

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
SOUTHERN DIVISION**

INTERNATIONAL REFUGEE  
ASSISTANCE PROJECT, et al.,

Plaintiffs,

v.

DONALD TRUMP, et al.,

Defendants.

Civil Action No.: 8:17-CV-00361-TDC

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**MOTION FOR LEAVE TO FILE AMICI CURIAE MEMORANDUM  
IN SUPPORT OF PLAINTIFF’S MOTION FOR A PRELIMINARY INJUNCTION**

Amici curiae—a group of nearly fifty interfaith religious and interreligious congregations, associations, and organizations—seek leave to file the attached brief in support of Plaintiff International Refugee Assistance Project’s Motion for a Preliminary Injunction of § 5(d) of President Trump’s January 27, 2017 Executive Order. Plaintiffs consent to the filing of this brief. Defendants do not take any position on this motion.

District courts have broad discretion whether to grant or deny motions for leave to appear as amicus curiae. *Am. Humanist Ass’n v. Maryland-Nat’l Capital Park & Planning Comm’n*, 303 F.R.D. 266, 269 (D. Md. 2014); *Bryant v. Better Bus. Bureau of Greater Maryland, Inc.*, 923 F. Supp. 720, 728 (D. Md. 1996). “The aid of amici curiae has been allowed at the trial level where they provide helpful analysis of the law, they have a special interest in the subject matter of the suit, or existing counsel is in need of assistance.” *Bryant*, 923 F. Supp. at 728 (granting motion for leave to file a amici curiae brief where amici have “vested interest” in outcome of the case and amici “can be useful in resolving the issues presented by the parties”) (internal citations

omitted); *see also Am. Humanist*, 303 F.R.D. at 269 (allowing amici to submit memorandum where amici “demonstrated a special interest in the outcome of the suit” and the memorandum “provide[d] helpful information to the court”).

Amici have a vested interest in whether this Court enjoins enforcement of § 5(d) of the Executive Order, and offer a unique perspective on the issues in this case. Religious principles have long informed society’s understanding of moral values. Amici have a wide array of beliefs and come from different faith traditions, but are united in their missions to aid those in need. Amici are deeply concerned about the impact of the Executive Order on the most vulnerable refugees. Many amici actively participate in aiding refugees, and several amici are faith-based organizations whose mission is to assist refugees resettling in the United States. Other amici are local congregations that have adopted refugee families, providing them housing as well as financial, emotional, and spiritual support. The Executive Order’s drastic reduction in the number of refugees that will be granted admission to the United States this year runs contrary to religious and moral values common to all faiths, and it will have a profound impact on amici’s ability to continue their faith-based missions.

Because amici have a unique perspective that can aid the Court’s resolution of this matter, amici respectfully request leave to file the brief attached as Exhibit A to this letter.

Dated: March 3, 2017

Respectfully submitted,

**MORRISON & FOERSTER LLP**

By: /s/ Bradley D. Wine

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of March 2017, I filed and served the foregoing via the CM/ECF system on all counsel who are registered CM/ECF users.

Dated: March 3, 2017

/s/Bradley D. Wine

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EXHIBIT A

PROPOSED

**BRIEF OF INTERFAITH GROUP OF RELIGIOUS AND INTERRELIGIOUS  
ORGANIZATIONS AS AMICI CURIAE SUPPORTING PETITIONERS**

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**TABLE OF CONTENTS**

	<b>Page</b>
TABLE OF AUTHORITIES .....	ii
INTRODUCTION AND INTEREST OF AMICI CURIAE .....	1
ARGUMENT .....	3
I. A REFUGEE BAN OR REDUCTION IN REFUGEE ADMISSIONS PROFOUNDLY HARMS REFUGEES IN THEIR MOST DESPERATE HOUR OF NEED .....	3
A. Refugees Are the Most Vulnerable of the Vulnerable: Victims of War, Persecution, and Terrorism .....	3
B. Refugee Assistance Expresses Compassion and Assistance to Those in Need—Fundamental Values Central to All Major Faiths .....	8
C. The Executive Order Blocks Amici’s Refugee-Assistance Efforts and Will Have Irreparable Consequences for Refugees .....	12
II. RELIGION-BASED RESTRICTIONS ON ENTRY TO THE COUNTRY OFFEND RELIGIOUS FREEDOM AND EQUALITY .....	14
A. The Executive Order Undermines Religious Freedom .....	15
B. A Ban on Entry from Predominantly Muslim Countries Discriminates Against Muslims .....	16
C. A Discriminatory Executive Order Harms the Religious Practice of Muslims .....	17
CONCLUSION .....	19

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>CASES</b>	
<i>Hosanna-Tabor Evangelical Lutheran Church &amp; Sch. v. E.E.O.C.</i> , 565 U.S. 171 (2012).....	12
<b>STATUTES</b>	
8 U.S.C. § 1101(a)(42).....	5
<b>OTHER AUTHORITIES</b>	
<i>About Six-In-Ten Syrians Are Now Displaced From Their Homes</i> , Pew Research Center (June 13, 2016) .....	6
Bill Whitaker, <i>Finding Refuge</i> , 60 Minutes, Oct. 16, 2016 .....	10
Center for Disease Control and Prevention, <i>Congolese Refugee Health Profile</i> (Mar. 1, 2016) .....	5
Dan Barry, <i>A Resettlement Mission Upended by the Sweep of a President’s Pen</i> , N.Y. Times, Feb. 5, 2017.....	14
Daniel A. Gross, <i>The U.S. Government Turned Away Thousands of Jewish Refugees, Fearing That They Were Nazi Spies</i> , Smithsonian.com, Nov. 18, 2015 .....	12
David Brody, <i>President Trump Says Persecuted Christians Will Be Given Priority As Refugees</i> , Christian Broadcasting Network, Jan. 27, 2017 .....	15
Executive Order No. 13769, 82 Fed. Reg. 8977 (Feb. 1, 2017) .....	3, 4, 16
Free the Slaves, <i>The Congo Report: Slavery in Conflict Minerals</i> (June 2011) .....	6
Human Rights Watch, <i>If the Dead Could Speak: Mass Deaths and Torture in Syria’s Detention Facilities</i> (Dec. 16, 2015) .....	7
Interfaith Immigration Coalition, <i>More than 3,500 Religious Leaders Sign Letter Supporting Refugee Resettlement</i> .....	11
Interfaith Immigration Coalition, <i>Organizations</i> .....	10
International Rescue Committee, <i>Democratic Republic of Congo</i> .....	5

Press Release, National Council of Jewish Women, NCJW Condemns Trump’s  
New Discriminatory Limits on Refugee Entry in US and Attack on Sanctuary  
Cities (Jan. 26, 2017) .....18

Press Release, Secretary-General, Refugee Crisis about Solidarity, Not Just  
Numbers, Secretary-General Says at Event on Global Displacement  
Challenge, U.N. Press Release SG/SM/17670-REF/1228 (Apr. 15, 2016) .....3

Press Release, World Relief, World Relief Announces the Layoff of 140+ Staff  
and Closure of Five Local Offices Due to the Trump Administration’s  
Reduction in Refugee Resettlements in the U.S. (Feb. 15, 2017) .....14

Press Release, Donald J. Trump Statement on Preventing Muslim Immigration,  
Dec. 7, 2015 .....15

Stella Burch Elias, *The Perils and Possibilities of Refugee Federalism*,  
66 Am. U. L. Rev. 353, 355 (2016) .....12

The Freedom Fund, *Struggling to Survive: Slavery and Exploitation of Syrian  
Refugees in Lebanon* (April 2016) .....8, 9

Tanenbaum, *The Golden Rule*,  
<https://tanenbaum.org/wp-content/uploads/2014/02/The-Golden-Rule.pdf> .....1

UNHCR, *UNHCR Resettlement Handbook: Chapter 6 – UNHCR Resettlement  
Submission Categories*, July 2011 .....5

UNHCR, *Figures at a Glance* .....3

UNHCR, *Global Trends: Forced Displacement in 2015* .....3

U.N. General Assembly, *Convention Relating to the Status of Refugees*,  
art. 1A(2), 28 (July 1951, United Nations, Treaty Series, vol. 189).....5

U.N. Under-Secretary General for Humanitarian Affairs and Emergency Relief  
Coordinator, Statement to the Security Council on Syria (Oct. 26, 2016) .....7

U.S. Dep’t of Health and Human Services, *Proposed Refugee Admissions for  
Fiscal Year 2017: Report to the Congress* .....4

U.S. Dep’t of Labor, Bureau of Int’l Labor Affairs, Child Labor and Forced Labor  
Reports: Democratic Republic of the Congo (2015) .....6

U.S. Dep’t of State, Bureau of Population, Refugees, and Migration, Fact Sheet:  
Fiscal Year 2016 Refugee Admissions (Jan. 20, 2017) .....4

U.S. Dep’t of State, Bureau of Population, Refugees, and Migration, Fact Sheet:  
U.S. Refugee Admissions Program FAQs (Jan. 20, 2017) .....5

U.S. Dep’t of State, Proposed Refugee Admissions for Fiscal Year 2017: Report to the Congress at 53 .....	8
United States Holocaust Memorial Museum, “Refugees,” Holocaust Encyclopedia.....	12
United States Holocaust Memorial Museum, “Voyage of the St. Louis,” Holocaust Encyclopedia.....	12
White House, Infographic: The Screening Process for Refugee Entry into the United States, Nov. 20, 2015 .....	13

## **INTRODUCTION AND INTEREST OF AMICI CURIAE**

Amici curiae are more than 50 diverse, interfaith religious and interreligious congregations, associations, and organizations, freely pursuing their respective faiths alongside each other and standing for the right of all believers to practice their faiths, as guaranteed by the First Amendment to the United States Constitution. Amici have a wide array of beliefs and come from different faith traditions, yet unite here to speak with one voice against any suspension or reduction of the United States Refugee Assistance Program, as well as the imposition of any barrier to entering this country that is based solely on ethnicity, nationality, or religion. Descriptions of amici are set forth in **Appendix A**.

