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SUPREME COURT DELIVERS COMPROMISE IN LATEST RULING ON TRUMP TRAVEL BAN

Justices allow travel by extended family members, but block loosening of ban for refugees

By Brent Kendall
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WASHINGTON – The Supreme Court reinstated the Trump administration’s plans to keep many refugees from entering the U.S., but blocked the White House from sweeping travel restrictions on extended families of American residents, a second compromise action by the justices in the hot-button case.

The court, in a one-page order Wednesday, prohibited the Trump administration from banning travel by people from six Muslim-majority countries who are grandparents, grandchildren, aunts, uncles and other extended family members of U.S. residents. That part of the order was a setback for President Donald Trump and signaled administration officials might have adopted [too narrow a reading](#) of the high court’s [ruling on the issue last month](#).

But in a partial victory for the president, justices said his administration could move ahead for now to ban a broad group of refugees with no U.S. family ties.

The White House didn’t respond to requests for comment. The Justice Department said it looked forward to making its arguments for the ban in additional court proceedings.

The court’s move marked the second time in recent weeks the justices have given Mr. Trump temporary leeway to impose travel restrictions on at least some people. In addition to suspending U.S. entry by refugees, the president has sought to bar travelers from Iran, Libya, Somalia, Sudan, Syria and Yemen.

Mr. Trump has said the ban, which he signed in a March executive order, is needed to help protect the U.S. from terrorist threats.

The justices on June 26 allowed the president to temporarily bar travel to the U.S. by people from the countries if they had no connection to the U.S., but it said travelers with close connections to people or organizations in the U.S. couldn’t be barred while the court considers the case more fully.

When the Trump administration began implementing the Supreme Court’s guidance a few days later, the state of Hawaii, which had sued the president, argued that he was imposing the ban more strictly than the justices allowed.

Trump officials said extended family members weren’t close enough relatives to be exempt from the ban. The administration also said only a limited pool of refugees qualified for travel under the Supreme Court’s terms. The administration argued Hawaii’s interpretation of the high-court ruling would render the ban largely meaningless.

The Supreme Court will give a full review of the travel ban on Oct. 10.

Court rulings so far on Mr. Trump's travel restrictions haven't been final decisions on whether they are legal. Judges instead have been considering whether the ban could go into effect while the litigation continued on the underlying merits of the executive order.

U.S. District Judge Derrick Watson in Honolulu, who has been presiding over travel ban litigation since March, [ruled recently](#) that the White House implementation plans contradicted last month's Supreme Court ruling. The judge said the administration must allow travel by a broader group of family members and refugees.

The Justice Department filed an emergency appeal with the Supreme Court, saying Judge Watson had gutted the ban and upended the balance the high court was seeking to strike.

The court's order blocked Judge Watson's instruction that refugees aren't subject to the ban if they are covered by a formal admissions agreement between the U.S. government and a refugee resettlement agency. About 24,000 refugees covered by such agreements potentially stood to benefit from the Hawaii judge's ruling but now will not, at least in the short term.

But the Supreme Court declined the Trump administration's request to clarify its ruling from last month and thus didn't allow the president to enforce plans to bar travel by extended family members.

The court in its brief order didn't explain its reasoning.

Like its ruling last month, the court again appeared to find some ideological common ground for its action. No justice registered a dissent to the court's action on refugees.

However, three conservative justices – Clarence Thomas, Samuel Alito and Neil Gorsuch – said they would have allowed the president to bar travel by extended family members. Those same justices registered similar objections last month, saying they would have sided more broadly with the president.

The American Civil Liberties Union, which has been challenging the Trump ban in court, expressed ambivalence about the latest outcome.

"We are glad that the order requiring the government to recognize grandparents and other close family remains in place, but are deeply concerned about the effect of today's ruling on thousands of refugees who seek to escape dangerous situations, who have been fully vetted by the United States, and whose arrival communities, congregations, and organizations in the United States have been preparing for and anticipating," said Omar Jadwat, an attorney at the ACLU.

The Supreme Court is on summer break with several justices traveling. Chief Justice John Roberts, for example, is on an itinerary that takes him through Australia and New Zealand. The court, however, still can consider emergency appeals even when it isn't in session.

On the broader issues in the case, one appeals court said the president likely disfavored Muslims in a way that violated the Constitution. Another said Mr. Trump didn't adequately justify that the ban was needed. The Justice Department argues that both courts were wrong, saying the president has broad powers over U.S. borders, especially when national security is a consideration.

The Supreme Court will review those rulings when it returns in October.