

No. 19-56326

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

JENNY LISETTE FLORES,

Plaintiff-Appellee,

v.

WILLIAM P. BARR, Attorney General; CHAD F. WOLF; U.S. DEPARTMENT OF
HOMELAND SECURITY; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; U.S.
CUSTOMS AND BORDER PROTECTION,

Defendants-Appellants.

On Appeal from the United States District Court for the Central District of California,
Case No. 2:85-cv-04544-DMG-AGR, Hon. Dolly M. Gee

**BRIEF FOR INTERFAITH GROUP OF 40 RELIGIOUS AND
INTERRELIGIOUS ORGANIZATIONS AS AMICI CURIAE
IN SUPPORT OF PLAINTIFF-APPELLEE AND AFFIRMANCE**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rules of Appellate Procedure 26.1 and 29(a)(4)(A), corporate amici state that no amicus has a parent corporation and that no publicly held corporation or other entity owns 10% or more of the stock of any amicus.

Dated: January 28, 2020

s/ Amanda Aikman

Amanda Aikman

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INTRODUCTION AND INTEREST OF AMICI CURIAE

“The United States should be doing more to protect refugee children, not actively participating in their oppression.” Thus begins the statement of the Interfaith Immigration Coalition released August 21, 2019, which continued, “Religious organizations and leaders of diverse faiths are universally outraged at the Trump administration’s latest attempt to harm immigrant children: gutting the *Flores* settlement agreement, a legal framework that has been in place to protect migrant children for decades.”¹

Amici curiae are an interfaith group of 40 diverse religious congregations, associations, and organizations who have united here to speak with one voice in opposition to the government’s attempt to replace the protections of the *Flores* settlement agreement with new regulations that would authorize indefinite detention of families with children during the course of their immigration proceedings.²

¹ Interfaith Immigration Coalition, *Religious Leaders Denounce Trump Administration’s Latest Attack on Immigrant Children* (Aug. 21, 2019), <https://www.interfaithimmigration.org/2019/08/21/religious-leaders-denounce-trump-administrations-latest-attack-on-immigrant-children/>.

² Pursuant to Federal Rule of Appellate Procedure 29(a)(4)(E), amici affirm that no counsel for a party authored this brief in whole or in part and that no person other than amici, their members, or their counsel made any monetary contributions intended to fund the preparation or submission of this brief. The parties were timely notified of amici’s intent to file this brief and consented to its filing.

Amici offer a unique perspective on the issues in this case. Religious principles have long informed society's understanding of moral values. While different faiths and sects have different teachings about specific issues, certain fundamental principles are common across faiths and are shared by all amici.

Among these principles is a duty to assist immigrants and refugees grounded in the religious command to help those who are in need and, especially, to welcome the stranger. Amici share a particular concern for the well-being of the children who would be most harmed by abandoning the *Flores* agreement. And they ask that this Court give due attention to the impact of the new regulations on their ability to fulfill their moral and religious obligations to aid immigrants and refugees. (Amici's individual statements of interest are set forth in Appendix A.)

At their core, the new regulations would jettison the *Flores* settlement agreement's guiding principle that children be held in detention for the shortest time possible and would instead authorize the indefinite detention of immigrant families with children. The government admits that the purpose of its proposal is to allow it to "detain the family unit together . . . during their immigration proceedings." Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children, 84 Fed. Reg. 44,392, 44,403 (Aug. 23, 2019). Accordingly, the new regulations would replace the *Flores* settlement agreement's requirement that children be placed in non-secure, licensed child care facilities or

released to live with family members in the community with a new regime in which accompanied children would live their days in locked facilities for which the government could set its own child welfare standards and then pay a contractor to monitor its compliance.

As representatives of faith traditions that teach adherents to welcome the stranger and to minister to immigrants and refugees, amici are profoundly troubled by the prospect of parents and children who are fleeing violence and persecution being seized at the border and locked away in institutions that are accountable to no one beyond the government officials who have built them. Amici therefore call on this Court to uphold the district court order holding that the new regulations cannot take effect because they violate the *Flores* settlement agreement.

