

No. 17-1351

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself; HIAS, INC., on behalf of itself and its clients; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; JOHN DOES #1 & 3; JANE DOE #2,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, in his official capacity as President of the United States; DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence,

Defendants-Appellants.

Appeal from the United States District Court for the District of Maryland,
case no. 8:17-cv-00361-TDC, Judge Theodore D. Chuang

**BRIEF OF INTERFAITH GROUP OF RELIGIOUS AND
INTERRELIGIOUS ORGANIZATIONS AS AMICI CURIAE
SUPPORTING PLAINTIFFS-APPELLEES**

JENNIFER K. BROWN
AMANDA AIKMAN
MORRISON & FOERSTER LLP
250 West 55th Street
New York, New York 10019

BRADLEY D. WINE
SANDEEP N. NANDIVADA
MORRISON & FOERSTER LLP
1650 Tysons Boulevard
McLean, Virginia 22102

April 19, 2017

MARC A. HEARRON
MORRISON & FOERSTER LLP
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Telephone: 202.778.1663
MHearron@mofo.com

PURVI G. PATEL
MORRISON & FOERSTER LLP
707 Wilshire Boulevard
Los Angeles, California 90017

Counsel for Amici Curiae

**DISCLOSURE OF CORPORATE AFFILIATIONS
AND OTHER INTERESTS**

Pursuant to FRAP 26.1 and Local Rule 26.1, corporate amici curiae make the following disclosure:

1. No amicus has any parent corporation.
2. No amicus has 10% or more of its stock owned by a publicly held corporation or other publicly held entity.
3. No other publicly held corporation or other publicly held entity has a direct financial interest in the outcome of the litigation.

Dated: April 19, 2017

s/ Marc A. Hearron

TABLE OF CONTENTS

DISCLOSURE OF CORPORATE AFFILIATIONS AND OTHER INTERESTS i

TABLE OF AUTHORITIES iii

INTRODUCTION AND INTEREST OF AMICI CURIAE 1

ARGUMENT 4

I. RELIGION-BASED RESTRICTIONS ON ENTRY TO THE UNITED STATES OFFEND RELIGIOUS FREEDOM AND EQUALITY 4

 A. The Executive Order Undermines Religious Freedom 4

 B. A Ban on Entry from Predominantly Muslim Countries Discriminates Against Muslims 7

 C. The Discriminatory Executive Order Harms the Religious Practice of Muslims 8

II. RELIGION-BASED RESTRICTIONS PROFOUNDLY HARM REFUGEES IN THEIR MOST DESPERATE HOUR OF NEED 11

 A. The Banned Nationalities Include Thousands of Desperate Refugees 11

 B. Banning these Refugees Offends Values of Compassion and Assistance to Those in Need that Are Fundamental to All Major Faiths 18

 C. The Executive Order Blocks Amici’s Refugee-Assistance Efforts with Irreparable Consequences for Refugees 23

CONCLUSION 26

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.</i> , 565 U.S. 171 (2012).....	23
STATUTES	
8 U.S.C. § 1101(a)(42).....	12
ADMINISTRATIVE MATERIALS	
Executive Order No. 13769, 82 Fed. Reg. 8977 (Feb. 1, 2017).....	4
Executive Order No. 13780, 82 Fed. Reg. 13209 (Mar. 6, 2017)	4, 7
OTHER AUTHORITIES	
Charlotte Alter, ‘ <i>We Don’t Want to Risk It.</i> ’ <i>Some Green-Card Holders Fear Leaving the U.S. Under Trump’s Travel Ban</i> , TIME, Feb. 2, 2017.....	9-10
Anne Barnard & Michael R. Gordon, <i>Chemical Attack on Syrians Ignites World’s Outrage</i> , N.Y. TIMES, Apr. 5, 2017	13
Phillip Connor & Jens Manuel Krogstad, <i>About Six-In-Ten Syrians Are Now Displaced From Their Homes</i> , Pew Research Center (June 13, 2016).....	13
Stella Burch Elias, <i>The Perils and Possibilities of Refugee Federalism</i> , 66 Am. U. L. Rev. 353 (2016).....	23
The Freedom Fund, <i>Struggling to Survive: Slavery and Exploitation of Syrian Refugees in Lebanon</i> (Apr. 2016)	16
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.....	24
Jeffrey Gettleman, <i>For Stranded Somali Refugees, ‘Friend of America’ Is a Deadly Label</i> , N.Y. Times, Feb. 3, 2017	17, 19

