

No. 25-1313

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

PACITO, et al.,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, et al.,

Defendants-Appellants.

On Appeal from the U.S. District Court for the Western District of Washington

No. 25-cv-255-JNW

The Honorable Jamal N. Whitehead

**AMICI BRIEF OF THE STATE OF WASHINGTON,
COMMONWEALTH OF MASSACHUSETTS, AND STATES OF
ARIZONA, CALIFORNIA, COLORADO, CONNECTICUT,
DELAWARE, HAWAI'I, ILLINOIS, MAINE, MARYLAND,
MICHIGAN, MINNESOTA, NEVADA, NEW JERSEY, NEW YORK,
OREGON, RHODE ISLAND, VERMONT, AND WISCONSIN IN
SUPPORT OF PLAINTIFFS-APPELLEES**

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I. INTRODUCTION AND INTEREST OF AMICI STATES

The State of Washington, the Commonwealth of Massachusetts, and the States of Arizona, California, Colorado, Connecticut, Delaware, Hawai'i, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New York, Oregon, Rhode Island, Vermont, and Wisconsin (Amici States) respectfully submit this brief as *amici curiae* in support of Plaintiffs-Appellees. *See* Fed. R. App. P. 29(a)(2).

This lawsuit challenges Executive Order 14163, which indefinitely suspends entry of refugees through the U.S. Refugee Assistance Program (USRAP), and subsequent actions that have “effectively dismantled USRAP’s infrastructure.” ER-3. In two orders, the district court preliminarily enjoined Defendants from enforcing the Executive Order and the termination of cooperative agreements with and funding for resettlement agencies. Amici States—who collectively welcomed nearly half of the total refugees entering the United States in fiscal year 2024 and include five of the top ten refugee-receiving states¹—agree that these actions are unlawful and warrant relief, and write to make three points.

¹ *Refugee Arrivals by State and Nationality Fiscal Year 2024*, Refugee Processing Center (Nov. 13, 2024), <https://www.wrapsnet.org/documents/FY%202024%20Arrivals%20by%20State%20and%20Nationality%20as%20of%2>

First, to suspend entry of a particular “class of aliens,” the Immigration and Nationality Act requires a finding that entry of that class is detrimental to the national interest. Yet the Executive Order’s “findings” bear no relationship to USRAP refugees, who are legally admitted to this country, authorized to work, placed following consultation with States and localities and consideration of local resources, have undergone rigorous vetting, and have basic needs met by resettlement agencies. Instead, the Executive Order relies on circumstances in Amici States relating to the far broader category of “migrants,” including those who lack work authorization and basic shelter. There is no logical relationship between those circumstances and entry of USRAP refugees. The Executive Order thus fails to meet the baseline prerequisite under statutory law for even for a temporary suspension of entry under 8 U.S.C. § 1182(f), let alone the indefinite bar it imposed.

Second, USRAP refugees are a benefit, not a “burden,” to Amici States. Amici States have actively participated in the refugee placement process and prepared to welcome refugees to their communities, and the Executive Order’s

030%20Oct%202024_updated.pdf (data from U.S. Department of State Bureau of Population, Refugees and Migration); *Proposed Refugee Admissions for Fiscal Year 2025, Report to the Congress*, U.S. Dep’t of State, 54, <https://2021-2025.state.gov/wp-content/uploads/2024/10/Report-Proposed-Refugee-Admissions-for-FY25.pdf>.

use of irrelevant circumstances in Amici States to suggest otherwise is misleading at best.

Third, while the Executive Order gestures to the importance of integration, the termination of Congressionally appropriated resettlement funding entirely undercuts that aim. Congress’s explicit purpose with the resettlement program is to ensure newly arrived refugees can achieve economic self-sufficiency and successful integration. By gutting this program for people who are already within Amici States’ borders, the federal government has caused enormous public harm.

The district court correctly issued both preliminary injunctions, and Amici States urge the Court to affirm those orders.