ARGUMENT

A. THE CORE TENETS OF AMICI'S FAITHS DEMAND HUMANE TREATMENT OF IMMIGRANTS AND REFUGEES

Amici view the government's effort to abandon the protections of the *Flores* agreement for migrant children as part of a broader campaign of hostility toward immigrants and refugees that is inimical to the core tenets of their faiths, faiths that are shared by millions of Americans. United by the Golden Rule, amici support greater assistance for immigrants and refugees, not less.³

³ The "Golden Rule"—to treat others as we wish to be treated—is a tenet shared by most, if not all, organized religions. The Tanenbaum Center for
(Footnote continues on next page.)

In sacred texts amici's faiths and others emphasize the duty to assist those in need, especially those who are strangers in our land:

- Christianity: “For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me.’ Then the righteous will answer him, ‘Lord, when did we see you hungry and feed you, or thirsty and give you something to drink? When did we see you a stranger and invite you in, or needing clothes and clothe you? When did we see you sick or in prison and go to visit you?’ The King will reply, ‘Truly I tell you, whatever you did for one of the least of these brothers and sisters of mine, you did for me.’” Matthew 25:35-40 (NIV).
- Islam: “Be kind to parents, and the near kinsman, and to orphans, and to the needy, and to the neighbor who is of kin, and to the neighbor who is a stranger, and to the companion at your side, and to the traveler, and to that your right hands own.” Qur’an 4.36-37.
- Judaism: “When a stranger resides with you in your land, you shall not do him wrong. The stranger who resides with you shall be to you as the native among you, and you shall love him as yourself, for you were aliens in the land of Egypt.” Leviticus 19:33-34 (NASB). “Defend the weak and the fatherless; uphold the cause of the poor and the oppressed. Rescue the weak and the needy; deliver them from the hand of the wicked.” Psalm 82:3-4 (NIV).

(Footnote continued from previous page.)

Interreligious Understanding has compiled versions of the Golden Rule from twelve faith traditions that span the globe: *The Golden Rule*, <https://tanenbaum.org/wp-content/uploads/2014/02/The-Golden-Rule.pdf>. Christianity teaches: “In everything do to others as you would have them do to you. . . . Matthew 7:12.” Hinduism commands: “This is the sum of duty: do naught unto others which would cause you pain if done to you.’ The Mahabharata, 5:1517.” Islam instructs: “‘Not one of you is a believer until he loves for his brother what he loves for himself.’ Fortieth Hadith of an-Nawawi, 13.” Sikhism holds: “‘Don’t create enmity with anyone as God is within everyone.’ Guru Granth Sahib, page 259.” Judaism teaches: “‘What is hateful to you, do not do to your neighbor. . . .’ Talmud, Shabbat, 31a.”

- Sikhism: “None is our enemy, none is stranger to us, we are in accord with one and all * * * .” Sri Guru Granth Sahib, page 1299, Full Shabad.

As expressed by amicus Reconstructing Judaism:

The Hebrew Bible exhorts us no less than 36 times to welcome and embrace the stranger. It also teaches that every individual is created *betze lem Elohim*, in the image of God. We see that this extends directly and compellingly toward a refugee policy that is as welcoming as it can be while taking legitimate security concerns into consideration. We support national policies that live up to the ideals of our faith as well as the founding documents of the American republic.

Another amicus, the Unitarian Universalist Service Committee (UUSC), also stresses the religious values that underlie its commitment to the just treatment of immigrants and refugees:

As an organization inspired by Unitarian Universalist (UU) values, solidarity with refugees and migrants displaced from their homes is central to both our history and present work. In 1939, UUSC was founded to aid refugees fleeing religious and political persecution in Nazi-occupied Europe. Since that time, we have continued to advocate for just and compassionate immigration policies, which uphold the human right to seek asylum from persecution. UU values call us to be in solidarity with refugees and migrants through their emphasis on the inherent worth and dignity of all people and the right of conscience.