Human Rights Watch, *If the Dead Could Speak: Mass Deaths and Torture in Syria’s Detention Facilities* (Dec. 16, 2015)15, 16

Interfaith Immigration Coalition, *More than 5,000 Religious Leaders Sign Letter Supporting Refugee Resettlement.*21, 22

International Crisis Group, *What’s Driving the Global Refugee Crisis?* (Sept. 15, 2016)17

National Council of Jewish Women, NCJW Condemns Trump’s New Discriminatory Limits on Refugee Entry in US and Attack on Sanctuary Cities (Press Release, Jan. 26, 2017)8

Tanenbaum Center for Interreligious Understanding, *The Golden Rule.*2

Donald J. Trump, Donald J. Trump Statement on Preventing Muslim Immigration (Press Release, Dec. 7, 2015)5

U.N. General Assembly, *Convention Relating to the Status of Refugees*, art. 1A(2), 28 July 1951, United Nations, Treaty Series, vol. 189, 153.13

U.N. High Commissioner for Refugees, *UNHCR Resettlement Handbook: Chapter 6-UNHCR Resettlement Submission Categories*, July 201112

U.N. Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Statement to the Security Council on Syria (Oct. 26, 2016).....14

U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *Somalia 2016 Human Rights Report*17

U.S. Department of State, Bureau of Population, Refugees, and Migration, *Fact Sheet: U.S. Refugee Admissions Program FAQs* (Jan. 20, 2017).....12

U.S. Department of State, Bureau of Population, Refugees, and Migration, *Summary of Refugee Admissions*, Mar. 31, 201711, 12

U.S. Department of State, U.S. Department of Homeland Security, and U.S. Department of Health and Human Services, <i>Proposed Refugee Admissions for Fiscal Year 2017: Report to the Congress</i>	11, 16
Bill Whitaker, <i>Finding Refuge</i> , 60 Minutes, Oct. 16, 2016.....	21
The White House, Infographic: The Screening Process for Refugee Entry into the United States, Nov. 20, 2015.....	24
Matt Zapotosky, <i>Federal Judge In Hawaii Freezes President Trump’s New Entry Ban</i> , Washington Post, Mar. 16, 2017.....	6

INTRODUCTION AND INTEREST OF AMICI CURIAE

Amici curiae are nearly 50 diverse, interfaith religious and interreligious congregations, associations, and organizations, 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.¹ Amici have a wide array of beliefs and come from different faith traditions, yet unite here to speak with one voice against the imposition of barriers to entering this country that are based solely on ethnicity, nationality, or religion, especially when such barriers keep out refugees. 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.

¹ All parties have consented to the filing of this brief. No counsel for a party authored this brief in whole or in part, and no party or counsel for a party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than amici curiae, their members, or their counsel made a monetary contribution to the preparation or submission of this brief.

Amici object to barring entry to the country based on ethnicity, nationality, or religion. 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 that adherents of all faiths should be free from legal, economic, and social discrimination.

The ban's impact on the 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, to the contrary, believe that far more should be done.² Families and

² 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>, (Footnote continues on next page.)

individuals from war-torn and conflict-ridden nations are in 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 withdraw the hope of refuge from some of the most powerless and destitute individuals on Earth.

Our faiths teach that we cannot forsake people in their time of crisis, nor can we refuse them aid because of the country or religion they happen to be born into. 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.

(Footnote continued from previous page.)

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 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.

For these reasons, and those set forth below, amici urge the Court to affirm the district court's order and hold that the challenged provision of the Executive Order is unlawful.

