

No. 20-1160

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

HIAS, INC.; CHURCH WORLD SERVICE, INC.; LUTHERAN IMMIGRATION
& REFUGEE SERVICE, INC.,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, in his official capacity as President of the United States;
MICHAEL R. POMPEO, in his official capacity as Secretary of State; ALEX M. AZAR,
II, in his official capacity as Secretary of Health and Human Services; CHAD
WOLF, in his official capacity as Acting Secretary of Homeland Security,

Defendants-Appellants.

On Appeal from the United States District Court for the
District of Maryland

**BRIEF OF AMICI CURIAE 42 CITIES, TOWNS, COUNTIES, AND MAYORS
AND THE U.S. CONFERENCE OF MAYORS
IN SUPPORT OF APPELLEES AND AFFIRMANCE**

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RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, the U.S. Conference of Mayors certifies that it has no parent corporation and no publicly held corporation owns 10% or more of its stock. Remaining amici curiae are governmental entities for whom no corporate disclosure is required.

Dated: June 2, 2020

By: /s/ Danielle L. Goldstein
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TABLE OF CONTENTS

	Page
RULE 26.1 CORPORATE DISCLOSURE STATEMENT.....	i
TABLE OF CONTENTS.....	ii
TABLE OF AUTHORITIES	iii
INTERESTS OF AMICI AND SUMMARY OF ARGUMENT	1
ARGUMENT	3
I. Proper Placement and Support of Refugees Facilitates Their Important Contributions in Amici’s Communities	3
II. The Order Unlawfully Eliminates Cities’ Role in Refugee Placement and Frustrates the Goals of the Refugee Act.....	9
A. Congress Required Federal Agencies to Consider Local Factors in Resettlement—Instead of Giving States and Local Jurisdictions Veto Power—to Promote Refugees’ Success and Avoid Overburdening Local Jurisdictions	10
B. The Order Is Fundamentally Incompatible with the Refugee Act.....	14
C. The Order Promotes Harms to Cities and Counties That the Refugee Act Is Intended to Prevent	17
CONCLUSION.....	19
APPENDIX: LIST OF AMICI	25
CERTIFICATE OF COMPLIANCE.....	26
CERTIFICATE OF SERVICE	27

TABLE OF AUTHORITIES

	Page(s)
Statutes	
8 U.S.C. § 1101	4
8 U.S.C. § 1522	11, 14, 16
Other Authorities	
A. Singer and J. Wilson, <i>From ‘There’ to ‘Here’: Refugee Resettlement in Metropolitan America</i> , Brookings Institution (Sept. 2006), available at https://perma.cc/W7LD-G4CJ	6, 9
Community Research Partners <i>The Impact of Refugees in Central Ohio</i> (2015), available at https://perma.cc/HT2H-FD9B	8, 15
D. Dyssegaard Kallick and S. Mathema, <i>Refugee Integration in the United States</i> , Center for American Progress (June 2016) available at https://perma.cc/2EQB-6BVF	5
Georgetown Human Rights Action and Georgetown University Law Center, Human Rights Institute, <i>Refugee Crisis in America: Iraqis and Their Resettlement Experience</i> (2009), available at https://perma.cc/M26B-LSUN	5, 9
H. Bernstein and N. DuBois, <i>Bringing Evidence to the Refugee Integration Debate</i> , Urban Institute (April 2018), available at https://perma.cc/34Y4-KPL4	5, 7
H.R. Rep. No. 97-541 (1982).....	13
H.R. Rep. No. 99-132 (1985).....	10, 13, 14
J. Hirschfield and S. Sengupta, <i>Trump Administration Rejects Study Showing Positive Impact of Refugees</i> , N. Y. Times (Sept. 18, 2017), available at https://perma.cc/6EMK-4CA4	7
J. Soh, <i>Immigrants, Refugees Revive Depressed Neighborhood in Columbus, Ohio</i> , Voice of America (Sept. 14, 2017), available at https://perma.cc/22X7-BG8Y	8