Just last week, Pope Francis, spiritual leader of the nation’s 72 million Roman Catholics, addressed crowds in the Vatican in words that sadly could have been written as a critique of our nation’s immigration policies today:

All over the world migrant men and women face risky voyages to escape violence, to escape war, to escape poverty. . . . [They] experience the indifference, the hostility of the desert, the rivers and the seas. . . . But, unfortunately, sometimes they also encounter the far worse hostility of men.

... They are treated like numbers and a threat by some rulers: today! Sometimes inhospitality throws them back, like a wave, towards poverty or the dangers from which they have fled.⁴

The Pope implored people of faith to “work together to show migrants the love of God,” adding, “We can and must testify that there is not only hostility and indifference, but rather that every person is precious to God and loved by Him.”⁵

Amicus United Methodist Women adds another dimension to this religious imperative: “God’s people are called to welcome the sojourner not only because of God’s commands to do so, but because God’s people need to hear the good news of the gospel incarnated in their stories and in their lives. Welcoming the sojourner is so vital to the expression of Christian faith that to engage in this form of hospitality is to participate in our own salvation.”

This religious obligation to welcome the stranger is reinforced in the United States by this country’s identity as a nation of immigrants and a refuge to those fleeing religious persecution. Congregations of many faiths can relate to amicus Congregation Beit Simchat Torah’s description of itself as “a community of immigrants and refugees and descendants of immigrants and refugees.” Amicus NETWORK Lobby for Catholic Social Justice notes the words of Pope Francis

⁴ Holy See Press Office, General Audience: Catechesis of the Holy Father, N.200122a (Jan. 22, 2020).

⁵ *Id.*

when he addressed the United States Congress: “We, the people of this continent, are not fearful of foreigners, because most of us were once foreigners.”

B. AMICI REJECT THE DETENTION OF CHILDREN AS ANATHEMA TO THEIR FAITHS AND TO CHILDREN’S WELFARE

Amici are particularly alarmed by the regulations at issue in this case because they would strip migrant children of the *Flores* agreement’s limits on detention of minors and would expose untold numbers to indefinite detention during their immigration proceedings. Amici are dismayed by the prospect of the government inflicting gratuitous harm on children who have suffered greatly before arriving at the U.S. border.

“If [the new rules take effect], more immigrant children and their families will be detained, for longer periods of time, and without critical health and safety protections. Gutting the *Flores* agreement, which has protected children for decades, harms those most vulnerable. As Jews, we are taught *kavod ha’briot*—that all people deserve respect and dignity. We will not remain silent while immigrants continue to be persecuted by our government,” asserts amicus the National Council of Jewish Women.

The Franciscan Action Network strikes a similar theme: “The *Flores* agreement has protected vulnerable children for 22 years. This latest attack is cruel, inhumane, and un-American. In my Catholic faith tradition, Jesus welcomed

the children and said we would be judged on whether or not we welcomed the stranger. The Trump administration fails this test.” Amicus Sojourners adds, “As an ecumenical Christian organization, we take the words and actions of Jesus seriously. That is why we oppose the new rules that would replace the *Flores* settlement agreement. In following Jesus, we say children and particularly migrant children should be ensured safety and the right conditions to flourish.”

According to the Leadership Conference of Women Religious:

Children and families should never be incarcerated. First, because detention, even for a short period, has been proven to be detrimental to a child’s development, health, and well-being. Secondly, we know that there are effective alternatives to detention, including the Family Case Management System, that are less harmful and far more cost effective. Finally, it is clear that this new rule does not serve the best interests of children. Instead, it undermines existing child protections required by the *Flores* Agreement.⁶

⁶ The Family Case Management Program operated as an alternative to family detention from January 2016 until it was abruptly cancelled in June 2017. More than 99% of enrolled families attended their immigration hearings and check-ins with Immigration and Customs Enforcement. Women’s Refugee Commission, Background: Family Case Management Program (July 20, 2018), <https://www.womensrefugeecommission.org/images/zdocs/Backgrounder-FCMP.pdf>; see also Hannah Graf Evans & José Santos Woss, *When Migrant Children Become Pawns*, 12 FAMILY AND INTIMATE PARTNER VIOLENCE QUARTERLY 1, 75 (Summer 2019).