II. ARGUMENT

A. **The Executive Order Lacks the Requisite Finding Under 8 U.S.C. § 1182(f) to Lawfully Suspend Entry of a Class of Aliens**

Plaintiffs are likely to succeed on the merits of their legal challenge. Plaintiffs correctly argue that the Executive Order unlawfully overrides and replaces the statutory scheme created by Congress, and that 8 U.S.C. § 1182(f) does not permit an indefinite ban of refugee entry into this country. Dkt. 70.1 at 41-57. As Plaintiffs note, an indefinite ban is not a “suspension,” which is all the statute permits. *See* Dkt. 70.1 at 41-46. Amici States write to add that in addition

to these fundamental illegalities, the Executive Order also fails to meet even the baseline requirement under 8 U.S.C. § 1182(f) for “suspension” of entry: that the President find that entry of a particular class of aliens is detrimental to the national interest.

Section 1182(f) permits the President to “suspend the entry” of a particular “class of aliens” when he “finds” that their entry “would be detrimental to the interests of the United States.” 8 U.S.C. § 1182(f); *see Trump v. Hawaii*, 585 U.S. 667, 683 (2018). But the President’s authority is not unlimited. As the Supreme Court held in *Trump v. Hawaii*, the President must, as a prerequisite to exercising this power, find “that the entry of the covered aliens ‘would be detrimental to the interests of the United States.’” 585 U.S. at 685 (quoting 8 U.S.C. § 1182(f)) (emphasis added). The “class of aliens” whose entry is suspended must be the same “class of aliens” whose entry is found to be detrimental to the national interest.

The government met this requirement in *Trump v. Hawaii*, which involved the suspension of entry of persons from certain identified countries. The suspension there was temporally limited, as Plaintiffs explain. Dkt. 70.1 at 42-43 (citing *Trump v. Hawaii*, 585 U.S. at 677, 687-88). In addition, as the Supreme Court repeatedly noted, the order made “extensive findings” with

respect to asserted deficiencies in the targeted countries’ vetting procedures. *Id.* Those findings “thoroughly describe[d] the process, agency evaluations, and recommendations underlying the President’s chosen restrictions.” *Id.* at 686. In other words, the order included “findings—following a worldwide, multi-agency review—that entry of *the covered aliens* would be detrimental to the national interest.” *Id.* at 684 (emphasis added).

Here, by contrast, the Executive Order contains no findings logically related to the “class” of “covered aliens” it targets: virtually all refugees admitted through USRAP, a group with distinct status under law. Instead, the Executive Order repeatedly cites as its factual basis “significant influxes of *migrants*.” Exec. Order No. 14163, 90 Fed. Reg. 8459 (Jan. 20, 2025), § 1 (emphasis added); *see also id.* (citing “record levels of *migration*” and characterizing the undefined classes of “migrants” and “new arrivals” as a “burden” to States and localities) (emphasis added).

Further, *none* of the factual circumstances cited by the Executive Order involve USRAP refugees. *First*, the Executive Order relies on states of emergencies declared by Amici States Massachusetts and New York due to “increased migration”—but by their own terms these declarations have no relation to USRAP-admitted refugees but rather involve asylum seekers lacking

work authorization and shelter. Exec. Order No. 14163, § 1. The declaration of a state of emergency in Massachusetts requested federal support for basic shelter needs and “urgent action to streamline and expedite work authorizations” for migrants (as well as to “address outdated and punitive immigration laws” and encourage communities “to keep welcoming those families who wish to resettle in all corners of Massachusetts”).² New York sought the same assistance for asylum seekers and migrants needing work authorization and shelter, specifically those arriving to New York City by bus from the Southern border.³

Second, the Executive Order references “major urban centers such as New York City, Chicago, and Denver,” all within Amici States, that have “sought Federal aid to manage the burden of new arrivals.” Exec. Order No. 14163, § 1.