Amici offer a unique perspective on the issues in this case. Religious principles have long informed society's understanding of moral values. While different faiths and sects have different teachings about specific issues, certain fundamental principles are common across faiths and are shared by all amici. Among those principles is that every person is entitled to dignity and respect. Each person has a moral imperative to help the most vulnerable and underprivileged among us.

***Suspending or cutting the orderly admission of refugees offends amici's deep-seated principles and obstructs and prevents amici's efforts to help those in need.*** United by the Golden Rule, amici oppose any diminution of refugee assistance, and instead believe that far more should be done.<sup>1</sup> Families and individuals from war-torn and conflict-ridden nations are in

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<sup>1</sup> The "Golden Rule"—to treat others as we wish to be treated—is a tenet shared by most, if not all, organized religions. Amicus Tanenbaum has compiled versions of the Golden Rule from twelve faith traditions that span the globe: *The Golden Rule*, <https://tanenbaum.org/wp-content/uploads/2014/02/The-Golden-Rule.pdf>. Christianity teaches: "In everything do to others as you would have them do to you." Matthew 7:12. Hinduism commands: "This is the sum of duty: do naught unto others which would cause you pain if done to you." The Mahabharata, 5:1517. Islam instructs: "Not one of you is a believer until he loves for his

dire need of help. Innocent people are dying. Conflict, terrorism, and persecution are leaving civilians homeless and hungry. Our brothers and sisters in humanity are being subjected to forced labor, sexual servitude, and other intolerable conditions. Yet in the face of these horrors, the United States is now poised to drastically reduce its commitment to these most powerless and destitute individuals on Earth.

Our faiths teach that we cannot forsake people in their time of distress. Many amici actively participate in aiding refugees. Several amici are faith-based organizations with missions to assist refugees resettling in the United States. Other amici are local congregations that have adopted refugee families, providing them housing as well as financial, emotional, and spiritual support. We know who these refugees are, and we support them as they rebuild their lives and become our neighbors, friends, and family.

***Amici object to barring entry to the country based on ethnicity, nationality, or religion.***

Amici recognize that a nationality-based ban on entry to the United States that is focused on citizens of majority-Muslim nations is a pretext for anti-Muslim discrimination. Amici condemn such religious discrimination. Rules that directly or indirectly target members of a particular faith promote dangerous stereotypes and foster baseless fear. Such pronouncements crystallize anti-Muslim sentiment, causing followers of Islam—as well as Sikhs, who are often misidentified as Muslim—to be ostracized and feel fearful in their communities. They separate families, preventing them from gathering to celebrate births and marriages and to mourn deaths. Muslim scholars already have been precluded from speaking at long-planned religious services and other assemblies. Amici strongly believe in and support the First Amendment’s mandate

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brother what he loves for himself.” Fortieth Hadith of an-Nawawi, 13. Sikhism holds: “Don’t create enmity with anyone as God is within everyone.” Guru Granth Sahib, page 259. Judaism teaches: “What is hateful to you, do not do to your neighbor.” Talmud, Shabbat, 31a.

that the adherents of all faiths should be free from legal, economic, and social discrimination.

For these reasons, and those set forth below, amici urge the Court to hold that the challenged provisions of the Executive Order are unlawful.

## ARGUMENT

### I. A REFUGEE BAN OR REDUCTION IN REFUGEE ADMISSIONS PROFOUNDLY HARMS REFUGEES IN THEIR MOST DESPERATE HOUR OF NEED

#### A. Refugees Are the Most Vulnerable of the Vulnerable: Victims of War, Persecution, and Terrorism

The Executive Order curtails the United States Refugee Admissions Program at a time when that program is more essential than ever.<sup>2</sup> As former United Nations Secretary-General Ban Ki-moon (himself once an internally displaced person) stated: “We are facing the biggest refugee and displacement crisis of our time.”<sup>3</sup> More than 65 million individuals have been forcibly displaced from their homes as a result of conflict or persecution, including 21.3 million individuals who meet the definition of “refugee.”<sup>4</sup> The number of displaced persons today is the highest ever, surpassing even the period following World War II.<sup>5</sup>

In response to this ongoing refugee crisis, the United States had increased its commitment to the world’s refugees. In Fiscal Year 2016 (October 2015 to September 2016), Americans

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<sup>2</sup> Exec. Order No. 13769, 82 Fed. Reg. 8977 (Feb. 1, 2017) (“E.O.”). Although the Trump Administration has stated that a new Executive Order will be issued, as of this filing no additional Executive Order has issued that pertains to the concerns addressed here. Amici’s concerns would apply to any other Executive Order that suspends or reduces admissions under the Refugee Admissions Program or that imposes a broad-based prohibition on entry to the United States by persons of any particular ethnicity, nationality, or religion.

<sup>3</sup> Press Release, Secretary-General, Refugee Crisis about Solidarity, Not Just Numbers, Secretary-General Says at Event on Global Displacement Challenge, U.N. Press Release SG/SM/17670-REF/1228 (Apr. 15, 2016), <http://www.un.org/press/en/2016/sgsm17670.doc.htm>.

<sup>4</sup> U.N. High Comm’r for Refugees (UNHCR), *Figures at a Glance*, <http://www.unhcr.org/en-us/figures-at-a-glance.html>.

<sup>5</sup> UNHCR, *Global Trends: Forced Displacement in 2015* at 5, <http://www.unhcr.org/576408cd7>.

welcomed 84,995 refugees from 79 countries, with approximately 70% fleeing five countries—the Democratic Republic of the Congo (DRC), Syria, Myanmar, Iraq, and Somalia—where protracted conflicts have forced millions from their homes.<sup>6</sup> For Fiscal Year 2017 (October 2016 to September 2017), the Presidential Determination authorized the admission of 110,000 refugees, including 40,000 from the Near East and South Asia.<sup>7</sup> While this number accounted for only a tiny fraction of the need, the increase over the prior year at least signaled our large and powerful country’s recognition of its moral obligation toward these victimized children, women and men.

The Executive Order was an about-face. It suspended the admission of refugees altogether and cut by more than half—from 110,000 to just 50,000—the target for the number of refugees to arrive in the United States during the current fiscal year. E.O. § 5(d). Although the suspension is currently enjoined, the cut in refugee admissions is not. This reduction itself closes the door to all but a few refugees until October 2017 at the earliest, because a majority of the 50,000 refugees that the Executive Order permits for this year already have arrived.<sup>8</sup>

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<sup>6</sup> U.S. Dep’t of State, Bureau of Population, Refugees, and Migration, Fact Sheet: Fiscal Year 2016 Refugee Admissions (Jan. 20, 2017), <https://www.state.gov/j/prm/releases/factsheets/2017/266365.htm>; *see also* Jens Manuel Krogstad & Jynnah Radford, *Key Facts About Refugees to the U.S.*, Pew Research Center (Jan. 30, 2017), <http://www.pewresearch.org/fact-tank/2017/01/30/key-facts-about-refugees-to-the-u-s/>.

<sup>7</sup> U.S. Dep’t of State, U.S. Dep’t of Homeland Security, and U.S. Dep’t of Health and Human Services, *Proposed Refugee Admissions for Fiscal Year 2017: Report to the Congress* 5, 60, <http://www.state.gov/documents/organization/262168.pdf>. Regional ceilings for refugee admissions do not specify individual nationality quotas; thus, the regional target includes not only vulnerable Syrians, Iraqis, and Iranians from countries targeted by the Executive Order, but also Bhutanese, Pakistanis, Afghans and others from diverse religious and ethnic groups in the Near East/South Asia region.

<sup>8</sup> *Int’l Refugee Assistance Project v. Trump*, No. 8:17-CV-00361-TDC (D. Md.), Decl. of Natasha Hall [ECF No. 64-1], ¶ 20, J.R. 5; Decl. of Rebecca Heller [ECF No. 64-1], ¶ 12, J.R. 29.

