

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HAMEED KHALID DARWEESH and
HAIDER SAMEER ABDULKHALEQ
ALSHAWI,

on behalf of themselves and others similarly
situated,

Petitioners,

v.

DONALD TRUMP, President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY (“DHS”); U.S.
CUSTOMS AND BORDER PROTECTION
 (“CBP”); JOHN KELLY, Secretary of DHS;
KEVIN K. MCALLENAN, Acting
Commissioner of CBP; and JAMES T.
MADDEN, New York Field Director, CBP,

Respondents.

Case No. 1:17-cv-00480

Judge Carol Bagley Amon

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

JENNIFER K. BROWN*
AMANDA AIKMAN
MORRISON & FOERSTER LLP
250 West 55th Street
New York, New York 10019
Telephone: 202.468.8000
Facsimile: 202.468.7900
jbrown@mofo.com
aaikman@mofo.com

PURVI G. PATEL*
MORRISON & FOERSTER LLP
707 Wilshire Boulevard
Los Angeles, California 90017
Telephone: 213.892.5200
Facsimile: 213.892.5454
ppatel@mofo.com

SANDEEP N. NANDIVADA*
MORRISON & FOERSTER LLP
1650 Tysons Boulevard
McLean, Virginia 22102
Telephone: 703.760.7700
Facsimile: 703.760.7777
snandivada@mofo.com

MARC A. HEARRON*
MORRISON & FOERSTER LLP
2000 Pennsylvania Ave., N.W.
Washington, DC 20006
Telephone: 202.887.1500
Facsimile: 202.887.0763
mhearron@mofo.com

Counsel for Amici Curiae

*Application for admission
pro hac vice forthcoming

TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
INTRODUCTION AND INTEREST OF AMICI CURIAE	1
ARGUMENT	3
I. THE EXECUTIVE ORDER 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. Fundamental Values Central to All Major Faiths Emphasize Compassion and Assistance to Those in Need	8
C. The Executive Order Blocks Amici's Refugee-Assistance Efforts and Will Have Irreparable Consequences for Refugees	10
II. THE ORDER OFFENDS RELIGIOUS FREEDOM AND EQUALITY	13
A. The Executive Order Undermines Religious Freedom.....	13
B. The Executive Order Discriminates Against Muslims	15
C. The Executive Order Harms the Religious Practice of Muslims	16
CONCLUSION.....	18

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.</i> , 565 U.S. 171 (2012).....	10
STATUTES	
8 U.S.C. § 1101(a)(42).....	4
OTHER AUTHORITIES	
Bill Whitaker, <i>Finding Refuge</i> , 60 Minutes, Oct. 16, 2016.....	10
Center for Disease Control and Prevention, Congolese Refugee Health Profile (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	12
Daniel A. Gross, <i>The U.S. Government Turned Away Thousands of Jewish Refugees</i> , <i>Fearing That They Were Nazi Spies</i> , Smithsonian.com, Nov. 18, 2015.....	11
David Brody, <i>President Trump Says Persecuted Christians Will Be Given Priority As</i> <i>Refugees</i> , Christian Broadcasting Network, Jan. 27, 2017	14
Exec. Order No. 13769, 82 Fed. Reg. 8977 (Feb. 1, 2017).	3, 4, 15
Free the Slaves, <i>The Congo Report: Slavery in Conflict Minerals</i> at 20-22 (June 2011).....	5
HIAS, <i>History</i>	9
Interfaith Immigration Coalition, <i>More than 3,500 Religious Leaders Sign Letter</i> <i>Supporting Refugee Resettlement</i>	10
Interfaith Immigration Coalition, <i>Organizations</i>	8
International Rescue Committee, <i>Democratic Republic of Congo</i> ,.....	5
Jens Manuel Krogstad & Jynnah Radford, <i>Key Facts About Refugees to the U.S.</i> , Pew Research Center (Jan. 30, 2017)	4, 5
Nadwa Mossad, U.S. Dep't of Homeland Security, Office of Immigration Statistics, <i>Annual Flow Report, Refugees and Asylees: 2015</i> (Nov. 2016).....	4
Phillip Connor & Jens Manuel Krogstad, <i>About Six-In-Ten Syrians Are Now Displaced</i> <i>From Their Homes</i> , Pew Research Center (June 13, 2016).....	6