² State of Massachusetts, Press Release: Governor Healey Declares State of Emergency, Calls for Support for Newly Arriving Migrant Families (Aug. 8, 2023), <https://www.mass.gov/news/governor-healey-declares-state-of-emergency-calls-for-support-for-newly-arriving-migrant-families>; Letter from Gov. Healey to Secretary of Homeland Security Mayorkas (Aug. 8, 2023), https://www.mass.gov/files/documents/2023/08/08/Emergency%20Declaration%20Letter_0.pdf.

³ See New York State Exec. Order No. 28 (originally issued May 9, 2023, last extended through July 7, 2024 by Exec. Order 28.14), <https://www.governor.ny.gov/executive-order/no-28-declaring-disaster-emergency-state-new-york>; Gov. Hochul Letter to President Biden (May 12, 2023), https://www.governor.ny.gov/sites/default/files/2023-05/Gov._Hochul_Letter_to_President_Biden_-_Request_for_Assistance.pdf; Gov. Hochul Letter to President Biden (Aug. 24, 2023), https://www.governor.ny.gov/sites/default/files/2023-08/Hochul_Biden_Asylum_Seekers_Letter.pdf.

All three cities sought assistance relating to migrants lacking work authorization and basic shelter, joined by the governors of Amici States New York, Illinois, and Colorado.⁴ New York's request stressed the "many asylum seekers need[ing] both shelter and financial assistance for an indefinite period simply because they cannot legally work in the United States."⁵ Chicago's request sought aid to "help welcome and support the more than 13,000 asylum seekers who have traveled to Chicago from the US-Mexico border" who "often lack sponsors, shelter, and have no immediate legal pathways to work."⁶ Denver

⁴ Gov. Hochul Letter to President Biden (Aug. 24, 2023), https://www.governor.ny.gov/sites/default/files/2023-08/Hochul_Biden_Asylum_Seekers_Letter.pdf; New York City Emergency Exec. Order 224 (Oct. 7, 2022), <https://www.nyc.gov/assets/home/downloads/pdf/executive-orders/2022/eo-224.pdf>; Office of the Mayor, *Joint Letter from Mayor Brandon Johnson and Governor JB Pritzker Calling Upon the Federal Government to Streamline Work Authorization for Non-citizens When States Demonstrate a Public Benefit and Critical Workforce Shortages* (Aug. 28, 2023), https://www.chicago.gov/city/en/depts/mayor/press_room/press_releases/2023/august/JointLetterFromMayorBrandonJohnsonAndGovernorJBPritzkerStreamlineWorkAuthorization.html; State of Colorado and City of Denver, *Letter from Jared Polis and Michael B. Hancock to Secretary Mayorkas* (May 6, 2023), <https://drive.google.com/file/d/1Zrx3yOQAww1mJ7dIshyZlsYVYy9VAB9PU/view>.

⁵ Gov. Hochul Letter to President Biden (Aug. 24, 2023), https://www.governor.ny.gov/sites/default/files/2023-08/Hochul_Biden_Asylum_Seekers_Letter.pdf.

⁶ Office of the Mayor, *Joint Letter from Mayor Brandon Johnson and Governor JB Pritzker Calling Upon the Federal Government to Streamline Work Authorization for Non-citizens When States Demonstrate a Public Benefit and Critical Workforce Shortages* (Aug. 28, 2023), https://www.chicago.gov/city/en/depts/mayor/press_room/press_releases/2023/august/JointLetterFromMayorBrandonJohnsonAndGovernorJBPritzkerStreamlineWorkAuthorization.html.

emphasized that it “strongly believe[s] work authorization is the most critical step” to give “migrants . . . a path to self-sufficiency as they await due process.”⁷

None of these requests or declarations mention USRAP refugees. Indeed, the type of assistance they seek—for emergency shelter, expedited work authorizations, etc.—makes no sense in the context of refugees screened and approved by USRAP. USRAP refugees are authorized to work by virtue of their admission by the Program. 8 C.F.R. § 274a.12(a)(3). Their placements in the United States are selected only after State and local consultation. 8 U.S.C. § 1522(a)(2)(A), (B). Prior to placement, the federal government must consider the availability of employment, housing, and other resources in the area; the likelihood of refugees in the area becoming self-sufficient; and other factors. 8 U.S.C. § 1522(a)(2)(C). And USRAP refugees are matched with federally funded resettlement agencies *already required* to meet their basic needs. 8 U.S.C. § 1522(b)(7)(D).

