (Fermor & Holland, 2020). The travel ban policy is considered an impact of the Islamophobia issue in America, so the Travel Ban policy is considered biased because it is only directed at 6 Islamic countries in the Middle East, namely: Syria, Iran, Yemen, Somalia, Sudan and Libya.

U.S Travel Ban Policy on 6 Muslim Countries (Syria, Iran, Yemen, Somalia, Sudan and Libya) as Attempt of Donald Trump Government in Counter-Terrorism

Taking into account the Presidential Circular issued regarding national security, Trump took action against immigrants or non-immigrants from several countries as shown in the following table. (Trump, 2017):

Table: 3.1: List of Muslim Countries Affected by Travel Ban

Country	Information
Iran	State sponsor of terrorism
Libya	The government's inability to tackle terrorism. Thus, if a Libyan citizen enters the U.S it has the potential to pose a security threat to U.S. citizens.
Syria	Source countries of terrorists and as a supporting country of terrorism
Yemen	Deemed not to provide information related to public safety for acts of terrorism in its country
Somalia	The state of the sponsor of terrorism and its citizens are recorded as causing a lot of criminal acts
Sudan	Designated as a sponsoring state of the terrorism movement

Source: Arranged by researcher based on White House's sources

Based on the table above, the ban on Muslim countries entering the US is mostly aimed at immigrants, refugees, and visa holders from 6 Muslim-majority countries to enter the US, namely Iraq, Syria, Iran, Libya, Somalia, Sudan, and Yemen. The indefinite entry ban order was set for Syria. However, the policy was revised in September by removing Sudan from the list of countries affected by the Travel Ban policy, after an agreement between the US Secretary of State and the Sudanese Prime Minister on a commitment to cooperation in eradicating terrorism. The list of Muslim countries that are banned from entering the US can be seen in the following table (Nabilla, 2020):

Table 3.2: Muslim Countries Restricted by Travel Ban Policy

Country	Immigrant	Non-Immigrant
Iran	Unlimited Ban	All visas are prohibited, except Student Visas
Libya	Unlimited Ban	1. Business Visa 2. Tourist Visitors
Syria	Unlimited Ban	All types of visas are prohibited and denied entry
Yemen	Unlimited Ban	1. Business Visa 2. Tourist Visitors
Somalia	Unlimited Ban	Additional checks for all visas

Source: Arranged by researcher

Based on the table above, it can be concluded that after undergoing various revisions of EO 13769 and EO 13780, the countries affected by the US entry ban are Iran, Libya, Syria, Yemen, and Somalia. In general, the entry ban is intended for all immigrants from 5 Muslim countries (Iran, Libya, Syria, Yemen, and Somalia), but some visas are still allowed to enter such as business visas, tourist visas, and student visas. The exception is for Syrian citizens, who are not allowed to enter the US for any reason. This is because Syria is considered a country in conflict with the potential to carry out acts of terror.

Legislative power is under the control of the House of Representatives and the Senate. The Constitution also gives the Senate a special role in formulating foreign policy to advise the president. (Hubert, n.d.). In formulating foreign policy, the president does not act alone, but there is interference between the executive staff in defining and implementing policy. The president's power is limited by law, while the ability of members of congress and the courts is to determine the policies proposed by the

president. Members of congress who disagree with the president must veto 2/3 of the votes of the House and Senate. (Bianco & Canon, 2019). In the vote on January 30, 2017, a total of 84 votes were in favor of the EO, 8 votes were against the EO and 28 votes were abstained ("Authenticated U.S Government Information," 2017a). With a 2/3 vote, the Travel Ban policy became legal through the Republican Party's dominance in the parliament with the propaganda of "Make America Great Again."

Despite the Republican-dominated House, some members of the House have opposed the travel ban policy. They consider it not based on American values and causes suffering for Muslims and their families seeking a decent life in the US. There is even an option from a New Jersey congressman to accept hundreds of Syrian refugees into his area. On March 13, 2017, the Senate held another hearing to cancel the proposed EO Law of March 6, 2017 or EO Law 13780 which temporarily banned entry to 6 Muslim countries, so that the Senate revoked EO Law 13780 and this policy has no legal force. Likewise, the House of Representatives which held a hearing on March 10, 2017, emphasized to reject, that EO Law 13780 should not be implemented and the federal government does not provide a budget to implement this policy. (*Authenticated U.S Government Information*, 2017b).

Congress has the right to veto policies made by the president by winning at least 2/3 of the votes as an implementation of "checks and balances", so that there is no dominance of power in government. Based on the results of the vote carried out by the legislature on the travel ban policy, this policy is invalid and does not apply. This consideration is based on the category of countries that are prohibited from entering the US, namely Muslim-majority countries (Iran, Yemen, Syria, Libya, Somalia, Sudan, and Iraq), so this policy is considered discrimination against Muslims. This policy is considered to violate human rights and does not reflect the values of a democratic US state.