The cruelty of this action becomes even clearer in light of who these refugees are. The majority of refugees admitted to the United States have been identified by the United Nations High Commissioner for Refugees (UNHCR) as those most in need of resettlement to a third country.<sup>9</sup> To qualify, refugees must meet the requirements of one or more categories, including survivors of torture or violence; those who need legal or physical protection, including those who face threats of arbitrary arrest, detention, or imprisonment and those who face threats to their lives and personal safety; and women and girls at particular risk of sexual violence, physical abuse, and other exploitation.<sup>10</sup>

By definition, therefore, refugees are among the most vulnerable people in the world: they have been forced to flee their homes because of persecution or conflict and need sanctuary because they do not have the protection of their own governments.<sup>11</sup> Refugees are not criminals or terrorists; individuals who have committed serious, non-political crimes, crimes against peace, war crimes, or crimes against humanity are *excluded* from refugee status.<sup>12</sup>

Conditions in refugees' countries of origin are exceedingly dangerous, including in the two countries—the DRC and Syria—with the highest number of refugees resettling in the United States last year.<sup>13</sup> The DRC has been engulfed in various ongoing armed conflicts for the last

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<sup>9</sup> U.S. Dep't of State, Bureau of Population, Refugees, and Migration, Fact Sheet: U.S. Refugee Admissions Program FAQs (Jan. 20, 2017), <https://www.state.gov/j/prm/releases/factsheets/2017/266447.htm>.

<sup>10</sup> UNHCR, *UNHCR Resettlement Handbook: Chapter 6-UNHCR Resettlement Submission Categories*, July 2011, <http://www.unhcr.org/3d464e842.html>; 8 U.S.C. § 1101(a)(42) (to qualify for refugee resettlement in the United States, a person must have a well-founded fear of persecution based on one of five protected grounds: race, religion, political opinion, nationality, or membership in a particular social group).

<sup>11</sup> U.N. General Assembly, *Convention Relating to the Status of Refugees*, art. 1A(2), 28 July 1951, United Nations, Treaty Series, vol. 189, at pp. 153-54.

<sup>12</sup> *Id.*, art. 1F(a)-(c), at p. 156.

<sup>13</sup> Krogstad & Radford, *supra*.

two decades, causing an estimated 5.4 million deaths since 1998.<sup>14</sup> “The conflict in eastern DRC has been marked by numerous human rights abuses, including sexual and gender-based violence (SGBV). Reports include gang rapes, sexual slavery, purposeful mutilation of women’s genitalia, and killing of rape victims. One study estimated that 48 women are raped every hour in DRC, which is a little over 1,150 women a day.”<sup>15</sup> Children in the DRC are forced into various forms of child labor, including mining of precious metals and minerals, and “child soldiers” are forcibly recruited into armed conflict.<sup>16</sup>

The situation in Syria, where citizens also are fleeing conflict, is just as dire. Over half— an estimated 12.5 million—of the pre-conflict population has been displaced, which is “unprecedented in recent history for a single country.”<sup>17</sup> The United Nations Under-Secretary-General for Humanitarian Affairs recently explained the grim situation in Aleppo, Syria:

Let me take you to East Aleppo this afternoon—in a deep basement, huddled with your children and elderly parents[,] the stench of urine and the vomit caused by unrelieved fear never leaving your nostrils, waiting for the bunker-busting bomb you know may kill you in this, the only sanctuary left to you but like the one that took your neighbor and their house out last night; or scrabbling with your bare hands in the street above to reach under concrete rubble, lethal steel reinforcing bars jutting at you as you hysterically try to reach your young child screaming unseen in the

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<sup>14</sup> Center for Disease Control and Prevention, Congolese Refugee Health Profile at 3 (Mar. 1, 2016), <https://www.cdc.gov/immigrantrefugeehealth/pdf/congolese-health-profile.pdf>; International Rescue Committee, *Democratic Republic of Congo*, <https://www.rescue.org/country/democratic-republic-congo#what-caused-the-current-crisis-in-congo>.

<sup>15</sup> Center for Disease Control and Prevention, *supra* at 11.

<sup>16</sup> U.S. Dep’t of Labor, Bureau of Int’l Labor Affairs, Child Labor and Forced Labor Reports: Democratic Republic of the Congo, <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/congo-democratic-republic>; Free the Slaves, *The Congo Report: Slavery in Conflict Minerals* at 20-22 (June 2011), <https://www.freetheslaves.net/wp-content/uploads/2015/03/The-Congo-Report-English.pdf>.

<sup>17</sup> Phillip Connor & Jens Manuel Krogstad, *About Six-In-Ten Syrians Are Now Displaced From Their Homes*, Pew Research Center (June 13, 2016), <http://www.pewresearch.org/fact-tank/2016/06/13/about-six-in-ten-syrians-are-now-displaced-from-their-homes/>.

dust and dirt below your feet, you choking to catch your breath in the toxic dust and the smell of gas ever-ready to ignite and explode over you.

These are people just like you and me—not sitting around a table in New York but forced into desperate, pitiless suffering, their future wiped out. These are constant, harrowing reports and images of people detained, tortured, forcibly displaced, maimed and executed. Bombings take place in plain sight, night and day, day in and day out. Hospitals destroyed, doctors killed. Schools destroyed, children denied education.

. . .

The leaflets which have been dropped on eastern Aleppo by Syrian and Russian aircrafts . . . read “This is your last hope. . . . Save yourselves. If you do not leave these areas urgently, you will be annihilated” and they end by saying “You know that everyone has given up on you. They left you alone to face your doom and nobody will give you any help.”<sup>18</sup>

According to a Human Rights Watch report, since March 2011, “authorities have detained large numbers of detainees—estimated by local groups to be in the tens of thousands.”<sup>19</sup> “Human Rights Watch, other local and international human rights groups and the UN Commission of Inquiry have documented systemic human rights abuses of detainees including torture as well as inadequate access to food and medical treatment . . . in 27 separate Syrian detention facilities.”<sup>20</sup> “As of July 24, 2015, the Syrian Violations Documenting Center had documented 7,502 cases of individuals who died in detention. The Syrian Network for Human

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<sup>18</sup> U.N. Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Statement to the Security Council on Syria (Oct. 26, 2016), [http://reliefweb.int/sites/reliefweb.int/files/resources/ERC\\_USG%20Stephen%20O%27Brien%20Statement%20on%20Syria%20to%20SecCo%2026OCT2016%20CAD.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/ERC_USG%20Stephen%20O%27Brien%20Statement%20on%20Syria%20to%20SecCo%2026OCT2016%20CAD.pdf).

<sup>19</sup> Human Rights Watch, *If the Dead Could Speak: Mass Deaths and Torture in Syria's Detention Facilities* (Dec. 16, 2015), <https://www.hrw.org/report/2015/12/16/if-dead-could-speak/mass-deaths-and-torture-syrias-detention-facilities>.

<sup>20</sup> *Id.*

Rights documented 11,358 deaths in detention as of June 26, 2015.”<sup>21</sup> According to Human Rights Watch, “[t]he total number is likely higher given that many cases go unreported.”<sup>22</sup>

“[M]embers of a variety of faith groups” have been targeted, “especially members of the country’s Sunni majority. This occurred concurrently with the escalation of violent extremist activity targeted against religious minorities, including Christians, Druze, Alawites, Yezidis, and others.”<sup>23</sup> Many Syrians have fled to Lebanon (one in five people living in Lebanon is a Syrian refugee), but their plight does not end there.<sup>24</sup> Syrian refugees in Lebanon are being subjected to serious forms of exploitation, including child labor, early marriages, “survival sex” and sexual exploitation, and forced labor.<sup>25</sup> Yet the Executive Order removes any hope that these people and countless others around the world may find refuge in the United States in the near future.

**B. Refugee Assistance Expresses Compassion and Assistance to Those in Need—Fundamental Values Central to All Major Faiths**

All of amici’s faiths emphasize helping those in need, particularly those who are strangers in a new land.

- Christianity teaches: “And God will say to the righteous: ‘For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me.’ Then the righteous will answer him, ‘Lord, when did we see you hungry and feed you, or thirsty and give you something to drink? When did we see you a stranger and invite you in, or needing clothes and clothe you? When did we see you sick or in prison and go to visit you?’ The King will reply, ‘Truly I tell you, whatever you did for one of the least of these brothers and sisters of mine, you did for me.’” Matthew 25:35-40.

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> U.S. Dep’t of State, Proposed Refugee Admissions for Fiscal Year 2017: Report to the Congress at 53, <https://www.state.gov/documents/organization/262168.pdf>.

<sup>24</sup> The Freedom Fund, *Struggling to Survive: Slavery and Exploitation of Syrian Refugees in Lebanon* at 2-3 (April 2016), <http://freedomfund.org/wp-content/uploads/Lebanon-Report-FINAL-8April16.pdf>.

<sup>25</sup> *Id.* at 3.