The circumstances outlined in the Massachusetts and New York declarations, as well as the requests from the cities of New York, Chicago, and

⁷ State of Colorado and City of Denver, *Letter from Jared Polis and Michael B. Hancock to Secretary Mayorkas* (May 6, 2023), <https://drive.google.com/file/d/1Zrx3yOQAwv1mJ7dIshyZlsYVy9VAB9PU/view>.

Denver, do not plausibly support a finding that the entry of refugees via USRAP is “detrimental to the interests of the United States.” *See* 8 U.S.C. § 1182(f); *Trump v. Hawaii*, 585 U.S. at 684 (statute requires finding that “entry of *the covered aliens* would be detrimental to the national interest”) (emphasis added). As the district court recognized, the actual text, purpose, and context of the States’ declarations is “[p]articularly striking” because it “undermines a central premise of the [Executive Order] and highlights the disconnect between the Government’s stated justifications and its sweeping actions.” ER 96.

Finally, the Executive Order cites only one other factual circumstance besides the State declarations and city requests discussed above: the “significant influxes of migrants” in “[c]ities and small towns alike, from Charleroi, Pennsylvania, and Springfield, Ohio, to Whitewater, Wisconsin.” Exec. Order No. 14163, § 1. Yet, unsurprisingly, all reporting and statements from these cities and towns themselves indicate that the migrant populations in those towns are not USRAP refugees.⁸

⁸ *See* Matthew Rink, *Most immigrants in Charleroi fall under one of these three immigration statuses*, USA Today (May 6, 2025), <https://www.usatoday.com/story/news/politics/2025/05/06/immigration-status-definitions/82740320007/> (reporting that most migrants in Charleroi are asylum seekers, recipients of Temporary Protected Status for Haiti, or recipients of humanitarian parole); City of Springfield, *Immigration FAQs*, <https://springfieldohio.gov/immigration-faqs/> (last visited May 21, 2025) (confirming that most migrants in Springfield are there through the Temporary

This disconnect between the Executive Order’s purported factual basis and its legal effect is vividly illustrated by the fact that the Executive Order purports to grant States and local jurisdictions “a role in the process of determining the placement or settlement in their jurisdictions of [individuals] eligible to be admitted to the United States as refugees.” Exec. Order No. 14163, §§ 2, 3(d) (citing 8 U.S.C. § 1522(a)(2)). But unlike with other groups of migrants, who may choose where to settle, States and localities are already guaranteed a role in the placement of USRAP refugees. By law, the federal government is required to accept input from States and localities before placement occurs and must consider various factors such as the availability of local resources, including employment and housing, and the likelihood of refugees in the area becoming self-sufficient. 8 U.S.C. § 1522(a)(2)(A), (B), (C). Amici States have already participated in this process and prepared for the placement of refugees whose entry was suspended by the Executive Order. Far

Protected Status program for Haiti, which unlike USRAP does not resettle persons in specific communities but leaves them free to choose their location); City of Whitewater, *Letter from Chief of Police Daniel A. Meyer and City Manager John S. Weidl to President Biden* (Dec. 28, 2023), <https://bloximages.newyork1.vip.townnews.com/channel3000.com/content/tncms/assets/v3/editorial/5/3b/53b7e202-ab56-11ee-b32a-8712f99b0fde/65973ac96d177.pdf.pdf> (requesting federal aid to manage “rapid increase” in migrant population and stating that “some are seeking asylum; some await a federal court date; and others are here undocumented”).

from ensuring States have a greater voice, the Executive Order overrides Amici States’ active participation in the process and preparation to welcome refugees in our communities.