The Friends Committee on National Legislation agrees: “Children should neither be separated from their families, nor incarcerated with them.”⁷

National Justice for Our Neighbors, an immigrant services organization rooted in the Methodist Church, is among several amici who stress the particular experiences of the children who are now protected by the *Flores* agreement:

Most of these children have fled epidemic levels of violence in their countries; some of them have been abused, abandoned, or neglected; and many have fled grinding poverty. There is simply no morally acceptable reason to implement policy changes that further traumatize these children by subjecting them to unnecessary and costly detention. The regulatory attempt to gut *Flores* cruelly takes aim at this vulnerable group in a manner unequivocally antithetical to biblical teaching.

Amicus Disciples Home Missions, Christian Church (Disciples of Christ), responded to the announcement of the new regulations by acknowledging another aspect of the children and families whose lives are most likely to be affected by the new rules:

⁷ See also Interfaith Immigration Coalition, *Faith Leaders Call on Congress: Oppose Family Incarceration and Protect Flores Agreement* (Sept. 18, 2019), <https://www.interfaithimmigration.org/2018/09/18/faith-leaders-call-on-congress-oppose-family-incarceration-and-protect-flores-agreement> (“Our collective faith traditions hold deeply to the idea that children are to be treasured and protected and our sacred scriptures exhort us to safeguard the vulnerable, and who amongst us is more vulnerable than children? It is unconscionable and unfathomable then that we see the administration taking drastic efforts to significantly expand family incarceration by eviscerating the basic *Flores* protections for immigrant children in federal custody.”).

The fact that the administration has announced today a rollback of protections against vulnerable refugee families and children is in tragic synch with our memory that it was 400 years ago this week when the first slave ship arrived into our emerging nation. Today's efforts to nullify the *Flores* settlement protections will certainly lead to indefinite and prolonged family detention and to erosion of important standards for the medical, housing, nutritional, and educational treatment of unaccompanied migrant children. They represent a step backwards in history, and a move toward yet a new form of "enslavement" through increased detention of black and brown immigrant bodies.⁸

Another amicus, the National Advocacy Center of the Sisters of the Good Shepherd, criticizes the federal government for "using children as pawns in its attack on immigrants. The theory goes, if the U.S. government treats kids seeking asylum inhumanely, fewer will come. These children are fleeing gangs and they just want a chance to have a future. As the wealthiest and most powerful nation in the world, the United States should be doing more to protect refugee children, not actively participating in their oppression."

Amici the Union for Reform Judaism and the Central Conference of American Rabbis declare that the new regulation "puts untold immigrant children and families at risk for lifelong physical, emotional, and mental harm. Instead of enabling the growth of immigration detention, we urge the government to invest in alternatives to detention, allowing families to stay together in communities, not cages."

⁸ Interfaith Immigration Coalition, *Religious Leaders Denounce Trump Administration's Latest Attack on Immigrant Children*, *supra* n.1.

These amici also focus attention on the conditions of detention:

Reports of squalid conditions in existing detention facilities—exposed by the government’s own inspectors—are cause for alarm. Imposing the burden of even more detainees who will be held for indefinite lengths of time . . . will worsen an already struggling detention system. Children will be at particular risk; studies have shown that the mitigating factor of parental presence does not negate the detrimental impacts of detention on children’s physical and emotional health. Leviticus teaches, “When a foreigner resides with you in your land, you shall not wrong him (19:33).”

The concerns of some amici are grounded not only in their faith traditions, but also in their direct experience. Since their founding as a religious order in 1843, the Sisters of the Holy Names of Jesus and Mary have been dedicated to the Christian education of young people, particularly girls, including immigrants and those with no other support for formal schooling. As educators, they understand the harm to children of living in detention and declare, “Our faith demands that we oppose government action that would imperil [children’s] physical, psychological, intellectual and spiritual well-being. The message of the Gospel, the teachings of our Church and the charism of our Congregation all support the imperative to welcome the stranger and assist refugees sojourning in our land.”