<i>Pits of Hell: Assad's Torture Dungeons</i> , The Economist, Dec. 20, 2016	7
Press Release, Donald J. Trump, Donald J. Trump Statement on Preventing Muslim Immigration, Dec. 7, 2015	14
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).....	16
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).....	12
Stella Burch Elias, <i>The Perils and Possibilities of Refugee Federalism</i> , 66 Am. U. L. Rev. 353 (2016)	11
The Freedom Fund, <i>Struggling to Survive: Slavery and Exploitation of Syrian Refugees in Lebanon</i> (Apr. 2016).....	7
<i>The Golden Rule</i> , https://tanenbaum.org/wp-content/uploads/2014/02/The-Golden-Rule.pdf	1
The White House, Infographic: The Screening Process for Refugee Entry into the United States, Nov. 20, 2015	12
U.N. General Assembly, <i>Convention Relating to the Status of Refugees</i> , 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 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).....	3, 4
U.S. Dep't of State, Bureau of Population, Refugees, and Migration, Fact Sheet: U.S. Refugee Admissions Program FAQs (Jan. 20, 2017)	4
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.....	4, 7

UNHCR, <i>Figures at a Glance</i>	3
UNHCR, <i>Global Trends: Forced Displacement in 2015</i>	3
UNHCR, <i>UNHCR Resettlement Handbook: Chapter 6 - UNHCR Resettlement Submission Categories</i> , July 2011	4
United States Holocaust Memorial Museum, “Refugees”, Holocaust Encyclopedia,.....	11
United States Holocaust Memorial Museum, “Voyage of the St. Louis”, Holocaust Encyclopedia.....	11

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 the Executive Order issued on January 27, 2017, which suspended the United States Refugee Admissions Program and halted entry into the United States by citizens of seven majority-Muslim nations.

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. And each person has a moral imperative to help the most vulnerable and underprivileged among us.

The Executive Order 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 the Executive Order.¹ Families and individuals from war-torn and conflict-ridden nations are in dire need of

¹ 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 brother what he loves for himself.” Fortieth Hadith of an-Nawawi, 13. Judaism teaches: “What is hateful to you, do not do to your neighbor.” Talmud, Shabbat, 31a.

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 due to the Executive Order, the United States now refuses to give refuge to the 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.

The Executive Order discriminates on the basis of religion. Although written to appear neutral on the basis of religion, the Executive Order blocks all visas for citizens of seven majority-Muslim nations. Statements made external to the Executive Order strongly suggest that its intent was to halt Muslim immigration. Amici condemn such religious discrimination. By targeting members of a particular faith, the Executive Order promotes dangerous stereotypes and fosters baseless fear. For many, the Order has crystallized anti-Muslim sentiment, causing followers of Islam to feel ostracized and fearful in their communities. It has separated families, preventing them from gathering to celebrate births and marriages and to mourn deaths. Muslim scholars 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 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 Executive Order is unlawful.

ARGUMENT

I. THE EXECUTIVE ORDER 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 immediately suspends the United States Refugee Admissions Program at a time when that program is more essential than ever.² 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.”³ 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.”⁴ The number of displaced persons today is the highest ever, surpassing even the period following World War II.⁵

Even before the Executive Order, the United States accepted only a tiny fraction of the world’s refugees. From October 2015 to September 2016, Americans 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

² Exec. Order No. 13769, 82 Fed. Reg. 8977 (Feb. 1, 2017) (hereinafter “Executive Order” or “E.O.”).

³ 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>.

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

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

millions from their homes.⁶ More than 72% were women and children.⁷ The Executive Order halts even that effort. What is more, it directs that when the Refugee Admissions Program resumes, the number of refugees admitted to the United States be capped at 50,000 in fiscal year 2017, E.O. § 5(d), a drastic reduction from the current cap of 110,000.⁸

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.⁹ 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.¹⁰

⁶ 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/>.

