

No. 25-1313

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

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PACITO, et al.,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, et al.,

Defendants-Appellants.

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On Appeal from the U.S. District Court for the Western District of Washington  
No. 25-cv-255-JNW  
The Honorable Jamal N. Whitehead

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**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' OPPOSITION TO  
MOTION FOR STAY PENDING APPEAL**

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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’ Opposition to Defendants’ Emergency Motion for Stay Pending Appeal.<sup>1</sup>

Amici States 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 states.<sup>2</sup> Refugees are required by law to have undergone rigorous security screening, are authorized to work, are legally admitted to this country, and are resettled in a given location following consultation with States and localities.

In indefinitely suspending all refugee entry, application processing, and funding for refugee resettlement agencies, the federal government attempted to justify its actions by citing our States’ purported interests. Amici States write to

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<sup>1</sup> All parties have consented to the filing of this brief.

<sup>2</sup> *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%2030%20Oct%202024\\_updated.pdf](https://www.wrapsnet.org/documents/FY%202024%20Arrivals%20by%20State%20and%20Nationality%20as%20of%2030%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>.



make clear that the challenged Executive Order<sup>3</sup> mischaracterizes the facts and circumstances in Amici States. Refugees are a benefit, not a “burden,” to our States. And while the Executive Order gestured to the importance of integration, the subsequent suspension of funding to resettlement agencies will, if reinstated, significantly harm Amici States’ ability to ensure newly arrived refugees already within our borders have access to basic necessities. The district court correctly issued a preliminary injunction, and Amici States urge the Court to deny Defendants’ Motion for Stay Pending Appeal.

## II. ARGUMENT

### A. **The Executive Order Misrepresents the States’ Interests and Ignores Their Existing Role in the Placement of Refugees**

As the district court ruled, the challenged Executive Order is unlawful and the balance of equities favor an injunction. Amici States highlight that the Order relies on Section 212(f) of the Immigration and Nationality Act to suspend entry of refugees, and that statute requires the President to find that entry of a particular “class of aliens . . . would be detrimental to the interests of the United States[.]” 8 U.S.C. § 1182(f); *see* Exec. Order No. 14163, § 3. But the Order improperly relies on states of emergencies declared by Amici States Massachusetts and New York that related to migrants, a far broader group than refugees admitted via the U.S. Refugee

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<sup>3</sup> Exec. Order No. 14163, 90 Fed. Reg. 8459 (Jan. 20, 2025).

Admissions Program (USRAP). Exec. Order No. 14163, § 1. The declaration of a state of emergency in Massachusetts—which encouraged communities “to keep welcoming those families who wish to resettle in all corners of Massachusetts”<sup>4</sup>—primarily requested federal support for basic shelter needs and “urgent action to streamline and expedite work authorizations” for migrants generally (as well as to “address [our] outdated and punitive immigration laws”). Dkt. #15-12. The same is true for the declarations issued by the State and City of New York; these declarations sought federal support for asylum seekers and migrants who arrived at the southern border and arrived by bus in New York—not refugees admitted via USRAP.<sup>5</sup>

The type of federal assistance sought in these declarations—for emergency shelter, expedited work authorization applications, etc.—does not make sense in the context of refugees screened and approved by USRAP, whose placements are selected only after State consultation and prior to entering the United States. Such

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<sup>4</sup> 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](https://www.mass.gov/files/documents/2023/08/08/Emergency%20Declaration%20Letter_0.pdf).

<sup>5</sup> See Dkt. #15-13; 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](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](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>.

refugees are matched with federally funded resettlement agencies already required to meet their basic needs (*see* 8 U.S.C. § 1522(b)(7)(D)) and are entitled to work authorization upon admission (8 C.F.R. § 274a.12(a)(3)). The circumstances outlined in the Massachusetts and New York declarations do not plausibly support a finding that the entry of refugees via USRAP is “detrimental to the interests of the United States.” Indeed, as the district court properly found, the actual text, purpose, and context of these emergency orders is “[p]articularly striking” because it “undermines a central premise of the [Order] and highlights the disconnect between the Government’s stated justifications and its sweeping actions.” Dkt. #45 at 58.

The Order also states that “to the extent permitted by law and as practicable, State and local jurisdictions be granted 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)). This ignores that States and localities are already guaranteed a role before placement of refugees occurs. 8 U.S.C. § 1522(a)(2)(A), (B). The federal government must take into account 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). Amici States have already participated in this process and prepared for the placement of refugees in our States whose entry was suspended by the Order. Far from ensuring States have a

greater voice, the Order ignores Amici States' existing role in the placement of refugees.

## **B. Refugees Provide Substantial Benefits to Amici States**

The Order attempts to support an indefinite suspension of refugees admitted via USRAP by characterizing the undefined categories of “migrants” and “new arrivals” as a “burden” to States and localities. Exec. Order No. 14163, § 1. Amici States write to confirm that refugees admitted via USRAP—the relevant population here—are a benefit to our States. 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.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> And

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<sup>6</sup> 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>.

<sup>7</sup> 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>.

<sup>8</sup> *Id.*

refugees contribute more to the economy than they consume 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.<sup>9</sup>

Refugees are more likely to become entrepreneurs, creating jobs and opportunities in their communities.<sup>10</sup> California alone is home to an estimated 38,700 refugee entrepreneurs who bring in approximately \$1.4 billion in business income collectively.<sup>11</sup> And refugees' labor force participation and employment rates are higher than those of the total U.S. population.<sup>12</sup> Refugee resettlement has been shown to improve local economies, including in areas like upstate New York that are experiencing population decline.<sup>13</sup> Refugees help fill gaps in the labor market,

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<sup>9</sup> *Id.* at 28, 31.