The Unitarian Universalist Service Committee (UUSC) has monitored implementation of the *Flores* agreement in family detention centers since the centers were revived during the Obama administration. *No Safe Haven Here: Mental Health Assessment of Women and Children Held in U.S. Immigration Detention*, a report commissioned by UUSC, offers a window into the actual

experience of family detention for women and children through interviews held in the Dilley, Texas family detention center in 2015.⁹ The researchers found clinically significant symptoms of post-traumatic stress among approximately half of respondents. Furthermore, the assessment found that indeterminacy of the period of detention and the possibility of removal harmed women's and children's mental health and family unity, concluding that "[t]he effects of trauma, detainment, and the uncertainty of the possibility of deportation pose risks to the parent-child relationship."¹⁰ By undoing current limitations on the period that children can be held in confinement, the new regulations threaten to subject more children and families to these harmful conditions.

Amicus Sojourners sums up these concerns:

Annuling the *Flores* agreement would not deter people fleeing life-threatening circumstances in their homelands. It will only have devastating consequences on the lives of children and families by keeping them in detention indefinitely. Attacking children and families in this way is an antithesis to Christ and his ways. Christians are called to protect people who are in the most vulnerable circumstances. We cannot stand by as we continue to see the impact of the administration's cruel tactics on children that are harmed by spending any time in detention. Rather than using children to deter others from coming, the administration should create dignifying processes for those seeking refuge and opportunity.

⁹ Unitarian Universalist Service Committee, *No Safe Haven Here: Mental Health Assessment of Women and Children Held in U.S. Immigration Detention*, https://www.uusc.org/sites/default/files/mental_health_assessment_of_women_and_children_u.s._immigration_detention.pdf.

¹⁰ *Id.* at 19.

C. DETENTION OF MIGRANT FAMILIES WITH CHILDREN IMPEDES SOME AMICI'S ABILITY TO FULFILL THEIR MORAL AND RELIGIOUS OBLIGATIONS TO AID REFUGEES

Many amici respond to their religious and moral obligations to aid refugees with action. The ability of a number of amici to do so, however, is impeded to the point of impossibility when migrants are kept in detention instead of being released into communities.

The assertion by amicus Friends Committee on National Legislation that “communities of faith have always been and will continue to be in the forefront of providing care to the ‘least of these’ in our society” is borne out by the historic role of faith-based organizations in spearheading refugee resettlement in the United States: six of the nine agencies currently responsible for refugee resettlement in the United States are faith-based. Amicus Disciples Home Missions and its Refugee and Immigration Ministries have resettled more than 38,000 refugees. Amicus National Justice for Our Neighbors is a ministry that the United Methodist Church established specifically to provide legal help to immigrants. As amicus Franciscan Action Network declares, “The U.S. Catholic Church is a church of immigrants and has a long history of protecting immigrant and refugee rights.” Some Roman Catholic religious orders, represented here both individually and through the Leadership Conference of Women Religious, trace their very existence

in the United States to sisters who came to this country specifically to work with immigrants.

The religious practice of ministry to immigrants and refugees is not confined to history or faith-based institutions. Providing material and spiritual sustenance to immigrants is central to the practice of churches, synagogues, mosques, interfaith groups and their members throughout the nation. Amicus the National Council of Jewish Women “has been present to not only welcome the stranger but to help them thrive, since our founding. Many Jews know what it means to leave all that you know and come to a strange land, hoping for safety for your children; and as Jews, we want all people to find the safe harbor that many of our relatives were denied.”

Amicus Temple Shalom in Maryland has sponsored a Syrian refugee family, set up apartments for other refugees, and raises funds and supplies for refugees. Members of amicus Congregation Beit Simchat Torah accompany immigrants to court dates and give direct aid and comfort to asylum-seekers.