⁷ U.S. Dep’t of State, Fact Sheet: Fiscal Year 2016 Refugee Admissions, *supra*; *see also* Nadwa Mossad, U.S. Dep’t of Homeland Security, Office of Immigration Statistics, *Annual Flow Report, Refugees and Asylees: 2015* at 4 (Nov. 2016), https://www.dhs.gov/sites/default/files/publications/Refugees_Asylees_2015.pdf (the largest group of refugees resettling in the United States by far—40% in 2015—is children).

⁸ 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, <http://www.state.gov/documents/organization/262168.pdf>.

⁹ 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>.

¹⁰ 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).

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.¹¹ 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.¹²

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.¹³ The DRC has been engulfed in various ongoing armed conflicts for the last two decades, causing an estimated 5.4 million deaths since 1998.¹⁴ “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.”¹⁵ Children in the DRC are forced into

¹¹ 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, <http://www.refworld.org/docid/3be01b964.html>.

¹² *Id.*, art. 1F(a)-(c), at p. 156.

¹³ Krogstad & Radford, *supra*.

¹⁴ Center for Disease Control and Prevention, Congolese Refugee Health Profile at 3 (Mar. 1, 2016), <https://www.cdc.gov/immigrantrefugeehealth/pdf/congoles-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>.

¹⁵ Center for Disease Control and Prevention, *supra* at 11.

various forms of child labor, including mining of precious metals and minerals, and “child soldiers” are forcibly recruited into armed conflict.¹⁶

The situation in Syria, where citizens are terrorized by the regime of President Bashar Hafez al-Assad as well as by other actors such as ISIS, Russia, and Iran, 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 . . .”¹⁷ 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 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.

¹⁶ U.S. Dep’t of Labor, Bureau of Int’l Labor Affairs, Child Labor and Forced Labor Reports: Democratic Republic of the Congo (2015), <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>.

¹⁷ 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/>.

. . .

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.”¹⁸

In an effort to silence dissent, the Assad regime operates a string of prisons and torture dungeons where people are detained, tortured, and murdered.¹⁹ The Assad regime also has targeted “members of a variety of faith groups it deemed a threat, 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.”²⁰ Many Syrians have fled to Lebanon (one in five people living in Lebanon is a Syrian refugee), but their plight does not end there.²¹ 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.²² Because the Executive Order halts all refugee resettlement from

¹⁸ 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.

¹⁹ *Pits of Hell: Assad’s Torture Dungeons*, The Economist, Dec. 20, 2016, <http://www.economist.com/news/middle-east-and-africa/21712142-dissidents-are-being-exterminated-syrian-jails-assads-torture-dungeons> (“The scale of the killing carried out inside Syria’s torture dungeons is difficult to gauge: human-rights groups say the regime has tortured to death or executed between 17,500 and 60,000 men, women and children since March 2011.”).

²⁰ U.S. Dep’t of State, Proposed Refugee Admissions for Fiscal Year 2017: Report to the Congress, *supra* at 53.

²¹ 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>.

²² *Id.* at 3.

Syria indefinitely, these individuals are left completely without hope, facing persecution in Syria or, if they manage to escape Syria, in camps or halfway points where they fare poorly as well.

B. Fundamental Values Central to All Major Faiths Emphasize Compassion and Assistance to Those in Need

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.
- 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.

Faith-based organizations have put these religious teachings into practice by spearheading the refugee-resettlement effort in the United States. The Interfaith Immigration Coalition, for example, is a partnership of over forty faith-based organizations advocating for humane immigration reform and refugee assistance.²³ Of the nine agencies currently responsible

²³ Interfaith Immigration Coalition, *Organizations*, <http://www.interfaithimmigration.org/about/organizations/>.

for refugee resettlement on behalf of the United States, six are faith-based.²⁴ These organizations have worked diligently to uplift immigrants and refugees. For example, amicus HIAS has focused on refugee protection and assistance since 1881, when it was founded to help resettle Jews fleeing persecution in Russia and Eastern Europe.²⁵ HIAS has assisted more than 4.5 million refugees of many faiths and ethnicities.²⁶ 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.

These organizations provide vital help for individuals who arrive with little with which to start a new life. Many refugees have spent years in camps or war-torn countries. These organizations coordinate housing, furnish homes, and supply culturally appropriate food. They also provide case management and connect families with social services, English classes, and employment training.