In sum, while Section 1182(f) grants the President broad discretion, the bedrock statutory prerequisite is a finding that entry of a particular “class of aliens” is detrimental to the national interest. 8 U.S.C. § 1182(f). No such finding has been made here. Rather, the Executive Order purports to make other “findings” about States, cities, or towns, but *none* relate to USRAP refugees. *See, e.g.*, Exec. Order No. 14163, § 1 (referring to “levels of migration,” “influxes of migrants,” and “new arrivals”). The Executive Order’s reliance on circumstances relating to asylum seekers and others lacking basic shelter and work authorization does not logically support a determination that USRAP refugees as a class are detrimental to the national interest. Because the Executive Order does not comply with the basic requirement of Section 1182(f), it is unlawful and must be enjoined.

B. Refugees Provide Substantial Benefits to Amici States

Despite the Executive Order’s misleading language, Amici States have made an active decision to welcome refugees, and their presence in our States confers numerous benefits. Indeed, a report made public from the first Trump

administration found that over the prior decade, refugees contributed \$63 billion more in tax revenue than they consumed in public benefits.⁹ Consistent with that report, a recent federal study found that between 2004 and 2019, refugees and asylees contributed an estimated \$581 billion in revenue to all levels of government.¹⁰ During that fifteen-year period, refugees and asylees paid \$363 billion in tax to the federal government, and \$218 billion in tax to state and local governments.¹¹ And refugees contribute more to the economy than they use in government services. Between 2005 and 2019, refugees and asylees provided a net fiscal benefit of \$124 billion, with a net benefit to state and local governments of approximately \$92.3 billion.¹²

Refugees are more likely to become entrepreneurs, creating jobs and opportunities in their communities.¹³ California alone is home to an estimated

⁹ Julie Hirshfeld Davis & Somini Sengupta, *Trump Administration Rejects Study Showing Positive Impact of Refugees*, New York Times (Sept. 18, 2017), <https://www.nytimes.com/2017/09/18/us/politics/refugees-revenue-cost-report-trump.html>.

¹⁰ Robin Ghertner, et al., *The Fiscal Impact of Refugees and Asylees at the Federal, State, and Local Levels from 2005 to 2019*, Office of the Assistant Secretary for Planning and Evaluation, U.S. Dep't of Health & Human Servs., 28 (Feb. 2024), <https://aspe.hhs.gov/sites/default/files/documents/28fe4e756499bdab08b4e6cb3b952e22/aspe-report-refugee-fiscal-impact.pdf>.

¹¹ *Id.*

¹² *Id.* at 28, 31.

¹³ *Starting Anew: The Economic Impact of Refugees in America*, American Immigration Council, 10 (June 2023), https://www.americanimmigrationcouncil.org/sites/default/files/research/05.23_refugee_report_v3_0.

38,700 refugee entrepreneurs who bring in approximately \$1.4 billion in business income collectively.¹⁴ And refugees' labor force participation and employment rates are higher than those of the total U.S. population.¹⁵ Refugee resettlement has been shown to improve local economies, including in areas like upstate New York that are experiencing population decline.¹⁶ Refugees help fill gaps in the labor market, particularly in industries such as agriculture, construction, and healthcare.¹⁷ They have high levels of home ownership¹⁸ and tend to move to areas that are struggling economically, which can contribute to urban renewal.¹⁹ That trend is illustrated by Utica, New York, where refugees helped stem population decline, bought and fixed up hundreds of houses, filled

pdf; Ayelet Parness & Matt Schiavenza, *Deep Dive: The Economic Impact of Refugee Resettlement*, HIAS (Dec. 18, 2024), <https://hias.org/news/deep-dive-economic-impact-refugee-resettlement/>.

¹⁴ *Immigrants in California*, American Immigration Council, <https://map.americanimmigrationcouncil.org/locations/california/> (last visited May 21, 2025).

¹⁵ Donald Kerwin, *The US Refugee Resettlement Program — A Return to First Principles: How Refugees Help to Define, Strengthen, and Revitalize the United States*, 6(3) J. On Migration & Hum. Sec. 205, 206 (2018), <https://journals.sagepub.com/doi/pdf/10.1177/2331502418787787>.