TABLE OF AUTHORITIES**(continued)**

	Page(s)
L. Rood, <i>Waterloo Supports Refugees from Burma</i> , Des Moines Register (Jun. 13, 2015).....	15
N. Mossad, Office of Immigration Statistics, Department of Homeland Security, et al., <i>In Search of Opportunity and Community: The Secondary Migration of Refugees in the United States</i>	19
New American Economy, <i>New Americans in Chicago</i> (Dec. 2, 2018), available at https://perma.cc/MQZ4-HTFW	8
New American Economy, <i>New Americans in Los Angeles</i> (Feb. 2017), available at https://perma.cc/VZ2P-PSNH	8
P. Harkins, <i>Gov. Gary Herbert wants more refugees to resettle in Utah</i> , Salt Lake Tribune (Nov. 1, 2019), available at https://perma.cc/N2F4-FR79	7
Refugee Assistance Extension Act of 1985, Hearing before the Subcomm. on Immigration, Refugees, and International Law of the H. Comm. on the Judiciary, 99th Cong. 164 (1985)	13
S. Rep. No. 97-638 (1982), reprinted in 1982 U.S.C.C.A.N. 3348.....	13
U.S. Dep't of State, <i>Arrival Reports</i> , Refugee Processing Center, available at https://ireports.wrapsnet.org/Interactive-Reporting/EnumType/Report?ItemPath=/rpt_WebArrivalsReports/MX%20-%20Arrivals%20by%20Destination%20and%20Nationality	1
U.S. Refugee Program, Oversight Hearings before the Subcomm. on Immigration, Refugees, and International Law of the H. Comm. on the Judiciary, 97th Cong. 89 (1981)	12, 18
U.S. State Dep't, <i>Report to Congress on Proposed Refugee Admissions for FY 2020</i> , available at https://perma.cc/R5QH-H7KT	5
United Nations High Commissioner on Refugees, <i>Refugees in America</i> , available at https://perma.cc/P4CP-HPVK/	4

TABLE OF AUTHORITIES

(continued)

	Page(s)
W. Evans and D. Fitzgerald, <i>The Economic and Social Outcomes of Refugees in the United States: Evidence from the ACS</i> , National Bureau of Economic Research (June 2017), available at https://perma.cc/ACC2-N6MD	7

INTERESTS OF AMICI AND SUMMARY OF ARGUMENT¹

Amici are local jurisdictions and mayors serving every region of the country—from Los Angeles, California and New York, New York to Boise, Idaho; Houston, Texas; and Carrboro, North Carolina. Amici also include the U.S. Conference of Mayors, the official non-partisan organization of U.S. cities with a population of more than 30,000 people (approximately 1,400 cities in total).

Amici's jurisdictions are diverse in size and region, but all have an interest in the health of their communities, including thriving populations of refugees. For example, in 2015, amicus Lincoln, Nebraska led the nation in per capita refugee resettlement.² Since 2002, amicus Columbus, Ohio has welcomed more than 11,000 refugees.³ Amici submit this brief to inform the Court of the likely harm to localities and their communities that would result from reversal of the district court

¹ A complete list of amici appears in Appendix A. No part of this brief was authored by any party's counsel, nor did any party or their counsel contribute money intended to fund preparing or submitting the brief, and no person—other than the amici and their counsel—contributed money that was intended to fund preparing or submitting this brief. The parties have consented to the filing of this brief.

² V. Strauss, *A haven for refugees, this Nebraska high school builds a web of support for its diverse student population*, Washington Post (May 16, 2018).

³ U.S. Dep't of State, *Arrival Reports*, Refugee Processing Center, available at https://ireports.wrapsnet.org/Interactive-Reporting/EnumType/Report?ItemPath=/rpt_WebArrivalsReports/MX%20-%20Arrivals%20by%20Destination%20and%20Nationality.

and implementation of Executive Order 13888 (the Order).