In exclusive judicial review, the US judicial system can reconsider foreign policy statements by looking at whether the president's laws, regulations, and policies comply with the Constitution (*Sistem Hukum Amerika Serikat- Sebuah Penjelasan Singkat*, n.d.). The function of the US court in the case of the Travel Ban policy rejected by the Senate, the president can appeal through a judicial review. In the process, the final stage of ratification of a policy is at the US court level. So the result, the Supreme Court granted the Travel Ban policy on June 29, 2017, but with several notes, namely: (*Penn State Law*, 2017): (1) The Supreme Court suspended the Travel Ban for those who are not related by blood, (2) The suspension applies to entry into the US and issuance of visas to countries affected by the travel ban, but does not apply if the individual has been in the US or has a valid visa since June 29, 2017, (3) For countries affected by the Travel Ban policy and wishing to apply for a non-immigrant visa (NIV), they must follow several procedures and interviews and, (4) The suspension of the EO does not apply to applicants who claim to be related by blood to a US citizen. (Mohammed & Torbati, 2017), the individual was already in the U.S. on 26 July 2017, each individual has a valid visa before EO 13769 is signed or on 27 January 2017, U.S. permanent residents, using diplomatic visas, and applicants granted political asylum and refugees recognized by the U.S. government.

The Travel Ban policy that was rejected by Congress was successfully ratified by the Supreme Court and has been in effect since September 24, 2017, after going through several revisions since January 27, 2017. Although the final result did not completely follow what Trump proposed, the ratification of the travel ban policy by the Supreme Court became the legality for the US government to implement the Travel Ban policy. In the formulation of a policy, the government will analyze the advantages and disadvantages of a policy and provide alternative options (Kitchen, 2020). Trump believes that the Travel Ban policy can guarantee stability and security within the US.

Reducing immigrants entering the US is considered to be able to reduce the potential for terrorism in the US.

Trump's EO 13769 for handling illegal immigrants has undergone several revisions since it was filed in January 2017. In January 2017, the government banned seven Muslim-majority countries, namely Iran, Iraq, Syria, Yemen, Somalia, Sudan, and Libya from entering the US, but was rejected by a federal court. The final result of EO 13769 filed in January 2017 resulted in: (Mohammed & Torbati, 2017) a) A 90-day visa suspension for the countries of Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen, b) A 120-day United States Refugee Admissions Program (USRAP), with exceptions for religious minorities and national interests, and c) An indefinite ban on the entry of refugees from Syria.

On March 6, 2017, Trump signed EO 13780 to revise the list of countries that are allowed to enter the US by removing Iraq from the list. EO 13780 on the temporary suspension of 6 Muslim countries (Iran, Libya, Syria, Sudan, Somalia, and Yemen) for 90 days, aims to suspend admissions to the Refugee Program for 120 days and remove Iraq from the list of countries prohibited from entering the US. The removal of Iraq from the US Travel Ban list was due to US national interests in Iraq, including the need for the US to have allies in the Middle East to build military bases and secure oil reserves for America. (Mohammed & Torbati, 2017).

After March 2017, the US government decided to conduct a review of the countries listed to provide information for 50 days for further review. After the review process, on September 27, Trump removed Sudan from the travel ban list but added other countries such as: Chad, North Korea, and Venezuela. The ban is limited to visa restrictions and can be reviewed based on the citizenship of the visa applicant. (Chisti & Sarah, 2018). Sudan's removal from the Travel Ban list resulted from negotiations

between U.S. Secretary of State Mike Pompeo and Sudanese Prime Minister Abdalla Hamdok, in which Sudan requested to be removed from the list of terrorist countries (Chisti & Sarah, 2018). In a letter submitted by the U.S. Secretary of State to the Senate and Congress, there has been significant progress in relations between the U.S. and Sudan.

To realize the deal, Sudan agreed to pay compensation to the victims of Al-Qaeda attacks on the U.S., Kenya, and Tanzania embassies in 1998. Also, the result of the meeting of the U.S. Secretary of State and the Sudanese Prime Minister improved diplomatic relations with Israel (Vini, n.d.). So in implementing the travel ban policy, the U.S. government suspended most immigrants, refugees, and visa holders from 5 Muslim countries from entering the U.S. i.e. the countries of Iran, Libya, Somalia, Syria, and Yemen.

The check and balance system implemented by the U.S. government is that the president is authorized to veto the policy draft proposed by Congress (Hill & Hurst, 2020). Congress, meanwhile, can veto policies that have been drafted by the president by getting two or three votes in the assembly. The Supreme Court conducted a review of the executive and legislative bodies through judicial review of a draft policy (Vini, n.d.).

Regarding the travel ban policy, the congress rejected the travel ban policy by vetoing the law with a 2/3 vote in parliament. As for the president's appeal to the Supreme Court, through a judicial review, the travel ban policy was passed in the Supreme Court, even with various considerations from the Supreme Court such as the removal of Iraq and Sudan from the Travel Ban list and the acceptance of individuals from 5 prohibited countries (Iran, Syria, Somalia, Libya, and Yemen) who had valid visas before January 27, 2017.

IV. CONCLUSION

The travel ban policy implemented by Trump in 2017 against 6 Muslim countries (Syria, Iran, Somalia, Sudan, Yemen, and Libya) was based on the reason for countering terrorism in America. This is inseparable from the impact of Trump's Islamophobia on Muslims. In the US state document The National Security Strategy of the United States of America 2017, counter terrorism is one of the four state priorities that have an impact on America's Travel Ban policy against immigrants from Muslim countries, such as: Iran, Syria, Iran, Somalia, Sudan, Yemen, and Libya which they consider to be state sponsors of terrorism. The immigration policy in 2017 was implemented through EO 13769 but was revised in EO 13780 and the final result was included in the text of Proclamation 9645 known as the Travel Ban or Muslim Ban policy. Meanwhile, Iraq and Sudan were removed from the list of countries prohibited from entering the US, due to improving relations between the US and the two countries. The US government's Travel Ban policy against immigrants from Muslim countries is none other than the result of US propaganda against terrorism in the name of US national security.

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