ARGUMENT

I. RELIGION-BASED RESTRICTIONS ON ENTRY TO THE UNITED STATES 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. Like a number of courts, amici believe President Trump's second Executive Order, like the first, discriminates on the basis of religion and therefore is unconstitutional.³ Amici reject any religion-based restriction on entry to the country because it harms core national values, discriminates based on religion, and obstructs Muslims in the practice of their faith.

A. The Executive Order Undermines Religious Freedom

The Executive Order, while written to appear neutral on the basis of religion, undermines religious freedom because it blocks entry for citizens of majority-Muslim nations. The order is consistent with then-candidate Trump's statement

³ The first Executive Order, No. 13769, 82 Fed. Reg. 8977 (Feb. 1, 2017), was issued January 27, 2017. President Trump replaced the first Executive Order with a second one, No. 13780, 82 Fed. Reg. 13209 ("E.O.") on March 6, 2017. Unless otherwise specified, references to the Executive Order or E.O. are to the second order.

calling for a “total and complete shutdown of Muslims entering the United States until our representatives can figure out what is going on.”⁴ Erecting this obstacle to travel against members of a particular faith is antithetical to our nation’s values and amici’s values. In contrast with many other countries, where religious conflict has at times led to upheaval and suffering, a defining trait of the United States has been its ability not only to be open to different religions but also to 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.

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. Amici embrace this constitutional principle as their own. They therefore condemn attempts by the government to discriminate against one religious sect; laws that do so harm not only the disfavored sect but all

⁴ Donald J. Trump, Donald J. Trump Statement on Preventing Muslim Immigration (Press Release, Dec. 7, 2015), <https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration>.

religious groups.⁵ 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, Past President, Unitarian Universalist Association*: “The executive order targeting refugees and Muslims is an affront to the core values of the United States.”

⁵ The second Executive Order eliminated the provision in the first order that gave priority to refugees who are of a minority faith in their country and who are targeted for religious persecution, which in practice would have favored the resettlement of Christian refugees over others. The Trump Administration, however, has indicated a willingness to revert to the earlier version of the Executive Order containing this provision. Matt Zaptosky, *Federal Judge In Hawaii Freezes President Trump's New Entry Ban*, Washington Post, Mar. 16, 2017 (“‘Let me tell you something, I think we ought to go back to the first one and go all the way,’ Trump said.”). Re-inserting this provision would harm religious freedom. 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.

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

The Executive Order enacts a categorical ban on all nationals—children, adults, and the elderly alike—from six countries with predominantly Muslim populations, ostensibly “to prevent infiltration by foreign terrorists.” E.O. § 2(c). Amici recognize that such broad provisions, considered in the context of statements by the President and those associated with him, 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.”

This indiscriminate ban on Muslims entering the country, 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. The Discriminatory Executive Order Harms the Religious Practice of Muslims

Finally, amici reject the 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.”⁶ The Franciscan Action Network notes,

⁶ National Council of Jewish Women, NCJW Condemns Trump’s New Discriminatory Limits on Refugee Entry in US and Attack on Sanctuary Cities (Press Release, Jan. 26, 2017), <https://ncjwcn.org/immigration-refugees/>.

“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 both Executive Orders have had on Muslims in 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. 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 are uncertain whether they will be permitted to return.⁷

⁷ While the second Executive Order exempts permanent residents and visa-holders from its terms (unlike the first order), even some immigration lawyers are advising permanent residents to forego international travel unless absolutely necessary. See Charlotte Alter, *‘We Don’t Want to Risk It.’ Some Green-Card*
(Footnote continues on next page.)

For many, the Executive Orders have 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. 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.

(Footnote continued from previous page.)

Holders Fear Leaving the U.S. Under Trump's Travel Ban, Time, Feb. 2, 2017, <http://time.com/4657029/donald-trump-immigration-ban-green-card-travel/>.

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.