In addition to refugee-resettlement organizations, 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 congregations regularly assist those who adhere to a different faith. A recent 60 Minutes

²⁴ 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.

²⁵ HIAS, *History*, <http://www.hias.org/history>.

²⁶ *Id.*

story reported on the Johnson Ferry Baptist Church in Marietta, Georgia, which has sponsored eight Muslim families from Syria.²⁷ For these congregations, providing refugee assistance is a moral and religious imperative.

Because the Executive Order is 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 3,500 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.”²⁸ These leaders emphasize the “urgent moral responsibility to receive refugees and asylum seekers” and decry the “derogatory language that has been used about Middle Eastern refugees and our Muslim friends and neighbors.”²⁹ Amici share these views and affirm the moral imperative to assist those in need regardless of religious or ethnic background. As the founder of amicus the Multifaith Alliance for Syrian Refugees asks, “How can our leaders, so many of whom tout their great faith in the public square, lay claim to piety when they are violating the most fundamental precepts of those faiths?” Representative statements from amici, which echo the sentiments in the open letter, are set forth in **Appendix B**.

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

²⁷ Bill Whitaker, *Finding Refuge*, 60 Minutes, Oct. 16, 2016, <http://www.cbsnews.com/news/60-minutes-syrian-refugee-crisis-immigration/>.

²⁸ Interfaith Immigration Coalition, *More than 3,500 Religious Leaders Sign Letter Supporting Refugee Resettlement*, <http://www.interfaithimmigration.org/3500religiousleaderletter/>.

²⁹ *Id.*

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.³⁰

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.³¹

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

³⁰ Stella Burch Elias, *The Perils and Possibilities of Refugee Federalism*, 66 Am. U. L. Rev. 353, 355 (2016).

³¹ 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>.

extremely rigorous vetting to be accepted by the United States.³² These vetted refugees are not terrorists; they are victims fleeing terror.

Even a temporary suspension of the refugee-resettlement program 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 was shattered as a result of the Executive Order, which suspends the resettlement of Syrian refugees indefinitely.

In addition, the Executive Order is already having a devastating impact on the ability of faith-based refugee organizations to maintain operations and services moving forward. 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.³³ 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.”

³² 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>.

³³ 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>.

- *HIAS*: “The Executive Order directly harms HIAS and its clients, and prevents HIAS from carrying out its mission to protect people fleeing persecution and their families. In 2016, HIAS aided 350,000 refugees, many of them Muslim. Now, HIAS clients have been unable to enter the country and reunify with their loved ones, and experience ongoing fear and uncertainty about their safety.”
- *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.

II. THE ORDER OFFENDS 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 the Executive Order 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

Although written to appear neutral on the basis of religion, the Executive Order blocks visas for citizens of seven nations, all of which are majority Muslim. The 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.”³⁴ The Order also provides that when the refugee-resettlement program is resumed, priority is to be given to individuals who are of a minority faith in their country and who are targeted for religious persecution. In a recent interview, the President made clear that this provision is intended to favor the resettlement of Christian refugees over others.³⁵

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 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

³⁴ 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>.

³⁵ 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>.

religious freedom is denigrated for some, it is denigrated for all. Amici thus strongly denounce the Executive Order's religion-based discrimination:

- *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. The Executive Order Discriminates Against Muslims

The Executive Order imposes a 90-day categorical ban on all nationals—children, adults, and the elderly alike—from seven countries with predominantly Muslim populations in order “to prevent infiltration by foreign terrorists or criminals.” E.O. § 3(c). Amici recognize that the breadth of the Order’s provisions, coupled with statements by the President and his associates, makes clear that the Order targets Muslims. They reject the Order as an act of anti-Muslim discrimination that violates 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.’”
- *Union for Reform Judaism, Central Conference of American Rabbis, and Religious Action Center of Reform Judaism*: “The Reform Movement called on the President not to sign a discriminatory order banning refugees and others entering from several majority-Muslim nations. As Jews, we know the impact that xenophobia and religious profiling have on all people whose lives are endangered by exclusionary laws.”
- *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. The 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. “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.”³⁶ 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.”

³⁶ 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/>.