Amici are charged with maintaining the health, safety, and welfare of their residents, and have significant experience in doing so. In amici's experience, refugees make important contributions to the vitality and health of local jurisdictions. But successful refugee resettlement also requires the careful calibration of resources and support. As a result—and in part at the urging of local governments—Congress adopted the Refugee Act (the Act), embodied in 8 U.S.C. § 1522, a highly structured mechanism to ensure that resettlement decisions are made only after painstaking consideration of specific local factors bearing on refugee success.

The Order unlawfully sweeps away the detailed arrangement of the Act in favor of a blunt—and unauthorized—State and local veto. While the Order pays lip service to the interests of local jurisdictions, it turns the Act, which was adopted in part for the benefit of local jurisdictions, on its head. And it is likely to cause significant harm to local communities, refugee and non-refugee alike. Far from serving the interests of amici's local jurisdictions, the Order is likely to impede them. The Order short-circuits the congressionally mandated process for resettlement and sets refugees up to fail by separating them from the resources that Congress determined are key to their success, including family and friends,

communities of others from the same region, jobs, and medical services. By ignoring the local consultation requirements in favor of allowing States and counties to veto participation, the Order is likely to cause exactly the problems Congress set out to solve with the Act, threatening to overburden willing local jurisdictions with refugees who have needs they cannot easily meet.

It is also likely to result in secondary migration; jurisdictions that opt out of resettlement are likely to see refugees settling within their borders without typical supports. And jurisdictions located in States that do not opt in to resettlement, but that wish to welcome additional refugees to supplement their working-age populations, reunite families, and improve their economies, will not be able to do so. At base, the Order obstructs Congress' complementary goals of promoting meaningful local input into resettlement, equitable and tailored spread of refugees among local jurisdictions, and refugee self-sufficiency and success. In doing so, it threatens significant harm to amici and their communities.

ARGUMENT

I. Proper Placement and Support of Refugees Facilitates Their Important Contributions in Amici's Communities

Refugees and their families face extraordinary circumstances both before and after arrival in the United States. In spite of this, with time, they often are among the most productive members of amici's communities—especially when

they are placed in jurisdictions that have resources well matched to their needs and are given the minimal initial support the United States has historically provided.

In general, a refugee is a person forced from his or her home country “because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. § 1101. Refugees welcomed by the United States flee genocide, internment, and persecution on the basis of characteristics like religion or sexual orientation; many have been threatened with violence or seen family members killed. Of these refugees, the United States has “traditionally offered [refugee resettlement] to the most vulnerable ... including women and children at risk, women heads of households, the elderly, survivors of violence and torture and those with acute medical needs.”⁴ Before admission to the United States, potential refugees undergo screening by at least eight federal agencies, several in-person interviews, and at least a half-dozen database and biometric security checks.⁵

Proper placement of refugees is complex, as “[r]esettled refugees are an

⁴ United Nations High Commissioner on Refugees, *Refugees in America*, available at <https://perma.cc/P4CP-HPVK>.

⁵ *Id.*

extremely diverse group.”⁶ In 2016, the United States accepted refugees of 78 nationalities, with different family situations, levels of English proficiency, medical needs, and educational backgrounds.⁷ And the refugee population changes each year as global conditions change.⁸ But proper placement is also critical. “[T]he initial placement decisions for resettled refugees have a significant impact on refugees’ long-term self-sufficiency and the efficiency of the program as a whole.”⁹

As a result, over the past decade, the United States has attempted “to match the particular needs of each incoming refugee with the specific resources available in U.S. communities.”¹⁰ Refugees often have an existing community in the United

⁶ H. Bernstein and N. DuBois, *Bringing Evidence to the Refugee Integration Debate*, Urban Institute (April 2018), 4, available at <https://perma.cc/34Y4-KPL4>.

⁷ *Id.*

⁸ *Id.*

⁹ Georgetown Human Rights Action and Georgetown University Law Center, Human Rights Institute, *Refugee Crisis in America: Iraqis and Their Resettlement Experience*, 35 (2009), available at <https://perma.cc/M26B-LSUN>. See also D. Dyssegaard Kallick and S. Mathema, *Refugee Integration in the United States*, Center for American Progress (June 2016), available at <https://perma.cc/2EQB-6BVF> (“The main factors affecting resettlement are affordable housing, job availability, [resettlement agency] presence, and whether a local community is home to others from the same refugee group or otherwise in a position to help a new arrival integrate.”).