II. RELIGION-BASED RESTRICTIONS PROFOUNDLY HARM REFUGEES IN THEIR MOST DESPERATE HOUR OF NEED

A. The Banned Nationalities Include Thousands of Desperate Refugees

The Executive Order's ban on entry to the United States by people from Iran, Libya, Somalia, Sudan, Syria and Yemen bars thousands of refugees from finding safety in the United States. In FY 2016, these countries accounted for some 26,750 refugee admissions.⁸ While our nation had planned to substantially increase the number of admitted refugees in FY 2017, including from areas targeted by this ban,⁹ the Executive Order is an about-face. If the Order is allowed

⁸ U.S. Dep't of State, Bureau of Population, Refugees, and Migration, Summary of Refugee Admissions (FY 2016 and FY 2017 tabs), http://www.wrapsnet.org/s/Refugee-Admissions-Report-2017_03_31.xls. Among the countries subject to the new E.O. travel ban, significant numbers of refugees arrived in FY 2016 from Syria (12,587), Somalia (9,020), Iran (3,750) and Sudan (1,458).

⁹ 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* (increasing refugee ceilings from Africa and Near East/South Asia), <http://www.state.gov/documents/organization/262168.pdf>.

to take effect, few, if any, refugees from these countries will be allowed beyond the 13,350 who have been admitted thus far this year.¹⁰

The cruelty of constricting refugee admissions from these countries 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.¹¹ 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.¹²

¹⁰ Summary of Refugee Admissions, *supra* n.8, FY 2017 tab (showing year-to-date admissions as follows: Syria (5,839), Somalia (4,917), Iran (1,969) and Sudan (627)).

¹¹ 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>.

¹² U.N. High Commissioner for Refugees, *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).

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.¹³ 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.¹⁴

Conditions in the countries whose refugees are now banned are exceedingly dangerous. The situation in Syria is particularly dire. There, more than half of the pre-conflict population—an estimated 12.5 million people—has been displaced, which is “unprecedented in recent history for a single country.”¹⁵ Even before the recent chemical weapons attack, attributed to the Syrian government, that appalled the entire world,¹⁶ the situation was exceedingly grim. As described by the United Nations Under-Secretary-General for Humanitarian Affairs:

¹³ 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.

¹⁴ *Id.*, art. 1F(a)-(c), at p. 156.

¹⁵ 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/>.

¹⁶ Anne Barnard & Michael R. Gordon, *Chemical Attack on Syrians Ignites World's Outrage*, N.Y. Times, Apr. 5, 2017, at A1.

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 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.”¹⁷

¹⁷ 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.

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.”¹⁸ “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.”¹⁹ “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 Rights documented 11,358 deaths in detention as of June 26, 2015.”²⁰ According to Human Rights Watch, “[t]he total number is likely higher given that many cases go unreported.”²¹

“[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,

¹⁸ 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>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

including Christians, Druze, Alawites, Yezidis, and others.”²² Many Syrians have fled to Lebanon (one in five people living in Lebanon is a Syrian refugee), but their plight does not end there.²³ Syrian refugees in Lebanon are being exploited, subject to child labor, early marriages, “survival sex” and sexual exploitation, and forced labor.²⁴

Somalia, another country targeted by the ban, has endured “[d]ecades of almost continuous conflict Some 1.12 million Somalis have sought sanctuary abroad, and just as many have been displaced inside the country. Ongoing attacks by the Islamist insurgency Al-Shabaab make them reluctant to return to their homes.”²⁵ The State Department documents “grave abuses” by al-Shabaab, including extrajudicial killings; disappearances; compulsory marriages; rape;

²² U.S. Dep’t of State, Proposed Refugee Admissions for Fiscal Year 2017: Report to the Congress at 53.

²³ The Freedom Fund, *Struggling to Survive: Slavery and Exploitation of Syrian Refugees in Lebanon* at 2-3 (Apr. 2016), <http://freedomfund.org/wp-content/uploads/Lebanon-Report-FINAL-8April16.pdf>.

²⁴ *Id.* at 3.