¹⁶ Scott Fein, *Refugees in Upstate New York: A Little-Known Success Story*, 93 N.Y. St. B.J. 39, 41 (Nov./Dec. 2021).

¹⁷ See Jenny Kim, *Migrants and Refugees in Washington*, State Regs Today (Sept. 2024) https://www.stateregstoday.com/living/human-rights/migrants-and-refugees-in-washington#google_vignette (last visited May 21, 2025).

¹⁸ *Starting Anew*, *supra* note 10, at 16.

¹⁹ *Id.* at 17.

labor gaps, and revitalized the town.²⁰ And refugees contribute to the U.S. economy as consumers, with an estimated total spending power of approximately \$83 billion.²¹

Refugees also bring immeasurable social benefits as well. They increase cultural diversity and help improve cross-cultural understanding. Refugees “embrace their new communities,”²² and Americans in turn have welcomed their new community members. Public polling shows that 72 percent of Americans say welcoming refugees should be a very or somewhat important immigration policy goal.²³ Amici States are proud to be home to large and diverse refugee populations, and their presence enriches the social fabric of our States.

²⁰ *Documentary Explores How Refugees Have Changed Utica*, WAMC Northeast Public Radio (Nov. 12, 2021) <https://www.wamc.org/news/2021-11-12/documentary-explores-how-refugees-have-changed-utica>; *How Refugees Transformed a Dying Rust Belt Town*, The New York Times (June 3, 2022), <https://www.nytimes.com/interactive/2022/06/03/realestate/utica-burma-refugees.html>; Katie Sullivan Borrelli & Tracey Schuhmacher, ‘The Town that Loves Refugees’: Utica’s Newcomers Bring Transformation Upstate, Democrat & Chronicle (Jan. 10, 2022), <https://www.democratandchronicle.com/in-depth/news/2022/01/10/uticas-refugees-upstate-ny-transformation/8765746002/>.

²¹ *Immigrants in the United States*, American Immigration Council, <https://map.americanimmigrationcouncil.org/locations/national/> (last visited May 21, 2025).

²² *Starting Anew*, *supra* note 10, at 16.

²³ Michael Lipka, *Most Americans express support for taking in refugees, but opinions vary by party and other factors*, Pew Research Center (Sept. 19, 2022), <https://www.pewresearch.org/short-reads/2022/09/19/most-americans-express-support-for-taking-in-refugees-but-opinions-vary-by-party-and-other-factors/>.

C. Terminating Cooperative Agreements with and Funding for Resettlement Agencies Disrupts Resettlement and Harms Amici States and the Public

Plaintiffs correctly argue that the termination of all resettlement funding is unlawful. Dkt. 70.1 at 68-79. The irreparable harms caused by the challenged actions are well illustrated in the district court’s orders and Plaintiffs’ briefing. Amici States write to highlight our perspective as key players in the refugee resettlement infrastructure. While the Executive Order purports to raise concerns about assimilation and integration of “migrants” (*see* Exec. Order No. 14163, § 1), terminating cooperative agreements with and suspending funding to resettlement agencies entirely undercuts that asserted interest because it removes the resources Congress appropriated to integrate refugees already present in the United States. And while the Executive Order purports to avoid imposing burdens on States and localities (*see id.*), the suspension of federal resettlement funding ironically imposes the very burdens on States and localities that the President sought to avoid.

Resettlement agencies have worked with Amici States for decades to perform the essential functions of refugee resettlement, placement, and integration. The Refugee Act requires that, to ensure the economic self-sufficiency and effective resettlement of refugees—essential interests of the

Amici States—resettlement agencies “shall . . . fulfill [their] responsibility to provide for the basic needs . . . of each refugee resettled[.]” 8 U.S.C. § 1522(b)(7)(D). Before the challenged actions, the federal government had cooperative agreements with ten national nonprofit agencies, which in turn partner with affiliate local nonprofit resettlement agencies that provide services to refugees within USRAP.²⁴