<sup>10</sup> *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.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/05.23_refugee_report_v3_0.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/>.

<sup>11</sup> *Immigrants in California*, American Immigration Council, <https://map.americanimmigrationcouncil.org/locations/california/> (last visited Mar. 14, 2025).

<sup>12</sup> 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>.

<sup>13</sup> Scott Fein, *Refugees in Upstate New York: A Little-Known Success Story*, 93 *N.Y. St. B.J.* 39, 41 (Nov./Dec. 2021).

particularly in industries such as agriculture, construction, and healthcare.<sup>14</sup> They have high levels of home ownership<sup>15</sup> and tend to move to areas that are struggling economically, which can contribute to urban renewal.<sup>16</sup> That trend is illustrated by Utica, New York, where refugees helped stem population decline, bought and fixed up hundreds of houses, filled labor gaps, and revitalized the town.<sup>17</sup> And refugees contribute to the U.S. economy as consumers, with an estimated total spending power of approximately \$83 billion.<sup>18</sup>

Finally, refugees bring immeasurable social benefits as well. They increase cultural diversity and help improve cross-cultural understanding. Refugees “embrace their new communities,”<sup>19</sup> and Americans in turn have welcomed their new

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<sup>14</sup> 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> (last visited Mar. 14, 2025).

<sup>15</sup> *Starting Anew*, *supra* note 10, at 16.

<sup>16</sup> *Id.* at 17.

<sup>17</sup> *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/>.

<sup>18</sup> *Immigrants in the United States*, American Immigration Council, <https://map.americanimmigrationcouncil.org/locations/national/> (last visited Mar. 13, 2025).

<sup>19</sup> *Starting Anew*, *supra* note 10, at 16.

community members. Public polling shows that 72 percent of Americans say welcoming refugees should be a very or somewhat important immigration policy goal.<sup>20</sup> Amici States are proud to be home to large and diverse refugee populations, and their presence enriches the social fabric of our States.

**C. Suspending Funding to Resettlement Agencies Disrupts Resettlement and Harms Amici States and the Public**

The irreparable harms caused by the challenged actions are well illustrated in the district court’s order and Plaintiffs’ briefing. Amici States write to highlight our perspective, as key players in the refugee resettlement infrastructure, that while the Executive Order purports to raise concerns about assimilation and integration (*see* Exec. Order No. 14163, § 1), suspending funding to resettlement agencies entirely undercuts this asserted interest by removing resources from the agencies statutorily required to integrate refugees already present in the United States.

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

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<sup>20</sup> 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/>.

each refugee resettled[.]” 8 U.S.C. § 1522(b)(7)(D). Within USRAP, the federal government contracts (at least prior to the challenged actions) with ten national nonprofit agencies, which in turn partner with affiliate local nonprofit resettlement agencies which provide services to refugees.<sup>21</sup>

These services are initial direct assistance and 90 days of case management and other services, known as “Reception and Placement” or “R&P.”<sup>22</sup> This 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 classes, and more.<sup>23</sup> *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 provision of services. 45 C.F.R. § 400.156(b). Following this 90-day period, State refugee agencies contract with resettlement agencies and others

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<sup>21</sup> *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 Mar. 14, 2025).

<sup>22</sup> *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 Mar. 14, 2025).

<sup>23</sup> *See id.*



to deliver longer-term services to eligible refugees.<sup>24</sup> This programming is 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. This collaboration between federal, state, and private entities ensures refugees receive the support they need on arrival.

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 directly hindered the efforts of agencies to fulfil their statutorily mandated task. It immediately deprived many refugees who were already in the United States of basic necessities and services. Many of those affected are vulnerable, including single mothers and individuals with complex medical cases.<sup>25</sup> 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

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<sup>24</sup> *About the Program*, U.S. Dep't of Health & Human Services Office of Refugee Resettlement (current as of Oct. 22, 2024), <https://www.acf.hhs.gov/orr/about-refugee-program> (last visited Mar. 14, 2025).

<sup>25</sup> Sophie Carson, *Stop Work Order Creates 'Unprecedented' Turmoil for Refugees and Agencies that Serve Them*, USA Today (Jan. 31, 2025), <https://www.usatoday.com/story/news/local/2025/01/31/trumps-stop-work-order-leave-refugees-resettlement-agencies-in-panic/77995297007/>.

Massachusetts.<sup>26</sup> In an effort to ensure continuity of services, some organizations are soliciting private donations, using state funding originally intended for other purposes, or relying on support from local community members.<sup>27</sup> In some states, like California, this means local governments will carry a heavier burden in delivering services.<sup>28</sup>

By preventing agencies from doing their vital work, the funding suspension has had immediate harmful effects on Amici States. Connecting refugees to medical

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<sup>26</sup> 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 Freson 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).

<sup>27</sup> O’Neill, *New Refugees in Washington*, *supra* note 26; Montalvo, *Trump Executive Orders*, *supra* note 26.

<sup>28</sup> See *Refugee Impacted Counties*, California Department of Social and Health Services, <https://www.cdss.ca.gov/refugees/refugee-impacted-counties> (last visited Mar. 14, 2025).

screening, primary care, and health insurance enrollment is vital 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 take advantage of 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.

The challenged actions are unlawful, unsupported by their claimed justifications, and will cause significant harm if reinstated. The public interest weighs strongly against a stay.

### III. CONCLUSION

Amici States request that the Court deny Defendants' Motion to Stay Pending Appeal.

RESPECTFULLY SUBMITTED this 14th day of March, 2025.

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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## CERTIFICATE OF SERVICE

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' Opposition to Emergency Motion to Stay 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.

DATED this 14th day of March 2025, at Seattle, Washington.

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