Amicus National Council of Churches, whose member denominations represent 30 million people of faith, observes: “Today, churches that comprise the National Council of Churches across the United States tell stories of how their faith was renewed as they worked together to resettle refugees in their communities. It is fundamental to our faith that we encounter God when we welcome the stranger,

and Trump’s draconian policies actually interfere with the ability to give, and to experience, this blessing.” As one example of this interference, amicus Shadow Rock United Church of Christ, in Phoenix, Arizona, has hosted “scores of asylum-seekers,” but ever more restrictive immigration policies have curtailed its mission: “the cruel policies have diminished the flow to a trickle.”

Amicus Good Shepherd United Church of Christ is located in Sahuarita, Arizona, near the border with Mexico. The church hosts the activities of a group called the Samaritans, who make frequent trips into the desert, leaving supplies of water along migrant paths and occasionally rescuing lost migrants. The congregation’s experience with one asylum-seeker and her family, as related by a church member, demonstrates the difference that faith communities make for victims of trauma who are seeking safety in our country.

“Maria” was a small shopkeeper in Honduras, whose business was already struggling when gangs began demanding payments from her. Their coercion escalated, from beatings, to demanding that she give them her teenaged son, to threatening to kidnap her 9-year-old daughter and “harvest her organs for sale.” Maria fled with her four children, ages 1 to 13, and for many months they walked across Guatemala, and then Mexico, to the U.S. border. Maria applied for asylum and after two years of waiting, it was granted. While Maria and her children have endured tremendous trauma, the outpouring of community support—church, school system, businesses, individuals volunteering to teach English as a second language—has helped them start to overcome it.

Indeterminate detention would have made things worse—more trauma, less support. Such treatment of children violates Christian principles: Jesus taught us to care for the least among us. And said “Suffer little children to come unto me.”

In the words of amicus National Justice for Our Neighbors, “As people of faith, we are called upon to seek mercy, do justice, and to love our neighbors as ourselves. Times change; governments change; yet these commands remain unchanged.”

CONCLUSION

Amici urge the Court to affirm the ruling below and hold that the new regulations cannot take effect because they violate the *Flores* settlement agreement.

Dated: January 28, 2020

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH RULE 29(a)

This amicus curiae brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 29(a)(5) and Ninth Circuit Rule 32-1(a) because it is 3,982 words, excluding the portions exempted by Federal Rule of Appellate Procedure 32(f), if applicable.

This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Rule 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Office Word 2016 in 14-point Times New Roman font.

Dated: January 28, 2020

s/ Amanda Aikman

Amanda Aikman

APPENDIX A

NAMES AND INDIVIDUAL STATEMENTS OF INTEREST OF THE AMICI CURIAE

Names of the Amici Curiae

Alliance of Baptists
American Baptist Churches USA
Auburn Seminary
Central Pacific Conference of United Church of Christ
Commission on Ecumenical and Interfaith Relations, Diocese of New York (Episcopal)
Congregation Beit Simchat Torah
Congregation B'nai Jeshurun (NYC)
Congregation of our Lady of Charity of the Good Shepherd, US Provinces
Disciples Home Missions, Christian Church (Disciples of Christ)
Faith in Public Life
Franciscan Action Network
Franciscan Friars Province of St. Barbara
Friends Committee on National Legislation
Good Shepherd United Church of Christ
Leadership Conference of Women Religious
Multifaith Alliance for Syrian Refugees
National Advocacy Center of the Sisters of the Good Shepherd
National Council of Churches
National Council of Jewish Women
National Justice for Our Neighbors
NETWORK Lobby for Catholic Social Justice
Northern California Nevada Conference of United Church of Christ
Reconstructing Judaism
Reconstructionist Rabbinical Association
Shadow Rock United Church of Christ
Sisters of St. Francis, Clinton, Iowa
Sisters of St. Francis of Penance and Christian Charity, St. Francis Province
Sisters of the Holy Names of Jesus and Mary, U.S. - Ontario Province
Sojourners
Southern California Nevada Conference of the United Church of Christ
Southwest Conference of the United Church of Christ
Temple Shalom Congregation, Chevy Chase, MD
T'ruah: The Rabbinic Call for Human Rights
Union for Reform Judaism, Central Conference of American Rabbis, Women of Reform
 Judaism, Men of Reform Judaism
Union Theological Seminary
Unitarian Universalist Association
Unitarian Universalist Service Committee
United Church of Santa Fe
United Methodist Women
Women's Alliance for Theology, Ethics and Ritual