¹⁰ U.S. Dep’t of State, *Report to Congress on Proposed Refugee Admissions for FY 2020*, available at <https://perma.cc/R5QH-H7KT>.

States; where they do, this has traditionally driven the relocation. “[R]esettlement agencies make every effort to reunite” incoming individuals with their “family or close friends already in the United States,”¹¹ and placement decisions may also be driven by the location of pre-existing ethnic communities.¹² Because many refugees come with specific medical, educational, or housing needs, the agencies attempt to settle those who do not have existing communities in jurisdictions with the appropriate language, employment, housing, educational, and medical services.¹³

Once they arrive in the United States, refugees receive modest, short-term support in the form of housing, nutrition, employment placement, and language-training assistance. Refugees also often benefit greatly from both formal and informal supports available from the community, from families, churches, and others from the same region.

Having received these supports, refugees often become important contributors to their local communities. As Utah Governor Gary Herbert put it in a

¹¹ *Report to Congress on Proposed Refugee Admissions for FY 2020*.

¹² A. Singer and J. Wilson, *From ‘There’ to ‘Here’: Refugee Resettlement in Metropolitan America*, Brookings Institution, 4 (Sept. 2006), available at <https://perma.cc/W7LD-G4CJ>.

¹³ See, e.g., *id.* at 4-5; *Report to Congress on Proposed Refugee Admissions for FY 2020*.

letter to the federal administration requesting resettlement of additional refugees, refugee residents “have become productive employees and responsible citizens[,] contributors to our schools, churches and other civic institutions, even helping serve more recent refugees and thus generating a beautiful cycle of charity.”¹⁴ Studies suggest that refugees contribute far more than they cost in terms of governmental support. A draft report from the U.S. Department of Health and Human Services found that refugees “brought in \$63 million more in government revenues over the past decade than they cost.”¹⁵ Other studies have found similar results, estimating that refugees contribute \$21,000 more than they cost over the 20 years following resettlement, and in eight years contribute more in taxes than they are provided in government benefits.¹⁶ Studies also suggest that refugees both work and start businesses at higher rates than native individuals.¹⁷

¹⁴ See, e.g., P. Harkins, *Gov. Gary Herbert wants more refugees to resettle in Utah*, Salt Lake Tribune (Nov. 1, 2019), available at <https://perma.cc/N2F4-FR79> (reproducing letter).

¹⁵ J. Hirschfield and S. Sengupta, *Trump Administration Rejects Study Showing Positive Impact of Refugees*, N. Y. Times (Sept. 18, 2017), available at <https://perma.cc/6EMK-4CA4>.

¹⁶ W. Evans and D. Fitzgerald, *The Economic and Social Outcomes of Refugees in the United States: Evidence from the ACS*, National Bureau of Economic Research, Abstract (June 2017), available at <https://perma.cc/ACC2-N6MD>.

¹⁷ See, e.g., *id.* (rates of work); *Bringing Evidence to the Refugee Integration Debate* at 12 (rates of business ownership).

Amici have firsthand experience of the importance of refugees' hard work and entrepreneurship in improving their communities. For example, in Columbus, Ohio, entire neighborhoods have been revitalized by businesses started by immigrants and refugees.¹⁸ City officials note that the refugee community has opened roughly 900 businesses, which in turn support about 23,000 individuals.¹⁹ In total, city officials estimate that refugees contribute \$1.6 billion to the local economy.²⁰ In the City of Los Angeles, in 2014, foreign-born residents including refugees contributed \$3.2 billion in state and local taxes, and increased the City's total housing value by \$1.8 billion.²¹ In the City of Chicago, immigrant entrepreneurs, including roughly 25,000 refugees, generated more than \$659 million in business income for the City.²²

On the other hand, placement of refugees in locations that do not have the

¹⁸ J. Soh, *Immigrants, Refugees Revive Depressed Neighborhood in Columbus, Ohio*, Voice of America (Sept. 14, 2017), available at <https://perma.cc/22X7-BG8Y>.