- Islam instructs: “Be kind to parents, and the near kinsman, and to orphans, and to the needy, and to the neighbor who is of kin, and to the neighbor who is a stranger, and to the companion at your side, and to the traveler, and to that your right hands own.” Qur’an 4.36-37.
- Judaism teaches: “When a stranger resides with you in your land, you shall not wrong him. The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers in the land of Egypt.” Leviticus 19:33-34. “Defend the weak and the fatherless; uphold the cause of the poor and the oppressed. Rescue the weak and the needy; deliver them from the hand of the wicked.” Psalm 82:3-4.
- Sikhism teaches: “None is our enemy, none is stranger to us, we are in accord with one and all . . . .” Sri Guru Granth Sahib, page 1299, Full Shabad.

The role of faith-based organizations in spearheading refugee resettlement in the United States is well known. Of the nine agencies currently responsible for refugee resettlement on behalf of the United States, six are faith-based.<sup>26</sup> HIAS, a plaintiff in this action, exemplifies the crucial role these agencies play. It alone has assisted more than 4.5 million refugees of many faiths and ethnicities.<sup>27</sup> The Migration and Refugee Services of the United States Conference of Catholic Bishops (USCCB) resettles over a quarter of the refugees that arrive in the United States each year, working through more than 100 Catholic Charities offices throughout the country. In 2016, USCCB resettled 23,411 refugees and special immigrant visa holders. Amicus Catholic Charities Community Services in New York each year supports more than 600 refugees and asylees with their resettlement and integration needs. Since 1949, amicus Disciples Home Missions of the Christian Church (Disciples of Christ) has resettled more than 38,000 refugees and provided legal assistance to countless immigrants, and it actively engages its congregations and church members to support immigrants and refugees.

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<sup>26</sup> The six faith-based refugee-resettlement organizations are Church World Service, Episcopal Migration Ministries, HIAS, Lutheran Immigration and Refugee Service, United States Conference of Catholic Bishops/Migration and Refugee Services, and World Relief.

<sup>27</sup> *Id.*

But these are only the most evident expressions of a faith-driven commitment to helping immigrants and refugees. As their Statements of Interest in Appendix A make clear, amici act on their religious mandate to “help the stranger” in many ways. Some Roman Catholic religious orders, represented here both individually and through the Leadership Conference of Women Religious, trace their existence in the United States to nuns who immigrated here specifically to work with immigrants. Some, like amicus National Justice for our Neighbors, are ministries established by their parent denominations that provide legal, financial, and practical help to immigrants and refugees.

Religious congregations across the country have done their part by adopting families and providing vital assistance while the families seek to rebuild their lives in the United States. For example, amicus the First Institutional Baptist Church of Phoenix has, since 2005, adopted refugee families from Africa, and amicus Temple Shalom Congregation in Chevy Chase, Maryland is sponsoring a refugee family of six. Congregations regularly assist those who adhere to a different faith. A recent 60 Minutes story reported on the Johnson Ferry Baptist Church in Marietta, Georgia, which has sponsored eight Muslim families from Syria.<sup>28</sup> For these congregations, providing refugee assistance is a moral and religious imperative.

Many congregations, orders, and denominations combine individual assistance to refugees with outspoken advocacy on their behalf. The Interfaith Immigration Coalition, for example, is a partnership of over forty faith-based organizations advocating for humane immigration reform and refugee assistance.<sup>29</sup> Indeed, because closing the door on refugees and imposing religion-based restrictions on entry to the United States are fundamentally at odds with

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<sup>28</sup> Bill Whitaker, *Finding Refuge*, 60 Minutes, Oct. 16, 2016, <http://www.cbsnews.com/news/60-minutes-syrian-refugee-crisis-immigration/>.

<sup>29</sup> Interfaith Immigration Coalition, *Organizations*, <http://www.interfaithimmigration.org/about/organizations/>.

their deeply held values, a remarkable coalition of religious leaders has joined together to speak out against it. As of today, more than 4,000 religious leaders have endorsed an open letter to the President denouncing the Executive Order as incompatible with “sacred texts and faith traditions to love our neighbor, accompany the vulnerable, and welcome the sojourner.”<sup>30</sup> These leaders emphasize the “urgent moral responsibility to receive refugees and asylum seekers.”<sup>31</sup> Amici share these views and affirm the moral imperative to assist those in need regardless of religious or ethnic background:

- ***Franciscan Action Network***: “The U.S. Catholic Church is a church of immigrants and has a long history of protecting immigrant and refugee rights. . . . This Executive Order does not prioritize keeping families together and does not acknowledge the contributions immigrants and refugees make to our country. It validates treating immigrants and refugees as “other” and promotes fear of these populations. Welcoming the stranger is a mandate of Judeo-Christian teachings. We are reminded that all the Jewish people were refugees in a foreign land, and the Holy Family were refugees for a time in Egypt.”
- ***Leadership Conference of Women Religious***: “These misguided executive orders do nothing to make anyone more secure and may well have the opposite effect. This nation has a long history of welcoming immigrants and sheltering refugees. Women religious have been blessed to be able to accompany and serve immigrant and refugee communities across this country for a very long time. . . . Halting or undermining the U.S. refugee resettlement program leaves vulnerable refugees, including women and children fleeing violence, in extreme danger and diminishes us all.”
- ***National Justice for Our Neighbors, a ministry of the United Methodist Church***: “[The Executive Orders] are grounded in fear, not in fact. They call for actions that are expensive, unnecessary, and antithetical to JFON’s values of compassion and dignity for all individuals. As people of faith, we are called upon to seek mercy, do justice, and to love our neighbors as ourselves. Times change; governments change; yet these commands remain unchanged.”
- ***Reverend Peter Morales, President, Unitarian Universalist Association***: “Our country has always been a beacon of liberty, and we should not now close our doors to people fleeing violence, hate, oppression, or persecution. All of the world’s major religions affirm the moral imperative to welcome the stranger. . . . I mourn with all of those whose

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<sup>30</sup> Interfaith Immigration Coalition, *More than 4,000 Religious Leaders Sign Letter Supporting Refugee Resettlement*, <http://www.interfaithimmigration.org/4000religiousleaderletter/>.

<sup>31</sup> *Id.*

hopes of a better future have been dashed due to the actions of President Trump.”

- ***T’ruah: The Rabbinic Call for Human Rights***: “On more than 36 occasions the Torah declares that our experience as strangers in the land of Egypt obligates us to care for the most vulnerable among us; particularly the sojourners, migrants, and immigrants seeking refuge in our midst. Abraham and Sarah, who welcomed three unknown travelers into their home, modeled *hachnasat orchim*—welcoming guests—which the Talmud declared to be even more important than speaking to God.”

**C. The Executive Order Blocks Amici’s Refugee-Assistance Efforts and Will Have Irreparable Consequences for Refugees**

The United States has long embraced people of all faiths, including those seeking refuge from persecution and violence. Early immigrants with differing theological views and creeds fled to the United States in search of religious freedom. *See Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171, 182 (2012). In the decades following World War II, the United States welcomed displaced persons from Europe, Asia, Africa, and Latin America.<sup>32</sup>

When the United States has turned its back on its commitment to providing refuge for those fleeing persecution, the results have been catastrophic. For example, in 1939, over 900 Jewish men, women, and children fled Nazi-controlled Germany on the *St. Louis*. Many in the United States, however, were gripped with fear that admitting refugees would pose a threat to national security, and the *St. Louis* was forced to return to Europe with its passengers. Although Jewish organizations were able to negotiate with four European countries to accept some of the passengers, 254 of the refugees were ultimately murdered in the Holocaust.<sup>33</sup>

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<sup>32</sup> Stella Burch Elias, *The Perils and Possibilities of Refugee Federalism*, 66 Am. U. L. Rev. 353, 355 (2016).

<sup>33</sup> Daniel A. Gross, *The U.S. Government Turned Away Thousands of Jewish Refugees, Fearing That They Were Nazi Spies*, Smithsonian.com, Nov. 18, 2015, <http://www.smithsonianmag.com/history/us-government-turned-away-thousands-jewish-refugees-fearing-they-were-nazi-spies-180957324/>; United States Holocaust Memorial Museum, “Refugees”, Holocaust Encyclopedia, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005139>;

The refugees seeking safe haven in this country today are no different from those on board the *St. Louis* in 1939. Like the Jews escaping Nazi Germany, refugees from Syria and elsewhere are fleeing religious persecution, authoritarian regimes, terrorism, forced labor, and the very real threat of death. Because national security is a valid concern, refugees must pass extremely rigorous vetting to be accepted by the United States.<sup>34</sup> These vetted refugees are not terrorists; they are victims fleeing terror.

Drastic limits imposed on refugee admissions will be devastating to families. For example, one amicus has as clients a family of Syrian refugees composed of a mother, father, and three children. The mother, father, and one child have been admitted to the United States and have resettled in central New Jersey. But the other two children are awaiting permission to enter the United States. The family has been separated for years and hoped to be reunited soon. That hope has been shattered by the recent Executive Order.