²⁵ International Crisis Group, *What’s Driving the Global Refugee Crisis?* (Sept. 15, 2016), <https://www.crisisgroup.org/global/what-s-driving-global-refugee-crisis>.

blocking humanitarian assistance, and conscripting child soldiers.²⁶ Clashes between the Somali government and al-Shabaab continue to cause hundreds of civilian deaths.²⁷ Al-Shabaab is particularly threatening to children:

Al-Shabaab continued to recruit and force children to participate in direct hostilities, including suicide attacks. Al-Shabaab raided schools, madrassas, and mosques to recruit children. Children in al-Shabaab training camps were subjected to grueling physical training, inadequate diet, [and] weapons training The training also included forcing children to punish and execute other children. Al-Shabaab used children in combat, including placing them in front of other fighters to serve as human shields and suicide bombers.²⁸

And yet, once the Executive Order issued, Somalis who had fled these conditions, had passed four to six years of background checks, and were about to leave for the United States were instead sent to rejoin the hundreds of thousands of their fellows consigned to life in squalid refugee camps.²⁹ The travel ban removes any hope that refugees from Somalia, Syria, or the other targeted countries will find new lives in the United States in the near future.

²⁶ U.S. Dep't of State, Bureau of Democracy, H.R and Lab., Somalia 2016 Human Rights Report at 1, 2, 13, 35, <https://www.state.gov/documents/organization/265512.pdf>.

²⁷ *Id.* at 12.

²⁸ *Id.* at 14.

²⁹ Jeffrey Gettleman, *For Stranded Somali Refugees, 'Friend of America' Is a Deadly Label*, N.Y. Times, Feb. 3, 2017, at A18.

B. Banning these Refugees Offends Values of Compassion and Assistance to Those in Need that Are Fundamental to All Major Faiths

Banning these refugees offends values that are central to all of amici's faiths, particularly helping 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.
- 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.³⁰ 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.³¹ 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. Amicus Church World Service is one of the nine refugee resettlement

³⁰ 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.

³¹ *Id.*

agencies, and also manages the Resettlement Support Center in Nairobi, Kenya, which assists with the processing of all refugees resettled to the United States from Africa.

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. 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.³² 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.³³ Indeed, because closing the door on refugees and imposing religion-based restrictions on entry to the United States are fundamentally at odds with their deeply held values, a remarkable coalition of religious leaders has joined together to speak out against it. As of today, more than 5,000 religious leaders have endorsed an open letter to the President opposing the exclusion of refugees from countries named in Executive Order as incompatible with “sacred texts and faith traditions to love our neighbor, accompany the vulnerable, and welcome the sojourner.”³⁴ These leaders emphasize the “urgent moral responsibility to receive

³² Bill Whitaker, *Finding Refuge*, 60 Minutes, Oct. 16, 2016, <http://www.cbsnews.com/news/60-minutes-syrian-refugee-crisis-immigration/>.

³³ Interfaith Immigration Coalition, *Organizations*, <http://www.interfaithimmigration.org/about/organizations>.

³⁴ Interfaith Immigration Coalition, *More than 5,000 Religious Leaders Sign Letter Supporting Refugee Resettlement*, <http://www.interfaithimmigration.org/5000religiousleaderletter/>.

refugees and asylum seekers.”³⁵ 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 (JFON), 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, Past 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,

³⁵ *Id.*

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 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 with 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.³⁶

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

³⁶ Stella Burch Elias, *The Perils and Possibilities of Refugee Federalism*, 66 Am. U. L. Rev. 353, 355 (2016).

Germany on the *St. Louis*. Many in the United States, however, feared that admitting refugees would threaten 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.³⁷

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.³⁸ These vetted refugees are not terrorists; they are victims fleeing terror.

³⁷ 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>; United States Holocaust Memorial Museum, “Voyage of the St. Louis”, Holocaust Encyclopedia, <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005267>.

³⁸ 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>.

The ban is disrupting the entire refugee system. Amicus Church World Service manages the Resettlement Support Center in Nairobi, Kenya, which assists with the processing of all refugees resettled to the United States from Africa. It points out that for thousands of refugees already approved for resettlement to the United States, “If the executive order provisions move forward, these individuals will have to wait years to find safety, as a reduction in numbers and a suspension of the resettlement program would result in a slew of expiring validity periods and necessitate repeating screening processes.”