¹⁹ *Id.*; see also Community Research Partners, *The Impact of Refugees in Central Ohio*, 17 (2015), available at <https://perma.cc/HT2H-FD9B>.

²⁰ *The Impact of Refugees in Central Ohio* at 58.

²¹ New American Economy, *New Americans in Los Angeles*, 5, 13 (Feb. 2017), available at <https://perma.cc/VZ2P-PSNH>.

²² New American Economy, *New Americans in Chicago*, 5, 8 (Dec. 2, 2018), available at <https://perma.cc/MQZ4-HTFW>.

appropriate resources has caused problems in some local jurisdictions.²³ For example, communities can be overwhelmed by the arrival of a large number of new refugees if they lack the capacity to provide services.²⁴ Improper placement can also have a negative impact on refugee success, causing secondary migration. Secondary migration results in the loss of resources designed to promote refugees' success, affecting both the refugee and the local jurisdiction that becomes responsible for her welfare.²⁵ The Order will only exacerbate these negative effects.

II. The Order Unlawfully Eliminates Cities' Role in Refugee Placement and Frustrates the Goals of the Refugee Act

The Refugee Act's resettlement provisions reflect local jurisdictions' experience with placement and were adopted in part in response to local jurisdictions' concerns. The Order is incompatible with both the text and aims of these provisions.

The Act is designed to promote the success of refugees and the local jurisdictions in which they are resettled by ensuring alignment between the

²³ *From 'There' to 'Here'* at 16.

²⁴ *Id.*

²⁵ *See, e.g., Refugee Crisis in America: Iraqis and Their Resettlement Experience* at 35.

refugee's needs and the jurisdiction's resources. The Act requires federal agencies to consult with local governments and consider local factors, including existing communities and the availability of jobs and housing, in resettlement decisions. Importantly, although Congress amended the Act to respond to concerns from local governments, Congress considered and rejected the idea of permitting States and local jurisdictions to unilaterally veto refugee resettlement. H.R. Rep. No. 99-132, 19 (1985).

The President's unauthorized creation of exactly the veto Congress rejected violates the Act's mandate and will obstruct Congress's objectives by preventing refugees from being settled in the most appropriate locations. The State Department's confused implementation of the Order, which—on a very short timeline—requires States and counties (but not cities) to affirmatively indicate that they wish to have refugees resettled in their jurisdictions, creates even more barriers to Congress's goals and unlawfully cuts cities out of the resettlement process. The Order will upend refugee resettlement and harm both cities that welcome refugees and those that prefer not to.

A. Congress Required Federal Agencies to Consider Local Factors in Resettlement—Instead of Giving States and Local Jurisdictions Veto Power—to Promote Refugees' Success and Avoid Overburdening Local Jurisdictions

The Refugee Act requires the federal agencies charged with resettlement to

gather and consider extensive and detailed information about local conditions before resettling refugees. It requires the agencies to gather local information relevant to the distribution of refugees on at least a quarterly basis (and before resettlement) and to consult with local governments about placement policies and strategies generally.²⁶ 8 U.S.C. § 1522(a)(2)(A), (B). The resettlement policies and strategies that are developed through this process must be responsive to local concerns affecting refugee success, including existing communities of refugees; local jobs, housing, education, and health care resources; and the likelihood of secondary migration. 8 U.S.C. § 1522(a)(2)(C)(iii). The agencies are also required to provide a mechanism to prepare local governments for refugee arrivals.

8 U.S.C. § 1522(a)(2)(C)(i).

These provisions were adopted in response to local jurisdictions supportive of refugee resettlement but concerned about the lack of coordination with local officials on refugee placement and policy. Amendments to the Act in 1982 and 1986, which added portions of the consultation provisions of 8 U.S.C. §

²⁶ Section 1522(a)(2)(A) and (B) provide that these federal agencies “shall consult” at least quarterly “with State and local governments . . . concerning the sponsorship process and the intended distribution of refugees among the States and localities before their placement in those States and localities” and “shall develop and implement, in consultation with representatives of voluntary agencies and State and local governments, policies and strategies for the placement and resettlement of refugees within the United States.”