These services are initial direct assistance and 90 days of case management and other services known as “Reception and Placement” or “R&P.”²⁵ R&P includes securing housing, food, furniture, and transportation; assisting with school registration; supporting community orientation; and connecting refugees to services and programs run by state agencies, including medical screening, health insurance enrollment, primary care, tuberculosis screening, social security cards, employment search services, English language classes, and more.²⁶ See 8 U.S.C. § 1522. States are required to coordinate with the resettlement agencies during this initial 90-day period to ensure the seamless

²⁴ See *Domestic Refugee Resettlement—the Reception and Placement Program and Welcome Corps*, U.S. Dep’t of State, Bureau of Population, Refugees, and Migration, <https://2021-2025.state.gov/refugee-admissions/domestic-resettlement/> (last visited May 21, 2025).

²⁵ *The Reception and Placement (R&P) Program*, U.S. Dep’t of State, <https://www.wrapsnet.org/documents/FY%202023%20Reception%20&%20Placement%20Fact%20Sheet.pdf> (last visited May 21, 2025).

²⁶ See *id.*

provision of services. 45 C.F.R. § 400.156(b). Following this 90-day period, State refugee agencies contract with resettlement agencies and others to deliver longer-term services to eligible refugees.²⁷ These services are authorized and funded by the Office of Refugee Resettlement and designed to promote self-sufficiency. 8 U.S.C. § 1521; 8 U.S.C. § 1522(a)(1); 45 C.F.R. § 400.1(b). Amici States also offer additional services to refugees and/or use state funds to supplement federally funded services. *See, e.g.*, Mass. Gen. Laws ch. 6, § 205 (establishing the Office for Refugees and Immigrants); Wash. Rev. Code § 74.74.010 (setting forth scope of services provided by the Office of Refugee and Immigrant Assistance); Nev. Rev. Stat. § 223.910 (establishing the Office for New Americans). For example, Massachusetts has a Citizenship for New Americans program and a Financial Literacy for Newcomers program that are fully state-funded and assist refugees with the naturalization process.²⁸ And Washington invests state funding into several programs for refugees and

²⁷ *About the Program*, U.S. Dep’t of Health & Human Services Office of Refugee Resettlement (current as of Oct. 22, 2024), <https://acf.gov/orr/about-refugee-program> (last visited May 21, 2025).

²⁸ *Office of Refugees and Immigrants, Citizenship for New Americans Program (CNAP)*, Commonwealth of Massachusetts, <https://www.mass.gov/citizenship-for-new-americans-program-cnape> (last visited May 21, 2025); *Office of Refugees and Immigrants, Financial Literacy for Newcomers (FLN)*, Commonwealth of Massachusetts, <https://www.mass.gov/info-details/financial-literacy-for-newcomers-fln> (last visited May 21, 2025).

immigrants, including the Naturalization Services Program and the Limited English Proficiency Pathway.²⁹ This collaboration between federal, state, and private entities ensures refugees receive the support they need both on arrival and in the long-term.

Resettlement agencies are essential partners to Amici States in ensuring that refugees are socially and economically successful. Cutting off federal funding for these partner organizations, and then abruptly terminating their cooperative agreements, directly hindered the efforts of agencies to fulfil their statutorily mandated task. Many refugees who were already in the United States were immediately deprived of basic necessities and services. Refugees have escaped dire circumstances, including war, persecution, and violence, and depend on resettlement agencies for support as they build new lives in the United States. These include Afghan and Iraqi Special Immigrant Visa holders who risked their lives to support U.S. military missions as translators and interpreters, and whom Congress determined should receive resettlement benefits to the same

²⁹ *Naturalization Services, Economic Services Administration*, Washington State Department of Social and Health Services, <https://www.dshs.wa.gov/esa/csd-office-refugee-and-immigration-assistance/naturalization-services> (last visited May 21, 2025); *Employment and Training, Economic Services Administration*, Washington State Department of Social and Health Services, <https://www.dshs.wa.gov/esa/csd-office-refugee-and-immigration-assistance/employment-and-training> (last visited May 21, 2025).

extent as refugees. *See* Refugee Crisis in Iraq Act of 2008, 1, Pub. L. 110-181, § 1244(g), 122 Stat. 3; Afghan Allies Protection Act of 2009, Pub. L. 111-8, § 602(b)(8), 123 Stat. 807.