Amicus the Bethesda Jewish Congregation had sponsored and was awaiting the arrival of a Syrian refugee family—two adults and three children—for resettlement in the United States when the Executive Order was issued. The congregation had arranged housing, work, schooling, and other necessities so that the family could begin their new lives. After the Executive Order issued, the family was denied a final “clear to fly” order, even though their visas had been approved. The congregation still does not know what has happened to the members of this family since they were denied entry to the United States.

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United States Holocaust Memorial Museum, “Voyage of the St. Louis”, Holocaust Encyclopedia, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005267>.

<sup>34</sup> See The White House, Infographic: The Screening Process for Refugee Entry into the United States, Nov. 20, 2015, <https://obamawhitehouse.archives.gov/blog/2015/11/20/infographic-screening-process-refugee-entry-united-states>.

In addition, faith-based refugee organizations' ability to maintain operations and services moving forward has been devastated. World Relief announced on February 15, 2017, that as a direct result of the Executive Order's reduction in future refugee admissions, it is closing five offices and laying off 140 staff members.<sup>35</sup> Amicus Islamic Relief USA, which in 2016 assisted refugees and displaced people in thirteen countries, including the United States, has put on hold its plans to request certification as one of the principal refugee-resettlement organizations in the United States in part because of the policy stance the Executive Order represents.

Amici strongly object to the Executive Order's interference with the religious mission of assisting those in need:

- *Dr. Warren H. Stewart, First Institutional Baptist Church*: "We have been very disappointed in the President's action against immigrants and refugees which significantly impedes our ministry to them."
- *Leadership Conference of Women Religious*: "We strongly object to President Trump's attempts to limit our ability to heed God's call to welcome the stranger (Mt. 25:35) and to care for those most in need (Mt. 25:40)."
- *The Good Shepherd United Church of Christ*: "The Executive Order interferes with the Good Shepherd's mission of providing humanitarian assistance to refugees and immigrants that are suffering and dying within miles of the church. Jesus was a refugee. The United Church of Christ (aka Congregational) was founded by the Pilgrims, refugees themselves, and because of that experience our faith tradition has long emphasized and practiced the care of refugees."

The Executive Order thus not only creates immediate harm to refugees who will be denied entry but also presents a risk of harm to refugees who are already in the country and to the vitality of assistance programs going forward.

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<sup>35</sup> Press Release, World Relief, World Relief Announces the Layoff of 140+ Staff and Closure of Five Local Offices Due to the Trump Administration's Reduction in Refugee Resettlements in the U.S. (Feb. 15, 2017), <https://www.worldrelief.org/press-releases/world-relief-announces-the-layoff-of-140-staff-and-closure-of-five-local-offices-due-to-the-trump-administrations-reduction-in-refugee-resettlements-in-the-us>; see also Dan Barry, *A Resettlement Mission Upended by the Sweep of a President's Pen*, N.Y. Times, Feb. 5, 2017, <https://www.nytimes.com/2017/02/05/us/lancaster-refugees-trump-travel-ban.html>.

## **II. RELIGION-BASED RESTRICTIONS ON ENTRY TO THE COUNTRY OFFEND RELIGIOUS FREEDOM AND EQUALITY**

Amici, representing diverse religious traditions and faiths, are united in their embrace of the nation's fundamental constitutional commitments to religious freedom and non-discrimination. These commitments lead them to reject any religion-based restriction on entry to the country for the harm it does to core national values, for its implementation of discrimination based on religion, and for its direct harm to Muslims for the practice of their faith.

### **A. The Executive Order Undermines Religious Freedom**

A nationality-based executive order, even if written to appear neutral on the basis of religion, undermines religious freedom if it blocks entry for citizens of majority-Muslim nations. Any such order is consistent with then-candidate Trump's statement calling for a "total and complete shutdown of Muslims entering the United States until our representatives can figure out what is going on."<sup>36</sup> An order that gives priority to refugees who are of a minority faith in their country and who are targeted for religious persecution is equally offensive, because – as made clear by the President in a recent interview – such a provision is intended to favor the resettlement of Christian refugees over others.<sup>37</sup>

While Christians, like adherents of other religions, sometimes face persecution for their faith, singling out members of a particular faith for preferred or non-preferred treatment is antithetical to our nation's values and amici's values. In contrast with other countries, where religious conflict has at times led to upheaval and suffering, a defining trait of the United States

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<sup>36</sup> Press Release, Donald J. Trump, Donald J. Trump Statement on Preventing Muslim Immigration, Dec. 7, 2015, <https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration>.

<sup>37</sup> David Brody, *President Trump Says Persecuted Christians Will Be Given Priority as Refugees*, Christian Broadcasting Network, Jan. 27, 2017, <http://www1.cbn.com/thebrodyfile/archive/2017/01/27/brody-file-exclusive-president-trump-says-persecuted-christians-will-be-given-priority-as-refugees>.

has been its ability to not only withstand religious differences but also encourage their coexistence. As a result, the United States is a country of vibrant religious beliefs, practices, and communities and a country in which faith continues to play an important role in most Americans' lives.

Amici appreciate that the nation's commitment to religious freedom and non-discrimination is firmly woven in our national fabric, as expressed by the First Amendment to the United States Constitution. They embrace this constitutional principle as their own. Amici therefore condemn attempts by the government to favor one religious sect over another; laws that do so not only harm the disfavored sect, they harm all religious groups. That is because respect for religious freedom is vital to religious organizations' ability to do their own work, and when religious freedom is denigrated for some, it is denigrated for all. Amici thus strongly denounce any religion-based discrimination in admissions to the United States:

- *Catholic Charities Community Services, NY*: “While an orderly and secure immigration process is important, policies that build walls, exclude people in need, and punish those of certain faiths will neither make us better as a people nor safer as a nation.”
- *Missionary Servants of the Most Holy Trinity*: “As Catholic missionaries, both in the U.S. and around Latin America, we depend upon and defend the right to be able to practice our religion freely and not to have to worry about discrimination based on our religion or country of origin.”
- *The Reverend Peter Morales, President, Unitarian Universalist Association*: “The executive order targeting refugees and Muslims is an affront to the core values of the United States.”

**B. A Ban on Entry from Predominantly Muslim Countries Discriminates Against Muslims**

The Executive Order enacted a categorical ban on all nationals—children, adults, and the elderly alike—from seven countries with predominantly Muslim populations, ostensibly “to prevent infiltration by foreign terrorists or criminals.” E.O. § 3(c). Amici recognize that such broad provisions, taken in the context of statements by the President and his associates, are

targeted toward Muslims. Amici reject any act of anti-Muslim discrimination as a violation of their principles and the Constitution.

- *National Justice for Our Neighbors*: “[T]his Order targets Muslims. The Social Principles of the United Methodist Church state: ‘We condemn all overt and covert forms of religious intolerance . . . . We assert the right of all religions and their adherents to freedom from legal, economic, and social discrimination.’”
- *Tanenbaum*: “Tanenbaum opposes a ban that institutionalizes bias and reinforces hate-mongering toward Muslims. We must never forget that, whether Jews from Europe during the 1940s or Muslims from the Middle East and Africa today, refugees are men and women just like us, who seek only to save their lives and the lives of their children, by finding a safe haven in a nation founded upon the fundamental principle of religious freedom.”

An indiscriminate ban on Muslims entering the country that is based on the irrational and immoral acts of a select few is cruel and arbitrary. Amici recognize that the invidious conflation of “Muslims” with “terrorists” obscures the fact that many victims of terrorism are themselves Muslims:

- *Robert Bank, President, American Jewish World Service*: “As the leader of an international Jewish organization that, for decades, has worked with Muslim organizations and Muslim partners to end poverty and advance human rights, we object in the strongest terms to the demonization of Muslims by the new American administration. We understand what it means for a community to be demonized by authoritarian powers, and we regret that President Trump does not understand this lesson from the darkest chapters in world history.”
- *Br. John Skrodinsky, Missionary Servants of the Most Holy Trinity*: “[S]weeping all people from a certain country or religion under the same discriminatory ban does not allow for the human rights and dignity that each one holds. . . . [It] is simply overreaching, discriminatory and inhumane.”
- *T’ruah: The Rabbinic Call for Human Rights*: “The Jewish community understands all too well the danger . . . of holding entire groups collectively responsible for the actions of individuals.”

### **C. A Discriminatory Executive Order Harms the Religious Practice of Muslims**

Finally, amici reject any discriminatory executive order as directly harmful to Muslims who are practicing their faith in the United States. Amicus the National Council of Jewish

Women declared, “By justifying its action based on the threat of terrorism, the administration stokes the fires of hate and vilification and endangers the lives of Muslims living now in the U.S.”<sup>38</sup> The Franciscan Action Network notes, “Attacks against Muslims have dramatically increased since the national elections, and we are very concerned about rising Islamophobia in our country.”