1522(a)(2)(B) and (C), responded to city officials' concern that "[t]he lack of involvement of local officials in planning for refugee resettlement can have an adverse effect on resettlement efforts as well as on the community where the refugees are relocated." U.S. Refugee Program, Oversight Hearings before the Subcomm. on Immigration, Refugees, and International Law of the H. Comm. on the Judiciary, 97th Cong. 89 (1981) (statement of Gordon Bricken, Mayor, Santa Ana, CA, U.S. Conference of Mayors). Local officials emphasized their dedication to "the humanitarian tradition of the United States as a haven for persons seeking freedom from oppression" and the belief that "the Nation's foreign policy interests are also served by the admission of refugees." *Id.* at 123 (statement of Diane Ahrens, Comm'r Ramsey Cty., Minn.). But they expressed concern that resettlement decisions were not being made in view of local conditions. *Id.* at 85-86, 91-92 (statements of Mayor Bricken and Cty. Comm'r Ahrens). They noted that refugee resettlement without regard to these conditions "makes it more difficult for refugees to become self-sufficient [and] often leads to community tensions and resentment towards refugees." *Id.* at 92.

The consultation requirements also responded to local jurisdictions' concern about the concentration of refugees, and initial costs associated with refugee absorption, in certain jurisdictions. *See, e.g.*, H.R. Rep. No. 97-541, 11, 15-16

(1982) (“One of the major problems associated with the U.S. refugee program is the maldistribution of refugees. ... The Committee is concerned that this phenomenon may be placing unnecessary and intolerable strains upon the ability of certain states, counties, and municipalities to provide effective public welfare services not only to their native populations, but also to the refugee populations as well.”). This “maldistribution” created “severe problems for state and local governments and has severely strained social service networks in these impacted areas.” S. Rep. No. 97-638, 8 (1982), reprinted in 1982 U.S.C.C.A.N. 3348, 3356.²⁷

Critically, in responding to local jurisdictions’ concerns and crafting the consultation requirements, Congress considered and rejected the idea of giving States and local jurisdictions veto power over resettlement. Congress was absolutely clear that the consultation requirements “are not intended to give States and localities any veto power over refugee placement decisions.” H.R. Rep. No.

²⁷ In 1986, in response to local jurisdictions’ complaints that “officials also continue to be concerned about the relative lack of consultation between the federal government, voluntary resettlement agencies and state and local governments” and support for “measures to strengthen those mechanisms,” the requirements around local consultation were strengthened. Refugee Assistance Extension Act of 1985, Hearing before the Subcomm. on Immigration, Refugees, and International Law of the H. Comm. on the Judiciary, 99th Cong. 164 (1985) (statement of Nat’l Ass’n of Counties); H.R. Rep. No. 99-132 at 19.

99-132 at 19.

B. The Order Is Fundamentally Incompatible with the Refugee Act

Congress could not have been clearer that the Order is unlawful: It specifically “emphasize[d]” that what the Order purports to require is not authorized by the Refugee Act. H.R. Rep. No. 99-132 at 19 (“The Committee emphasizes that these requirements are not intended to give States and localities any veto power over refugee placement decisions, but rather to ensure their input into the process and to improve their resettlement planning capacity.”). But even putting aside the obvious error of adopting a veto that Congress specifically rejected, the Order is unlawful because a State and county veto is fundamentally inconsistent with the Act. The Order, as implemented, solicits the wrong kind of input from those that are permitted to provide it, prevents cities from giving *any* input into the most fundamental placement decisions, and makes State views dispositive. This string of compounding errors cannot be squared with the Act.