Following the suspension of federal funding, organizations are no longer able to offer short-term support for certain newly arrived refugees' apartments or hotels, leaving many housing insecure and at risk of hunger and homelessness and exacerbating existing housing shortages in places like Massachusetts.³⁰ In an effort to ensure continuity of services, some organizations are soliciting private donations, using state funding originally intended for other purposes, or

³⁰ Eilis O'Neill, *New Refugees in Washington are Promised 90 Days of Support. A Trump order Ended That*, KUOW (Feb. 7, 2025), <https://www.kuow.org/stories/trump-s-stop-work-order-impacts-hundreds-of-refugees-receiving-aid-in-washington-state>; Melissa Montalvo, *Trump Executive Orders Leaves Over 100 Refugees in Fresno Without Aid. How You Can Help* (Jan. 31, 2025), The Fresno Bee, <https://www.msn.com/en-us/news/us/trump-executive-orders-leaves-over-100-refugees-in-fresno-without-aid-how-you-can-help/ar-AA1yd3EL>; Kathleen Quinn, *After Trump Order, many Stanislaus County refugee families are left with nowhere to go*, The Modesto Bee (Feb. 11, 2025), <https://www.modbee.com/news/politics-government/article299442824.html>; Anahita Jafary, *Refugee resettlement programs halt, leaving many in Stanislaus County with nowhere to go*, KCRA 3 (Jan. 31, 2025), <https://www.kcra.com/article/refugee-resettlement-programs-halt-stanislaus-county/63636625>; *see also* Press Release, Governor Healey Announces State's Emergency Family Shelter System Will Reach Capacity by End of Month, Commonwealth of Massachusetts (Oct. 16, 2023), <https://www.mass.gov/news/governor-healey-announces-states-emergency-family-shelter-system-will-reach-capacity-by-end-of-month> (describing pre-existing housing shortages in Massachusetts in 2023).

relying on support from local community members.³¹ In some states, like California, this means local governments will carry a heavier burden in delivering services.³²

By preventing agencies from doing their vital work, the funding suspension and cooperative agreement terminations have had immediate harmful effects on Amici States. Connecting refugees to medical screening, primary care, and health insurance enrollment is crucial to ensure the health of new arrivals. The same is true for other essential services in the first 90 days. Withholding R&P services places refugee families in Amici States at risk if they are unable to obtain housing, education, employment and other services to aid themselves and their children when they are at their most vulnerable. And it is detrimental to the interests of Amici States and the public for refugees currently within our borders to face social isolation, poverty, or other harms.

³¹ O'Neill, *New Refugees in Washington*, *supra* note 30; Montalvo, *Trump Executive Orders*, *supra* note 30; Elliot Hughes, *Minnesota's refugee resettlement agencies scramble to respond amid Trump disruptions*, The Minnesota Star Tribune (Mar. 17, 2025), <https://www.startribune.com/minnesotas-refugee-resettlement-agencies-scramble-to-respond-amid-trump-disruptions/601237693>.

³² See *Refugee Impacted Counties*, California Department of Social and Health Services, <https://www.cdss.ca.gov/refugees/refugee-impacted-counties> (last visited May 21, 2025).

The challenged actions are unlawful, unsupported by their claimed justifications, and have caused (and will continue to cause) significant irreparable harm. The Court should affirm the preliminary injunctions.

III. CONCLUSION

Amici States request that the Court affirm the district court's orders granting the preliminary injunctions.

RESPECTFULLY SUBMITTED this 27th day of May 2025.

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I hereby certify that I caused the foregoing Brief of *Amici Curiae* State of Washington, Commonwealth of Massachusetts, et al., in Support of Plaintiffs-Appellees to be electronically filed with the Clerk of the Court using the Ninth Circuit e-filer portal (ACMS), which will send notification of such filing to all counsel/parties of record.

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