These concerns are borne out by the profoundly negative impact the Executive Order has had on Muslims across the United States, effectively ostracizing those who simply want to practice their faith freely and live peacefully as neighbors, students, colleagues, families, and members of their communities. Green-card holders, visa-holders, and thousands of American citizens with family members who live in countries targeted by the Executive Order find themselves separated from relatives abroad for births, marriages, and deaths—key moments in the personal and religious life of a faith community. The Executive Order has interfered with religious practice and community by barring prominent Muslims with citizenship or dual citizenship in the targeted countries from fulfilling long-planned speaking engagements at conferences, religious services, and festivals in the United States. Similarly, non-citizen Muslims who live in the United States and planned to travel overseas to visit family members, fulfill work obligations, or participate in faith-based activities, now fear leaving the country because they may not be permitted to return. For many, the Executive Order crystallized anti-Muslim sentiment. A Muslim leader, on condition of anonymity, describes a “general pall of fear that has gripped our community.” Congregants are avoiding public services out of fear that they will be targeted because of their religious identity, nationality, or immigrant status.

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<sup>38</sup> Press Release, National Council of Jewish Women, NCJW Condemns Trump’s New Discriminatory Limits on Refugee Entry in US and Attack on Sanctuary Cities (Jan. 26, 2017), <https://ncjwcns.org/immigration-refugees/>.

Community members in financial distress avoid seeking aid from their congregations because they do not want their personal information to be disclosed in the event that the institution becomes the target of government subpoenas seeking to identify agencies assisting immigrants.

As amicus Islamic Relief USA recounts:

Singling out Muslims in this manner creates fear that additional fundamental freedoms are also under threat. We know of a family that came to the United States because their lives were threatened by ISIS after they helped U.S. troops in Iraq. They now fear that their citizenship applications will be jeopardized. A non-Muslim donor called us weeping after a family member was denied access to a grocery store because she was wearing a head scarf. A wife was afraid she wouldn't be reunited with her husband. A mother fears she will be separated from her child because she wears the hijab. Their fears and experiences demonstrate the underlying intent to target and discriminate against Muslims, whether framed as a regional travel ban or something more explicit.

When faith and national origin are the reasons that entire congregations of people with deep ties both to the United States and to another country find their lives on hold and their futures uncertain, the corrosive effect on religion is unmistakable.

### **CONCLUSION**

Amici urge the Court to hold that the Executive Order is unlawful, recognizing the profound harm it wreaks on the mission and values that they, as representatives of a broad range of faith traditions, hold dear.

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Respectfully submitted,

**MORRISON & FOERSTER LLP**

By: /s/ Bradley D. Wine

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## **APPENDIX A**

**NAMES AND INDIVIDUAL STATEMENTS OF INTEREST OF AMICI CURIAE**

Names of the Amici Curiae

American Jewish World Service  
Arlington Street Church (Boston) Social Action Committee  
Avodah  
Beth Emet The Free Synagogue  
Bethesda Jewish Congregation  
Catholic Charities Community Services, NY  
Disciples Home Missions, Christian Church (Disciples of Christ) in the U.S.  
Faith in Public Life  
First Institutional Baptist Church of Phoenix  
Franciscan Action Network  
Franciscans for Justice  
Friends Committee on National Legislation  
Good Shepherd United Church of Christ  
Interfaith Alliance  
The Interfaith Center of New York  
Islamic Relief USA  
J Street  
Jewish Reconstructionist Congregation  
Judson Memorial Church  
Leadership Conference of Women Religious  
Massachusetts Council of Churches  
Missionary Servants of the Most Holy Trinity  
Multifaith Alliance for Syrian Refugees  
National Council of Jewish Women  
National Justice for Our Neighbors  
NETWORK Lobby for Catholic Social Justice  
North Carolina Council of Churches  
Park Slope Jewish Center  
The Reconstructionist Rabbinical Association  
Reconstructionist Rabbinical College/Jewish Reconstructionist Communities  
School Sisters of Saint Francis, United States Province  
Scottsdale Congregational United Church of Christ  
Shadow Rock United Church of Christ  
Sisters of the Holy Names of Jesus and Mary, U.S.-Ontario Province  
Sisters of St. Francis of Clinton, Iowa  
Sisters of St. Francis of Penance and Christian Charity, St. Francis Province  
Sisters of St. Francis of Philadelphia  
Southwest Conference of the United Church of Christ  
Tanenbaum  
Temple Shalom Congregation (Chevy Chase, Maryland)  
T'ruah: The Rabbinic Call for Human Rights  
Unitarian Universalist Association

Unitarian Universalist Congregation of South County, Rhode Island  
Unitarian Universalist Service Committee  
United Church of Santa Fe  
UNITED SIKHS  
University Lutheran Chapel of Berkeley  
Uri L'Tzedek: The Orthodox Movement for Social Justice  
Valley Unitarian Universalist Congregation

Individual Statements of Interest of the Amici Curiae

**American Jewish World Service (AJWS)** is the first and only Jewish organization dedicated solely to ending poverty and promoting human rights in the developing world. AJWS has joined this amicus brief because it believes that the policies addressed by the brief run counter to the best traditions of the United States—welcoming refugees and immigrants is central to American identity. Furthermore, as a Jewish American organization, AJWS refuses to stand idly by while ethnic and religious minorities are under attack for simply being who they are.

The **Arlington Street Church (Boston) Social Action Committee** represents a Boston Unitarian Universalist congregation whose roots go back to 1729. A community that is “gathered in love and service for justice and peace,” it has joined this amicus brief because the congregation supports human rights and is opposed to racism and bigotry of any kind.

**Avodah**, an organization committed to developing Jewish leaders who become lifelong agents for social change, offers Jewish leadership programs for young adults and focuses on integrating Jewish identity and social justice. Avodah has joined this amicus brief because Jewish tradition requires that Jews speak out against injustice and Jewish history teaches the critical importance of standing up for those targeted by hatred and intolerance.

**Beth Emet The Free Synagogue**, founded in 1940, is a diverse, multigenerational reform community of approximately 700 families in Evanston, Illinois. Beth Emet’s mission is to enrich and expand the Jewish content of members’ lives through worship, study and fellowship opportunities. Beth Emet has joined this amicus brief because of the community’s commitment to the integration of Jewish ethical teachings into members’ daily lives and the application of these teachings collectively to the betterment of society.

**Bethesda Jewish Congregation** is a synagogue of approximately 200 families located in Bethesda, Maryland. One part of the “call” to our congregation is a commitment to social action and social justice. These are not merely good deeds, but core values that shape our identity. The recent Executive Order of January 27, 2017 banning immigration from seven countries, had a direct effect upon our congregation, blocking entry of a Syrian refugee family whose resettlement we already had made extensive preparations for. We believe that this is, and was, a travesty of justice and support the lawsuit to strike down this unjust and discriminatory Executive Order on immigration.

Since 1949, **Catholic Charities Community Services, NY (CCCS)** has provided direct human and legal services to over 170,000 people each year from all parts of New York City and the

Lower Hudson Valley. These services are offered to all New Yorkers in need, regardless of religious belief, because our work is grounded in our belief in the dignity of each person and the building of a just, compassionate society, especially for the most vulnerable among us. CCCS is a leading provider of refugee resettlement and immigration legal assistance in New York City and the Lower Hudson Valley, providing reception, reunification, integration, employment and ESL assistance to refugees and asylees and direct legal representation to immigrant families, workers, and those seeking protection, including over 6,000 unaccompanied minors each year.

**Disciples Home Missions** (DHM) is the enabling and coordinating expression of the Christian Church (Disciples of Christ) in the U.S. and Canada in the areas of congregational programming and mission in North America. With over 750,000 members in over 3,800 congregations, DHM and its Refugee and Immigration Ministries (RIM) office have, since 1949, resettled more than 38,000 refugees and assisted countless people facing immigration problems. RIM engages congregations and members in advocacy to support refugee and immigrant rights. The Disciples Immigration Legal Counsel helps congregation members protect their rights, understand their options and work through the U.S. immigration system.

**Faith in Public Life** is a strategy center for the faith community advancing faith in the public square as a powerful force for justice, compassion and the common good. Its #BridgesNotWalls program is a movement to lift up faith voices in solidarity with refugees and immigrants. It joins this brief out of a belief that welcoming refugees and protecting religious liberty reflect the demands of Scripture and our nation's highest ideals.

The **First Institutional Baptist Church of Phoenix** has been the leading African-American congregation in faith, community and justice issues in Arizona since its inception in 1905. The Church has joined this amicus brief because it is a strong advocate for assisting immigrants and refugees.

Inspired by the Gospel of Jesus, and the example of Saints Francis and Clare, the **Franciscan Action Network** (FAN) is a collective Franciscan voice seeking to transform United States public policy related to peace-making, care for creation, poverty, and human rights including advocacy on behalf of immigrants and refugees. The Executive Order effectively halting the refugee resettlement process is deeply disturbing to Franciscans all over the country. Providing protection to people seeking safety is one of our nation's proudest and longest-standing traditions which we are morally obligated to uphold. This executive action goes back on America's promise to refugees and abdicates America's leadership role on human rights.