In crafting the Act’s local consultation requirements, Congress required federal agencies to make refugee placement decisions based on consideration of the local factors that most critically affect refugees’ success, including the presence of family, community, housing, employment, and medical resources. 8 U.S.C. § 1522(a)(2)(C)(i-iii). A local veto like the one envisioned by the Order discards

these statutory factors; it interposes and elevates to overriding importance a “veto” that Congress *did not* authorize—at the expense of the local factors that Congress *required* them to consider. No matter that a city’s employers clamor to hire refugees, as in Waterloo, Iowa,²⁸ or that city officials believe that refugees help keep the local economy vital, as in Columbus, Ohio;²⁹ the Order purports to prohibit consideration of these factors so long as the State or county in which the city is located has not affirmatively indicated it welcomes resettlement. This result is plainly inconsistent with the Act.

Moreover, even assuming that a State or local veto is a legitimate form of consultation under the Act, which it is not, the Act does not authorize federal agencies to ignore the views of city officials in favor of their State and county counterparts. But this is what the Order, as implemented, commands. The Order as implemented does not require or permit city feedback; instead, under the Order, the default is that cities will not be able to accept refugees unless both the State and

²⁸ See, e.g., L. Rood, *Waterloo Supports Refugees from Burma*, Des Moines Register (Jun. 13, 2015) (discussing Tyson Fresh Meats’ recruitment and hiring of refugee employees).

²⁹ See, e.g., *Impact of Refugees in Central Ohio* at 4-7.

county take action to permit it.³⁰ *See* JA53, 62. Cities are excluded; there is no indication that any feedback will be solicited from cities on whether resettlement is appropriate if the State or county in which they are located declines or is silent on resettlement. But the Act requires consultation with “State and *local* governments.” 8 U.S.C § 1522(a)(2)(A) & (B) (emphasis added). This includes cities; where Congress wished to limit the Act’s provisions to States and counties, it did so expressly. *See, e.g.*, 8 U.S.C. § 1522(f) (emphasis added) (“Assistance to *States and counties* for incarceration of certain Cuban nationals”).³¹

The Administration attempts to defend the Order on the basis of a boilerplate exception for inconsistency with applicable laws, permitting the resettlement of refugee over a State or local veto where “the Secretary of State concludes, following consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security, that failing to resettle refugees within that State or locality would be inconsistent with the policies and strategies established under 8

³⁰ Likewise, if a county is located in a State that does not opt in to resettlement, the Order precludes resettlement in that jurisdiction—and thereby precludes *any* input from the counties as well, much less the kind of input envisioned by the Act, on local conditions.

³¹ The Order’s implementation also causes significant practical problems, including the requirement of consent by the chief executive officer of the county or county-equivalent and where it is unclear what entity is the county or county-equivalent contemplated by the Notice of Funding Opportunity.

U.S.C. § 1522(a)(2)(B) and (C) or other applicable law.” JA48. This amorphous and undefined exception cannot swallow, much less excuse, the Order’s unlawful command. An executive order cannot require what the law specifically bars, on the one hand, but absolve that command of its unlawfulness with a vague exception on the other. At a minimum, any reading of the Order that renders it consistent with the law also renders it nonsensical.

But even if that were not so, the Order’s exception cannot save it: The exception provides no assurance that the consultation that Congress mandated—and the factors the Act requires consideration of—will actually be considered, leaving this to the discretion of various Administration officials. This is fundamentally inconsistent with the Act’s careful scheme for resettlement.

C. The Order Promotes Harms to Cities and Counties That the Refugee Act Is Intended to Prevent

The Order is also likely to cause or exacerbate precisely the harms Congress was trying to avoid with the Act and its amendments. As discussed above, the Act is intended to ensure that refugees and local jurisdictions have the best possible chance at success and that no jurisdiction or group of them is overburdened with the challenges of resettlement. The Order threatens each of these goals.

