

Appellate Attorney Says Travel Ban Decision Provides Road Map for Future Litigation

The U.S. Supreme Court handed a victory to President Trump after the high court upheld the third version of his travel ban in a 5-4 vote, barring almost all travelers from five Muslim countries, North Korea and government officials from Venezuela.

“This is a big win for President Trump,” says Dallas appellate attorney **David Coale** in a post on the website of **Androvett Legal Media & Marketing**. “The decision signals that so long as the president is acting in an area of traditional executive power, in a facially neutral way with regards to religion, he has a lot of power. This signals how things may go in later immigration litigation about border policy.”

Coale adds that the latest ruling is different from another immigration hot button involving asylum.

“This dispute turned on the force of a law about visas. The current immigration dispute involves asylum requests, which is a different set of statutes. So this case does not apply directly, but it does provide a road map for future litigation by making analogies to these laws.

“Both the majority and Justice Stephen Breyer’s dissent note the system of waivers and exemptions built into the president’s order. The majority says it shows that the order was drafted carefully; the dissent says that if the waivers and exemptions are not actually used, that can justify a challenge to the statute. So that may be the next round of litigation about these matters – whether the waivers and

exemptions are in fact being applied as written.

“Also,” he noted, “the majority signals that it isn’t particularly interested in presidential ‘tweets.’ It mentioned them, but basically said they were not relevant to the legal issue at hand.”