**Franciscans for Justice** is a joint project of the Franciscans Friars of the St. Barbara Province and the Our Lady of Guadalupe Province—friars throughout the Western United States. For over 800 years, Franciscans have upheld the fact that twice St. Francis of Assisi went to the Muslim sultan, not to convert him, but to befriend him; Franciscans hold Muslim believers dear to our hearts. Franciscans for Justice challenges the U.S. government to reach out to all Muslim refugees—not to ban them, but to befriend them.

The **Friends Committee on National Legislation** is the oldest religious lobby in Washington, D.C., lobbying Congress and the Administration to advance peace, justice, opportunity, and

environmental stewardship. FCNL opposes the President's January 27 Executive Order suspending refugee resettlement and barring the entry of individuals from seven Muslim-majority countries because it goes against our core values of welcome, religious freedom, and assistance to those most in need. The Muslim ban Executive Order is discriminatory, unconstitutional, and immoral.

The **Good Shepherd United Church of Christ** of Sahuarita, Arizona is committed to providing humanitarian assistance to refugees and immigrants that are suffering and dying within miles of the church. Good Shepherd has joined this amicus brief because it sees firsthand the effects of U.S. immigration policies on people and their families and has long advocated for and helped refugees and immigrants.

**Interfaith Alliance** has affirmed as its mission protecting faith and freedom. Since 1994, we have advocated from a faith perspective for the guarantees of the independence of conscience from government and of government from religion, including special attention to the rights of minorities. We believe that there must be no religious test in our country, not just for elected office but also for securing the blessings of life, liberty and the pursuit of happiness. We believe the attempt to exclude immigrants and refugees because they are part of a particular religion or subset of that religion violates our basic values and constitutional guarantees.

**The Interfaith Center of New York (ICNY)** works to overcome prejudice, violence, and misunderstanding by activating the power of the city's grassroots religious and civic leaders and their communities. We believe that the Executive Order put forth by the President contravenes not only the Interfaith Center of New York's mission, but also represents values anathema to constitutional and cultural principles that make our nation unique.

**Islamic Relief USA** is a nonprofit humanitarian organization that provides relief and development services in the United States and around the world in a dignified manner regardless of gender, race or religion and works to empower individuals in their communities and give them a voice in the world. We are guided by the timeless values and teachings provided by the revelations contained within the Qur'an and prophetic example. We provide food, clean water, and basic necessities of life in refugee camps outside the U.S., and here at home we serve refugees through food, vocational and language acquisition programs. We believe in the dignity and value of every human life and feel it is our obligation to protect the most vulnerable among us, particularly those who have fled poverty, violence, and oppression. The Executive Order has affected our ability to monitor our international programs, and the policy stance it represents is one reason we have postponed plans to seek certification from the Department of State as one of the principal voluntary agencies responsible for refugee resettlement. The fear and anguish created by this Executive Order and its implementation have profoundly affected our staff, donors and beneficiaries. Nevertheless, we seek to reach out to our neighbors in love and serve them with dignity believing that what unites us is stronger than the fears that divide us.

**J Street** is deeply troubled by the imposition of rules that effectively shut America's doors to Muslims fleeing war and other hardships. These measures go against the deepest traditions of the United States and condemn thousands of innocent people to unnecessary suffering without doing anything to enhance domestic security. J Street stands with the many organizations and

tens of millions of citizens opposing these measures. Our conscience, our values and our own history, including the personal histories of many of our members, compel us to speak up against this grave transgression of American values, as those values are embodied by the words engraved on the Statue of Liberty.

**Jewish Reconstructionist Congregation (JRC)** is a synagogue and voluntary Jewish community of approximately 450 households, located in Evanston, Illinois. Among the principles to which JRC commits itself is upholding the precept, repeated more often than any other in the Torah (36 times), that “strangers” should not be oppressed, nor doors shut upon them, remembering that, according to Torah, the Jewish people were once strangers sojourning in Egypt. JRC and its members engage in a variety of activities to welcome immigrants and refugees as well as to oppose Islamophobia.

**Judson Memorial Church**, in New York, New York, is a 125-year-old congregation affiliated with the American Baptist Churches, the Alliance of Baptists and the United Church of Christ. The Church joins this amicus brief because it has long worked with and for immigrants in New York City.

The **Leadership Conference of Women Religious (LCWR)**, founded in 1956, is an association of leaders of congregations of Catholic women religious. LCWR has nearly 1300 members, who represent approximately 38,800 women religious. LCWR has joined this amicus brief because Catholic sisters began coming to these shores 288 years ago as immigrants to serve the immigrant and refugee communities and continue to this day to minister to refugees and new immigrants in schools, hospitals, and social service agencies.

The **Massachusetts Council of Churches** is a network of Christian individuals, congregations, and seventeen denominations, committed to a common Christian witness in the Commonwealth of Massachusetts. Founded in 1902, the Massachusetts Council of Churches has a long history of public witness in areas of common Christian concern, including care of refugees and religious liberty. Many of our churches actively participate in refugee resettlement efforts here in Massachusetts precisely because of their faith. We are interested in this case because our ecumenical Christian witness compels us to offer *philoxenia*—love of the stranger. Additionally, we are deeply concerned about the refugees from Syria already living in Massachusetts who long to be reunited with their family members.

The **Missionary Servants of the Most Holy Trinity**, founded in 1929, is a congregation of Catholic priests and Brothers who work in the U.S. and Latin America with the poor and abandoned, including recent immigrants.

The **Multifaith Alliance for Syrian Refugees (MFA)**, a project of the Tides Center, is a coalition of 80 faith-based and secular organizations. Our mission is to mobilize global support to alleviate the Syrian humanitarian crisis, heighten awareness of the growing dangers of not responding adequately, and advance future stability in the region. Because the proposed Executive Order issued January 27, 2017—“Protecting the Nation from Terrorist Attacks by Foreign Nationals”—would suspend the United States Refugee Admissions Program indefinitely for Syrian refugees and 120 days for others; halt entry into the United States of legal entrants

from seven Muslim-majority countries for 90 days; afford preference for refugees of certain religious minorities, effectively imposing a “Muslim ban”; halve the ceiling for refugee admission in FY 2017 and otherwise negatively affect potential Syrian and Muslim refugee entrants; and because the proposed Executive Order violates the tenets of every major religious faith and the principles on which our democracy is founded, MFA has significant interest in this litigation.

The **National Council of Jewish Women (NCJW)** is a grassroots organization of 90,000 volunteers and advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms. NCJW's Resolutions state that NCJW resolves to work for “Comprehensive, humane, and equitable immigration, refugee, asylum, and naturalization laws, policies, and practices that facilitate and expedite legal status and a path to citizenship for more individuals.” Consistent with our Principles and Resolutions, NCJW joins this brief.

**National Justice for Our Neighbors**, a United Methodist ministry, supports a network of 16 sites around the country that provide immigration legal services to low-income immigrants and refugees.

**NETWORK Lobby for Catholic Social Justice** educates, organizes, and lobbies for social and economic transformation. Founded by Catholic Sisters in the progressive spirit of Vatican II, we are rooted in Catholic Social Justice tradition and open to all who share our passion. The NETWORK community of justice-seekers is more than 50,000 strong with members in every state and every congressional district. NETWORK joins in this amicus brief because we are called by faith to welcome the stranger and love our neighbor.

The **North Carolina Council of Churches** is committed to immigration rights and reform, as well as refugee matters. The Council has joined the amicus brief as an expression of its long and proud history of “welcoming the stranger.”

The **Park Slope Jewish Center** is a Conservative Jewish synagogue in Brooklyn, New York, with a strong commitment to human rights and social justice. It has signed on to the amicus brief because, as Jews, specifically including the many in the Park Slope Jewish Center community who lost relatives in the Holocaust, the perils of religious discrimination and the horrific consequences of closing doors to refugees are too well-known for us to be silent.

The **Reconstructionist Rabbinical Association**, (RRA), established in 1974, is the professional association of Reconstructionist rabbis and serves as a voice of Reconstructionist Jewish values in the world. Our understanding of Jewish tradition and experience compels us to support refugees and immigrants as an act of justice and compassion in the world.

The **Reconstructionist Rabbinical College/Jewish Reconstructionist Communities** is the central organization of the Reconstructionist movement, training leaders, providing resources to communities and raising up the Reconstructionist perspective. We support this brief because it expresses core Jewish values. The Hebrew Bible exhorts us no less than 36 times to welcome

and embrace the stranger. It also teaches that every individual is created *betzelem Elohim*, in the image of God. We see that this extends directly and compellingly toward a refugee policy that is as welcoming it as can be while taking legitimate security concerns into consideration. We support national policies that live up to the ideals of our faith as well as the founding documents of the American republic.