These concerns are borne out by the profoundly negative impact the Order is having 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 Order also has 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. 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, values, and religious freedom that they, as representatives of a broad range of faith traditions, hold dear.

Dated: February 16, 2017

Respectfully submitted,

MORRISON & FOERSTER LLP

By: /s/ Amanda Aikman

Marc A. Hearron (mhearron@mofo.com)*
2000 Pennsylvania Avenue, NW
Washington, DC 20006
Telephone: 202.887.1500
Facsimile: 202.887.0763

Purvi G. Patel (ppatel@mofo.com)*
707 Wilshire Boulevard
Los Angeles, California 90017
Telephone: 213.892.5200
Facsimile: 213.892.5454

Jennifer K. Brown (jbrown@mofo.com)*
Amanda Aikman (aaikman@mofo.com)
250 West 55th Street
New York, New York 10019
Telephone: 202.468.8000
Facsimile: 202.468.7900

Sandeep N. Nandivada (snandivada@mofo.com)*
1650 Tysons Boulevard
McLean, Virginia 22102
Telephone: 703.760.7700
Facsimile: 703.760.7777

Counsel for Amici Curiae

**Application for admission pro hac vice
forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of February 2017, I filed and served the foregoing
Brief of Interfaith Group of Religious and Interreligious Organizations as Amici Curiae in
Support of Petitioners via the CM/ECF system on all counsel who are registered CM/ECF users.

Dated: February 16, 2017

/s/ Amanda Aikman
Amanda Aikman
Morrison & Foerster LLP
250 West 55th Street
New York, New York 10019
Telephone: 202.468.8000
Facsimile: 202.468.7900

APPENDIX A

NAMES AND INDIVIDUAL STATEMENTS OF INTEREST OF AMICI CURIAE

Names of the Amici Curiae

African American Ministers Leadership Council
American Jewish World Service
Arlington Street Church
Avodah
Beloved Community Mennonite Church
Beth Emet The Free Synagogue
Catholic Charities Community Services, NY
Chicago Religious Leadership Network on Latin America
Clergy and Laity United for Economic Justice
Disciples Home Missions, Christian Church (Disciples of Christ) in the U.S.
Dominican Sisters of the Congregation of the Queen of the Holy Rosary
First Congregational United Church of Christ, Phoenix
First Institutional Baptist Church of Phoenix
Franciscan Action Network
Franciscans for Justice
Good Shepherd United Church of Christ
HIAS
Interfaith Alliance
The Interfaith Center of New York
Jewish Council on Urban Affairs
Jewish Reconstructionist Congregation
Judson Memorial Church
Leadership Conference of Women Religious
Massachusetts Council of Churches
The 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
Rincon Congregational United Church of Christ
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 Saint Dominic, Congregation of the Most Holy Name
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 St. Francis of Sylvania, Ohio
Southside Presbyterian Church
Southwest Conference of the United Church of Christ
Tanenbaum
T’ruah: The Rabbinic Call for Human Rights
Union for Reform Judaism, Central Conference of American Rabbis and
Women of Reform Judaism
Unitarian Universalist Association
Unitarian Universalist Congregation of South County, Rhode Island
Unitarian Universalist Service Committee
United Church of Santa Fe
University Lutheran Chapel of Berkeley
Valley Unitarian Universalist Congregation

Individual Statements of Interest of the Amici Curiae

The **African American Ministers Leadership Council** (AAMLC) has been active since 1997. AAMLC is a project of People For the American Way Foundation (PFAWF), a nonpartisan civic organization established to promote and protect civil and constitutional rights, including religious freedom, as well as American values like equality and opportunity for all. PFAWF was founded in 1981 by a group of civic, educational, and religious leaders and now has hundreds of thousands of members nationwide. Over its history, PFAWF has conducted extensive education, outreach, litigation, and other activities to promote these values. AAMLC strongly supports the principle that the Establishment Clause of the First Amendment forbids government conduct that singles out and discriminates against particular people based on their religion, a principle that has never been more important than it is today. AAMLC, a project of PFAWF, accordingly joins this brief.

The **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** is 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.