First, because of the onerous dual-consent requirements and the provisions requiring publication of a list of consenting jurisdictions, resettlement in

jurisdictions that have important resources for refugees is likely to be taken off the table in some cases. As a result, the Order is likely to hamper agencies' ability to settle refugees where they have the best chance of success and self-sufficiency. As local jurisdictions emphasized in urging the 1982 and 1986 amendments to the Act, resettlement decisions fail where they are not tailored to the needs of the refugees. *See, e.g.*, U.S. Refugee Program, Oversight Hearings before the Subcomm. on Immigration, Refugees, and International Law of the H. Comm. on the Judiciary, 97th Cong. 89 (1981). By requiring both States and counties to affirmatively opt in to resettlement—and establishing what is plainly intended to be a shaming mechanism for those that do opt in—the Order is all but certain to prevent some refugees from being placed near the important supports of family, friends or ethnic and national communities. And refugees may be forced to choose between resources provided in their initial placements and migrating to access appropriate housing, educational, and job opportunities.

The Order also threatens to increase the burdens for all cities and counties. Refugee should be resettled in jurisdictions that have the resources that empower them to thrive, but the Order will prevent this. By diminishing the number of jurisdictions available for resettlement, it fosters disproportionate initial-resettlement burdens on local jurisdictions that are permitted to welcome refugees.

On the other hand, it prevents cities and counties in States that do not affirmatively consent from welcoming refugees, except as a result of secondary migration—even when those jurisdictions wish to increase their refugee populations. And jurisdictions that do not wish to participate in initial resettlement may nonetheless be subjected to additional strains caused by secondary migration.³²

Together, these are exactly the conditions that Congress emphasized were unacceptable. Creation of these conditions by Executive Order is fundamentally inconsistent with the Act.

CONCLUSION

The Order cannot be reconciled with the Refugee Act and will cause harm to local jurisdictions and refugees across the country. Amici respectfully request affirmance of the district court's order enjoining its enforcement.

³² See, e.g., N. Mossad, Office of Immigration Statistics, Department of Homeland Security, et al., *In Search of Opportunity and Community: The Secondary Migration of Refugees in the United States* (noting the challenges of secondary migration to local jurisdiction and finding that “the political orientation of the state’s governor and of the generosity of welfare expenditures do not predict secondary migration,” but “secondary migration is driven primarily by the presence of co-ethnic networks and labor market considerations.”).

Dated: June 2, 2020

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City of Tucson, AZ	City of Philadelphia, PA
City of Alameda, CA	City of Providence, RI
City of Los Angeles, CA	City of Knoxville, TN
County of Los Angeles, CA	City of Austin, TX
County of Monterey, CA	County of Harris, TX
City of Oakland, CA	City of Houston, TX
City of Sacramento, CA	County of King, WA
City and County of San Francisco, CA	City of Seattle, WA
County of Santa Clara, CA	City of Tacoma, WA
City of Santa Monica, CA	The U.S. Conference of Mayors
City of West Hollywood, CA	
City and County of Denver, CO	Mayor Lauren McLean, Boise, ID
City of St. Petersburg, FL	Mayor David R. Martin, Stamford, CT
City of Boise, ID	Mayor Rick Kriseman, St. Petersburg, FL
City of Chicago, IL	Mayor Noam Bramson, New Rochelle, NY
City of Holyoke, MA	Mayor Alex Morse, Holyoke MA
City of Somerville, MA	Mayor Michael Duggan, Detroit, MI
City of St. Paul, MN	
City of Lincoln, NE	
City of Albuquerque, NM	
City of Santa Fe, NM	
New York City, NY	
Town of Carrboro, NC	
City of Columbus, OH	
City of Cincinnati, OH	

CERTIFICATE OF COMPLIANCE

I certify that this document complies with the type-volume limitation set forth in Federal Rule of Appellate Procedure 29(a)(5) because it contains 4,172 words, exclusive of the portions of the brief that are exempted by Federal Rule of Appellate Procedure 32(f). I certify that this document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6).

Dated: June 2, 2020

By: /s/ Danielle L. Goldstein
Danielle L. Goldstein

CERTIFICATE OF SERVICE

I, Danielle L. Goldstein, hereby certify that I electronically filed this Brief of Amici Curiae 42 Cities, Towns, Counties, and Mayors and the U.S. Conference of Mayors in Support Of Appellees And Affirmance with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system on June 2, 2020. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Executed June 2, 2020, at Los Angeles, California.

/s/ Danielle L. Goldstein

Danielle L. Goldstein