The **School Sisters of Saint Francis, United States Province** are part of an international congregation of religious women. The United States Province was established when immigrant sisters came to the U.S. from Europe in order to work with immigrants. Our mission is to serve the poor and otherwise needy. As a province, we join the ranks of others who wish to speak out to challenge the anti-refugee Executive Order.

The **Scottsdale Congregational United Church of Christ** is a community of Artistic-Revolutionary-Evolutionary Christians. The Church works creatively and compassionately to change the world for the sake of justice, love, and peace. Historically, it has been active in supporting and advocating for the needs of people at the local, state and global levels. The Church has joined the amicus brief because it is crucial to support refugees who are being turned away from our country on purely arbitrary and discriminatory grounds.

The **Shadow Rock United Church of Christ** is a progressive congregation living out the core values of inclusion, justice and spirituality. Shadow Rock UCC has joined this amicus brief because its members stand opposed to the enforcement of immigration laws out of fear and prejudice and view the ban challenged in this case as a destructive application of law and policy.

The **Sisters of St. Francis of Clinton, Iowa** is a Catholic religious order. The Leadership Team of the order decided to join this amicus brief because the order has taken a corporate stand to welcome immigrants and refugees and to advocate for policies that uphold their basic civil and human rights.

The **Sisters of St. Francis of Penance and Christian Charity, St. Francis Province** are based in Redwood City, California, and are called to solidarity with those who are powerless and work with them to change situations in which the dignity of persons is violated. The Sisters have joined the amicus brief because the ban on refugees and immigrants is counter to their beliefs and values as Franciscan Sisters.

The **Sisters of St. Francis of Philadelphia** are a community of approximately 430 Catholic women who choose a Gospel way of life and uphold a long and honored tradition of loving God through service. A community that “seeks to participate in the Spirit’s action in the world,” they have joined this amicus brief because of their commitment to directing personal and corporate resources to the promotion of justice, peace and reconciliation.

The **Sisters of the Holy Names of Jesus and Mary, U.S.-Ontario Province** is a Catholic Women Religious congregation with 430 Sisters and over 300 Lay Associates in the U.S. and Ontario, Canada. We have great interest in this amicus brief because our values include welcoming and advocating for immigrants and refugees. Several of our Sisters and Associates work and volunteer with immigrants and refugees so we are familiar with the roadblocks and

struggles they have to endure. We wish to be proactive in assisting and welcoming immigrants and refugees to the U.S.

The **Southwest Conference of the United Church of Christ** is the regional body that provides support and services to 49 local UCC congregations and clergy within Arizona, New Mexico and El Paso, Texas. We are proud of our progressive view of the Gospel. Our mission statement, “extravagantly welcoming and affirming followers of Christ called to embody God’s unconditional justice and love,” is manifested in a deep commitment to ministry of extravagant welcome to migrants, undocumented permanent residents, refugees and the lesbian, gay, bisexual and transgender community, to name just a few of our constituents.

**Tanenbaum** (Tanenbaum Center for Interreligious Understanding) is a secular, non-sectarian organization dedicated to combating religious stereotypes, hatred and violence through practical approaches that counter religious bullying of students in school, religious harassment and discrimination in workplaces, and disparate health care that results when providers are not trained to address the role of religion in patients’ decisions about their care. Tanenbaum also collaborates with religiously driven Peacemakers in Action, who risk their lives in armed conflicts such as those in Syria, Yemen and Iraq. The travel ban that is the subject of this submission not only targets refugees based on their religious identity, thereby undermining Tanenbaum’s work to support religious pluralism and freedom of belief, but it also directly impairs Tanenbaum’s work with our Peacemakers from conflict zones.

During Yom Kippur 2015 services, Rabbi Michael Feshbach challenged the **Temple Shalom Congregation** in Chevy Chase, Maryland to address the largest refugee crisis since World War II. Members of our congregation who are holocaust survivors, descendants of survivors or concerned citizens know the pain caused by closed borders. We partnered with Lutheran Social Services and HIAS to advocate for refugees and sponsor a family of six who moved to Riverdale, Maryland. Our relationship with this family has deepened our awareness that refugees are fathers and mothers who bake cookies and sons who play soccer and daughters who draw and sing.

**T’ruah: The Rabbinic Call for Human Rights** brings together rabbis and cantors from all streams of Judaism, together with all members of the Jewish community, to act on the Jewish imperative to respect and advance the human rights of all people. We join this amicus brief to express our condemnation of the Executive Order, which effectively closes our borders to Muslims and flagrantly violates America’s longstanding, values-driven commitment to serving as a safe haven for refugees.

The **Unitarian Universalist Association** (UUA) comprises more than 1,000 Unitarian Universalist congregations nationwide and is dedicated to the principle of freedom of religion for all people and to freedom from oppression. The UUA has joined the amicus brief because it believes that the Executive Order is unconstitutional and undermines the UUA’s core principles.

The **Unitarian Universalist Congregation of South County, Rhode Island** (UUCSC) is a growing congregation serving Rhode Island and the surrounding areas since 1991. The

Congregation has joined this amicus brief because, in accordance with UU principles of faith, social justice is one of its greatest priorities.

The **Unitarian Universalist Service Committee** is a non-sectarian human rights organization powered by grassroots collaboration. We work anywhere rights are threatened—by natural disasters, armed conflicts, genocide, forced migration, or systematic injustice. UUSC began its work in 1939 when Rev. Waitstill and Martha Sharp took the extraordinary risk of traveling to Europe to help refugees escape Nazi persecution. For over 75 years, our innovative approach and measurable contributions have been grounded in the moral belief that all people have inherent power, dignity, and rights. Protecting the rights and dignity of persons, particularly those seeking refuge from violence, discrimination, persecution, and natural disasters, lies at the center of our organization’s mission. Given our history, we seek to promote a well-functioning, just immigration system—including refugee resettlement processes—and sizeable entrant numbers consistent with our nation’s moral, legal, and political obligations as a member of the world community. In addition to our policy work, we provide financial assistance to grassroots groups meeting the needs of refugees in the U.S. and other nations. Many congregations with which we work are actively involved helping new refugees resettle in the U.S., including many from majority Muslim nations.

The **United Church of Santa Fe** has been an inclusive and welcoming faith community since its beginnings. We support this amicus brief because we seek to follow the ways of Jesus Christ, who himself was a refugee and immigrant and who showed God’s love across the political, ethnic, religious and national divisions of his day. Our faith calls us to love both our neighbor and the stranger, and that love is shown by our support of this brief.

**UNITED SIKHS** is a U.N. affiliated, international nonprofit, non-governmental, humanitarian relief, human development and advocacy organization that aims at empowering those in need, especially disadvantaged and minority communities across the world. Our mission is to transform, alleviate, educate and protect the lives of underprivileged individuals and minority communities impacted by disasters, natural or man-made, and who suffer from hunger, illiteracy, diseases, or from violation of civil and human rights. By fostering sustainable programs, we help communities to become informed and vibrant members of society. We join the many organizations as signatories in this amicus brief to lend support to refugee families and individuals who are affected and endangered by the Executive Order.

The **University Lutheran Chapel of Berkeley** has a long history of accompaniment for refugees and immigrants and is a founding member of the East Bay Interfaith Immigration Coalition and the East Bay Sanctuary Covenant. The Chapel is a member of the Evangelical Lutheran Church in America and supports the church’s work with refugees and immigrants through the Lutheran Immigration and Refugee Service (LIRS). The Chapel joined the amicus brief because it supports the message from LIRS President Linda Hartke that “refugees are assets to our communities and it’s imperative that we recognize that their protection and resettlement is part of our commitment as a nation.”

**Uri L'Tzedek: The Orthodox Movement for Social Justice** believes that fair, humane, constitutional immigration reform is the right path for our nation to take. Ill informed, hateful

religious bans are not the American way and do not reflect our highest values. They also can have tragic consequences for so many refugees who we must seek to aid.

**Valley Unitarian Universalist Congregation**, of Chandler, Arizona, is committed to principles of faith, including the inherent worth and dignity of every person and the notion that we are interdependent one with another, and believe that these principles call us to inclusion rather than exclusion. The Congregation has joined this amicus brief because the Executive Order violates its most deeply-held values in that the Order discriminates against people based on their religion and nationality and negatively impacts the lives of neighbors and friends.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
SOUTHERN DIVISION**

INTERNATIONAL REFUGEE  
ASSISTANCE PROJECT, et al.,

Plaintiffs,

v.

DONALD TRUMP, et al.,

Defendants.

Civil Action No.: 8:17-CV-00361-TDC

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**[PROPOSED] ORDER  
GRANTING MOTION FOR LEAVE TO FILE AMICI CURIAE MEMORANDUM IN  
SUPPORT OF PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

The motion of a group of interfaith religious and interreligious congregations, associations, and organizations, seeking leave to file an amicus curiae memorandum in support of Plaintiff International Refugee Assistance Project's Motion for a Preliminary Injunction of § 5(d) of President Trump's January 27, 2017 Executive Order, is hereby granted. The Clerk is directed to file the brief (which was attached to the Motion as Exhibit A).

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