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 harms the vitality of the refugee assistance and resettlement mission of amici and other people of faith going forward.

CONCLUSION

Amici urge the Court to affirm the ruling below and hold that the challenged provision of 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.

Dated: April 19, 2017

Respectfully submitted,

s/ Marc A. Hearron

MARC A. HEARRON
MORRISON & FOERSTER LLP
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Telephone: 202.778.1663
MHearron@mofo.com

PURVI G. PATEL
MORRISON & FOERSTER LLP
707 Wilshire Boulevard
Los Angeles, California 90017

JENNIFER K. BROWN
AMANDA AIKMAN
MORRISON & FOERSTER LLP
250 West 55th Street
New York, New York 10019

BRADLEY D. WINE
SANDEEP N. NANDIVADA
MORRISON & FOERSTER LLP
1650 Tysons Boulevard
McLean, Virginia 22102

Counsel for Amici Curiae

APPENDIX A

NAMES AND INDIVIDUAL STATEMENTS OF INTEREST OF AMICI CURIAE

Names of the Amici Curiae

Alliance of Baptists
American Jewish World Service
Arlington Street Church Social Action Committee (Boston, Massachusetts)
Avodah
Beth Emet the Free Synagogue (Evanston, Illinois)
Catholic Charities Community Services, NY
Church World Service
Disciples Home Missions, Christian Church (Disciples of Christ)
Faith in Public Life
First Institutional Baptist Church (Phoenix)
Franciscan Action Network
Franciscans for Justice
Friends Committee on National Legislation
Good Shepherd United Church of Christ (Sahuarita, Arizona)
Interfaith Alliance
The Interfaith Center of New York
Interfaith Worker Justice
Islamic Relief USA
J Street
Judson Memorial Church (New York, New York)
Leadership Conference of Women Religious
Missionary Servants of the Most Holy Trinity
Multifaith Alliance for Syrian Refugees
National Council of Jewish Women
National Justice for Our Neighbors
Reverend J. Herbert Nelson, II, Stated Clerk of the General Assembly of the
Presbyterian Church (U.S.A.)
NETWORK Lobby for Catholic Social Justice
North Carolina Council of Churches
NYC New Sanctuary Coalition
Park Slope Jewish Center (Brooklyn, New York)
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 (Phoenix)
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
Sisters of the Holy Names of Jesus and Mary, U.S.-Ontario Province
Southwest Conference of the United Church of Christ
Tanenbaum
T'ruah: The Rabbinic Call for Human Rights
Unitarian Universalist Association
Unitarian Universalist Service Committee
United Church of Santa Fe
UNITED SIKHS
University Lutheran Chapel of Berkeley
Valley Unitarian Universalist Congregation (Chandler, Arizona)

Individual Statements of Interest of the Amici Curiae

The **Alliance of Baptists** began in 1987 as a prophetic voice in Baptist life. Today, we are a faith community comprised of laity and clergy—Christians knit together by love for God. We respond to the call of God in Jesus Christ to be disciples and servants. As part of that response, we commit to prophetic action to bring about justice and healing in our world. We join this amicus brief in response to our Covenant where we commit to side with those who are poor and pursue justice with and for those who are oppressed. Our congregations work with and support refugees and immigrants.

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 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.

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.

As a humanitarian agency that brings together 37 Protestant, Anglican and Orthodox member communions, **Church World Service (CWS)** works to eradicate hunger and poverty and to promote peace and justice around the world. CWS is one of the nine refugee resettlement agencies in the United States, working through 34 community-based local offices and affiliates to resettle refugees in 21 states. CWS also manages the Resettlement Support Center in Nairobi, Kenya, which assists with the processing of all refugees resettled to the United States from Africa. Tens of thousands of refugees both overseas and in the United States, many of whom are CWS clients, will be impacted by the outcome of this case, as they are seeking safety, family reunification, and an opportunity to

rebuild their lives. More than 60,000 refugees have already been approved for resettlement to the United States and are awaiting their flights, 70 percent of whom are family reunification cases. If the executive order provisions move forward, these individuals will have to wait years to find safety, as a reduction in numbers and a suspension of the resettlement program would result in a slew of expiring validity periods and necessitate repeating screening processes. CWS stands with these refugees and affirms the importance of refugee resettlement as a private-public partnership that has broad support from communities across the country.