Beloved Community Mennonite Church is a Christian faith community which practices radical hospitality, seeking community with people who are vulnerable, our enemies, and each other. The spirit of the ban addressed by the amicus brief seems cold-hearted and counter-productive.

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.

The **Chicago Religious Leadership Network on Latin America**, formed in 1988, is an interfaith education, advocacy and action network that mobilizes the religious community and other allied individuals in Illinois to advance sustainable economies, just relationships and human dignity.

Clergy and Laity United for Economic Justice educates, organizes, and mobilizes the faith community to accompany workers and their families in their struggle for good jobs, dignity and justice. It has joined this amicus brief because, acknowledging our country as a nation of immigrants that constitute the labor force of the future global economy, it recognizes that quotas and bans on refugees can lead to suffering and death.

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.

We, the **Dominican Sisters of the Congregation of the Queen of the Holy Rosary**, an international congregation of consecrated women dedicated to a shared vision of hope and love, live our lives in a sacred space of contemplation and welcome. We proclaim Jesus' message of compassion, truth, justice, mercy, and great love. We also respect diverse cultures and faiths in our common search for God. We denounce all indifference to the plight of immigrants and refugees and situations of domination against human life.

First Congregational United Church of Christ, Phoenix was founded in 1917. The Congregation has a proud history of following Jesus in serving those on the margins of society. A vibrant and diverse congregation in the heart of the booming center city, the Congregation was the first Phoenix church to integrate, the first to welcome LGBT, and the first to declare itself immigrant welcoming. The congregation and its members consider the many Biblical injunctions to care for immigrants and refugees to be a core spiritual value in its teachings and actions.

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 **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.

Founded in 1881, **HIAS** is the world's oldest refugee resettlement agency, and the only Jewish refugee resettlement agency. HIAS helps refugees find welcome, safety, and freedom around the world. While it originated as the Hebrew Immigrant Aid Society to protect Jewish people fleeing pogroms in Russia and Eastern Europe, today, most of the people HIAS serves are not

Jewish. Rather, HIAS helps people fleeing persecution as an expression of Jewish values of welcoming and protecting the stranger, and committing acts of kindness to improve and repair the world (the concept known as tikkun olam). The Executive Order directly harms HIAS and its refugee clients, many of whom are Muslims, and prevents HIAS from carrying out its mission to protect people fleeing persecution as well as their families.

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.

The **Jewish Council on Urban Affairs** (JCUA) is a 53-year-old social justice organization based in Chicago. For over five decades we have worked in partnership with diverse communities in Chicago that are directly affected by discrimination and racism to address the root causes of inequality and to combat bigotry. As part of our mission, we advocate for the humane treatment of refugees and immigrants. In 2001, JCUA created and continues to implement the Jewish Muslim Community Building Initiative to build bridges between the Jewish and Muslim communities in Chicago. Within the context of this program, we have fought against Islamophobia and stood in solidarity with Muslim communities of Chicago that face oppression. As a Jewish community, we share a collective history of oppression and know the importance of showing respect and compassion for those who face persecution and danger. The Executive Order is an assault on our faith, values and tradition.

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 has joined the amicus brief because of the organization’s commitment to working 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.”

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.

Rincon Congregational United Church of Christ has been committed from its inception to accompaniment and welcome of refugees and immigrants. Scripture calls us to welcome the strangers among us. Indeed, Jesus and his family were refugees. Seventy-eight religious leaders from Southern Arizona recently met to write a letter to the President and Congress and the American people, repudiating this executive order. The day after we met, the letter appeared on the front page of the Arizona Daily Star. Southern Arizona religious leaders across traditions

celebrate the many gifts refugees and immigrants bring to our region and proclaim this unilateral action as contrary to our faith. By working together, justice, compassion, and mercy will prevail.

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 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 **Sisters of Saint Dominic, Congregation of the Most Holy Name**, founded in 1850, was the first Congregation of Catholic Sisters in California. Since that time, the Congregation has served California and Nevada in education and health care. The Sisters today continue to share their mission to bring the Gospel to bear with depth and compassion on the critical issues of the times, not only through education and health care but also through preaching justice and peace. The Sisters have joined the amicus brief because the Executive Order challenges our Christian moral values and our commitment to justice and peace, which call us to reach out to some of the most vulnerable people in our midst—refugees from terrorism, religious persecution and violence.

