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Statement of the American Immigration Lawyers Association

AILA Urges Passage of the NO BAN Act (H.R. 1333) and the Access to Counsel Act of 2021 (H.R. 1573)

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On January 27, 2017, within days of taking office, President Trump issued the Muslim and refugee ban signaling what has become the hallmark of his administration's immigration policy: the discriminatory targeting of people based on their religion and national origin for exclusion from the United States. The American Immigration Lawyers Association (AILA) [opposed](#) these travel bans which have had devastating impacts: keeping families separated, denying visas without basis, and compelling the loss of career and educational opportunities. Rather than advancing legitimate security concerns, the bans have undermined America's national interests and its commitment to equality before the law.

The National Origin-Based Antidiscrimination for Nonimmigrants Act would ensure that no future president could issue a ban that would block immigrants from entering the United States based on their religion. Known as the NO BAN Act, H.R. 1333 keeps in place the executive branch's authority to limit the entry of persons into the United States but also requires that any future restriction be supported by specific evidence and be narrowly tailored to address a compelling governmental interest. AILA applauds the sponsors of H.R. 1333 and urges members to support its passage.

AILA also endorses the Access to Counsel Act of 2021 (H.R. 1573) which guarantees access to legal counsel for people who are arriving at ports of entry and are subject to secondary or deferred inspection by U.S. Customs and Border Protection (CBP). Ensuring due process should be the norm of the U.S. immigration system, but in practice CBP commonly denies people access to their legal counsel during secondary and deferred inspection. Close relatives of U.S. citizens and lawful permanent residents as well as employees of U.S. businesses have been unnecessarily subjected to lengthy detentions—sometimes lasting several hours—during CBP inspection. Prevented from obtaining the advice of counsel, many people have been wrongfully refused entry and removed from the United States.

In 2017, AILA and the American Immigration Council [petitioned](#) the Department of Homeland Security (DHS) and the Department of State to provide access to legal counsel for people seeking admission to the United States who are placed in secondary and deferred inspection.

Nearly four years later, the answer has come in the form of the Access to Counsel Act of 2021. Importantly, the bill sets a time frame requiring that CBP grant access to counsel if a person is detained more than one hour after the secondary inspection process begins. AILA urges swift passage of H.R. 1573. In addition, AILA recommends that the bill be broadened to specifically include asylum seekers and other travelers who are not required to be in possession of certain documents under the law—those individuals have the same vital need for legal counsel during CBP inspection.