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** in 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 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.

Interfaith Worker Justice is a national affiliate network of more than sixty worker centers and faith-labor organizations. We support our affiliates in worker-led campaigns to bring dignity and justice to all working people, regardless of faith tradition, national origin, ethnicity, or immigration status. Any travel ban which discriminates based on national origin or faith tradition is not only unconstitutional, it is unjust and immoral.

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.

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 **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.

Reverend J. Herbert Nelson, II, Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) (“PCUSA”) joins this brief as the senior ecclesiastical officer of the PCUSA. The PCUSA is a national Christian denomination with nearly 1.6 million members in over 9500 congregations, organized into 170 presbyteries under the jurisdiction of 16 synods. Through its antecedent religious bodies, it has existed as an organized religious denomination within the current boundaries of the United States since 1706. This brief is consistent with seventy years of policies adopted by the General Assembly of the Presbyterian Church (U.S.A.) expressing the desire that refugees be welcomed into the U.S. and welcomed by our congregations. It is also consistent with our policies which demand that United States immigration law and policy protect family unity and be carried out free of discrimination and full of due process. The General Assembly does not claim to speak for all Presbyterians, nor are its policies binding on the membership of the Presbyterian Church. However, the General Assembly is the highest legislative and interpretive body for the denomination, and it is the final point of decision in all disputes. As such, its statements are considered worthy of the respect and prayerful consideration of all the denomination’s members.

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 **NYC New Sanctuary Coalition** is an interfaith network of congregations, institutions and individuals—immigrants and citizens alike—working together to resist the unjust and inhumane deportations that are taking place under the U.S.’s current dysfunctional immigration laws and procedures.

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**, 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 in Phoenix 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.

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 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."

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.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system on April 19, 2017.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: April 19, 2017

s/ Marc A. Hearron

CERTIFICATE OF COMPLIANCE WITH RULE 29(A)(5)

This brief complies with the type-volume limitation of Rule 29(a)(5) of the Federal Rules of Appellate Procedure because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), it contains 6,044 words, which is below the limit of 6,500 words.

This brief complies with the typeface and type style requirements of the Federal Rules of Appellate procedure because this brief has been prepared in a proportionally spaced typeface using Microsoft[®] Office Word 2010 in 14-point Times New Roman font.

Dated: April 19, 2017

s/ Marc A. Hearron

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
APPEARANCE OF COUNSEL FORM

BAR ADMISSION & ECF REGISTRATION: If you have not been admitted to practice before the Fourth Circuit, you must complete and return an Application for Admission before filing this form. If you were admitted to practice under a different name than you are now using, you must include your former name when completing this form so that we can locate you on the attorney roll. Electronic filing by counsel is required in all Fourth Circuit cases. If you have not registered as a Fourth Circuit ECF Filer, please complete the required steps at Register for eFiling.

THE CLERK WILL ENTER MY APPEARANCE IN APPEAL NO. 17-1351 as

[X] Retained [] Court-appointed(CJA) [] Court-assigned(non-CJA) [] Federal Defender [] Pro Bono [] Government

COUNSEL FOR: Interfaith Group of Religious and Interreligious Organizations

as the (party name)

[] appellant(s) [] appellee(s) [] petitioner(s) [] respondent(s) [X] amicus curiae [] intervenor(s) [] movant(s)

s/ Marc A. Hearron (signature)

Marc A. Hearron Name (printed or typed)

202-778-1663 Voice Phone

Morrison & Foerster LLP Firm Name (if applicable)

202-887-0763 Fax Number

2000 Pennsylvania Avenue, NW

Washington, DC 20006 Address

MHearron@mofo.com E-mail address (print or type)

CERTIFICATE OF SERVICE

I certify that on 4/19/2017 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

[Empty box for address]

[Empty box for address]

s/ Marc A. Hearron Signature

4/19/2017 Date