

Statesman

Judge halts Trump refugee order, jeopardizing Abbott move to block settlement in Texas

By Chuck Lindell

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Jeopardizing Gov. Greg Abbott's recent decision to halt refugees from resettling in Texas, a federal judge on Wednesday blocked a Trump administration rule that gave state and local officials the power to deny refugee admissions.

In response to a lawsuit by resettlement agencies, U.S. District Judge Peter Messitte of Maryland temporarily blocked President Donald Trump's executive order that required governors and local officials to agree in writing to accept refugees.

The refugee agencies adequately demonstrated that Trump's order is unlawful by assuming authority not granted by the Refugee Act of 1980 and by improperly putting state and local officials in charge of admitting or excluding noncitizens, an "exclusively federal" power, Messitte wrote.

“Giving states and local governments the power to consent to the resettlement of refugees — which is to say veto power to determine whether refugees will be received in their midst — flies in the face of clear congressional intent,” Messitte wrote.

“Refugee resettlement activity should go forward as it developed for the almost 40 years before Executive Order 13888 was announced,” the judge said in granting a preliminary injunction halting enforcement of the order.

White House spokeswoman Stephanie Grisham called the ruling preposterous, saying Trump had the legal authority to let local officials determine whether their communities have the resources to support refugees.

“We are expeditiously reviewing all options to protect our communities and preserve the integrity of the refugee resettlement process,” she said.

Abbott became the first governor to block refugee resettlement in his state when he sent a letter to U.S. Secretary of State Mike Pompeo last Friday.

Trump’s order, however, does not require governors to reject refugees, only to consent to their resettlement, and thus far 42 states have agreed to accept refugees ahead of a decision deadline next Tuesday, according to Lutheran Immigration and Refugee Service, one of three agencies that sued to block the new policy.

Krish O’Mara Vignarajah, president of the Lutheran agency, said the judge’s ruling “provides critical relief.”

“Those who have been waiting for years to reunite with their families and friends will no longer have to choose between their loved ones and the resettlement services that are so critical in their first months as new Americans,” Vignarajah said. “This is an important first step, but this fight is far from over. We do not expect the administration to back down from using these vulnerable people as political pawns.”

Abbott letter

The agencies' lawsuit argued that Trump's order would eviscerate a successful and humane program, hurting not only refugees but the "image of the United States as a beacon of liberty."

In his letter, Abbott said Texas would not participate in the federal refugee resettlement program this year, saying state resources were already strained by a "broken federal immigration system."

"Texas continues to have to deal with the consequences of an immigration system that Congress has failed to fix," Abbott wrote. "At this time, the state and nonprofit organizations have a responsibility to dedicate available resources to those who are already here, including refugees, migrants, and the homeless — indeed, all Texans."

Under Trump's order, after June 1, refugees would have been allowed to settle only where state and local governments had given consent.

Texas Attorney General Ken Paxton declined to comment on Wednesday's ruling, and Abbott's office did not respond to inquiries.

'Full speed ahead'

Becky Storey with Refugee Services of Texas, which settles refugees in Austin, said her agency will continue "full speed ahead."

"We are hopeful that Gov. Greg Abbott, during the appeal process that is likely to follow this preliminary injunction, will do the right thing and reverse course in his decision that would make Texas the only state to abandon the federal refugee program," Storey said.

In his opinion, Messitte said Trump's order upended the Refugee Act's stated goal of creating a uniform resettlement system by creating a "state-by-state, locality-by-locality approach" that appeared "inherently susceptible to hidden bias."

"One is left to wonder exactly what the rationale is for doing away entirely with a process that has worked so successfully for so long. And why now?" the judge asked.

Messitte suggested the catalyst was three recent court rulings that said state and local governments lack the power to block refugee resettlement — including a 2016 case involving Abbott’s vow to keep Syrian refugees out of Texas.

Texas sued the Obama administration in an effort to make good on that vow, but the lawsuit was tossed out by a federal judge who rejected fears that new arrivals could include terrorists or those who sympathize with terrorist groups.

Staff writer Nancy Flores contributed to this report.