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 St. Francis of Sylvania, Ohio** is a congregation of Roman Catholic vowed religious women who, following the Rule of St. Francis of Assisi, has dedicated itself to ministry to the poor and marginalized, and who, in its most recent General Chapter of Affairs, committed itself to undertaking concrete actions in support of refugee families.

For over 100 years, people from diverse backgrounds have gathered at **Southside Presbyterian Church** in Tucson, Arizona, to worship Jesus Christ. As a community of faith 60 miles from the Mexican border, we have seen the terror of immigration raids in our neighborhoods. We have also seen the deaths of mothers, fathers, and children in our desert. As disciples of Christ, we are commanded to feed the hungry, offer water to the thirsty, provide clothes to the naked, and welcome the stranger. We do so with great joy, knowing that in showing hospitality to strangers, we have often unknowingly entertained angels. We join this brief as an expression of our commitment to following Christ’s commandments, in particular the commands to welcome the stranger and love our neighbor.

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 **Union for Reform Judaism**, whose 900 congregations across North America include 1.5 million Reform Jews, the **Central Conference of American Rabbis** (CCAR), whose membership includes more than 2,000 Reform rabbis, and **Women of Reform Judaism**, which represents more than 65,000 women in nearly 500 women's groups in North America and around the world, come to this issue out of our longstanding commitment to the principle of religious liberty, believing that the First Amendment to the Constitution is the bulwark of religious freedom and interfaith amity. The concept of religious freedom has lifted up American Jewry, as well as other religious minorities, providing more protections, rights and opportunities than have been known anywhere else throughout history.

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.

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.

APPENDIX B

REPRESENTATIVE STATEMENTS OF AMICI CURIAE

Brother John Skrodinsky of the Missionary Servants of the Most Holy Trinity: “President Trump’s Executive Order runs contrary to our beliefs and our practices as a Catholic congregation of missionary priests and brothers. We reach out to serve our brothers and sisters of all religions, race, ethnicity, etc....and do not discriminate among those who are in need of God’s love.”

Clergy & Laity United for Economic Justice: “We hold as sacred the image of Abraham’s tent open to all four directions as a sign of hospitality, sacred shelter and refuge.”

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.”

HIAS: “[T]he targeting of one religious group under the guise of public safety has disturbing similarities to the treatment of Jews in the 1930s and other dark moments in history. HIAS cannot remain quiet as its work is halted and impeded, and as hateful rhetoric and policies scapegoat Muslim refugees.”

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.”

Multifaith Alliance for Syrian Refugees: “[R]esettlement is in our national interest. Will we stand idly by as this generation’s victims of war and terror likewise perish due to fear and prejudice cloaked in the guise of national interest? Banning the resettlement of Syrian refugees, 80% of whom are women and children, violates the most basic principles of the world’s major religions, and abdicating our core American values—as embraced by the Executive Order—in fact undermines our moral authority as a world leader, and threatens national security by feeding into the ISIS narrative that we are at war with Islam.”

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.”

NETWORK Lobby for Catholic Social Justice: “As we anticipate additional executive actions in the coming days, aimed at Muslims, refugees, and DACA-recipients, Catholics in Congress

would do well to remember what Pope Francis said when he addressed Congress, ‘We, the people of this continent, are not fearful of foreigners, because most of us were once foreigners.’ We call on Congress to do all they can to protect the vulnerable in our world, which include refugees, immigrants, and children.”

Pastor James Pennington, First Congregational United Church of Christ, Phoenix: “In times of crises people of faith have to return to ancient traditions. Refugees in the Roman Empire found sanctuary in Christian churches. Slaves in pre-civil war United States found sanctuary in the Underground Railroad and congregations across the country. Political refugees from the civil wars in Central America found sanctuary in over 500 churches in the United States when our federal government failed to offer asylum or refuge under existing laws.”

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

Robert Bank, President and CEO, American Jewish World Service: “Welcoming refugees and immigrants to our shores is central to who we are as Americans and as Jews, and the Trump administration’s blanket ban based on fear and xenophobia is an affront to our core values.”

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.”