Individual Statements of Interest of the Amici Curiae

The **Alliance of Baptists** is a faith community comprised of 140 congregations across the United States and over 4,500 individual members. We are Baptist Christians knit together by love for God and for the beloved children of God. Our response to the call of God in Jesus Christ is to be disciples and servants. Our response includes a commitment to progressive inquiry, contemplative prayer and prophetic action to bring about justice and healing in our world. The Alliance, whose congregations work with and support refugees, asylum seekers and immigrants, joins this amicus brief in response to our Covenant and our commitment to side with those who are poor and to pursue justice with and for those who are oppressed.

The **American Baptist Churches USA** is a spiritual family of approximately 5,000 churches and 1.3 million members. We are an ethnically diverse people called to radical personal discipleship in Christ Jesus. We believe in promoting a society where justice and love reign. Through the love of Christ, we embrace the world as neighbor. Historically, based on Baptist core convictions such as the infinite value of every person, individual liberty, soul freedom, and separation of church and state, ABCUSA has been a leading Protestant agency advocating for fair immigration laws and assisting refugees to resettle in the United States, regardless of their ethnic, cultural or religious backgrounds.

Founded two hundred years ago as a Presbyterian seminary in upstate New York, today **Auburn Seminary**, located in New York City, is a leadership development and research institute building the multifaith movement for justice. Our mission is to identify and strengthen leaders—from the pulpit to the public square—to build communities, bridge divides, pursue justice, and heal the world. One of the central values that guides who we are and drives the strategic actions we take is our belief that all people are created equal before God and that our lives and all life are inextricably interwoven. We support this brief because we know that we belong to each other and are called to protect the dignity and humanity of all people, including and especially those who are oppressed and vulnerable.

Central Pacific Conference of United Church of Christ (CPC) is a covenant with 33 congregations in Oregon, 9 in Southern Idaho, and 2 in Southern Washington, totaling 5,830 members. CPC embraces the diversity of the population, which includes Native American peoples, lifelong residents, relocated residents, immigrants, and refugees. CPC seeks opportunities to share its progressive Christian voice and commitment to justice for all. In 2016, CPC declared itself an Immigrant Welcoming Conference, partly basing that decision on the words of Jesus, who said, “You shall love your neighbor as yourself,” there is no other commandment greater than these,” (Mark 12:31 NRSV), and “When I was hungry, you gave me something to eat, and when I was thirsty, you gave me something to drink. When I was a stranger, you welcomed me.” (Matthew 25:35 CEV.)

The **Commission on Ecumenical and Interfaith Relations, Diocese of New York (Episcopal)** consists of seven Committees which engage as dialogue partners with other Christian Communion and Jewish and Muslim groups. Its goals are to increase mutual understanding, study international and national dialogue papers and proposals, and make recommendations to the Bishop of New York. The specific groups where ongoing relationships exist are the Roman

Catholic Church, the Eastern (Orthodox) Churches, the United Methodist Church, the Council of Churches of the State of New York, the Jewish community, and the Muslim community. We have found that building relationships by means of these conversations leads to deepening trust between people of differing religious traditions and illuminates our common commitment to support of asylum seekers, refugees, and immigrants found in all of our respective communities.

Congregation Beit Simchat Torah, founded in the 1970s as a “gay synagogue” and led since 1992 by Senior Rabbi Sharon Kleinbaum, is a vibrant spiritual community and a progressive voice within Judaism that rejoices in diversity, denounces social injustice, and strives for human rights for all people. As a community of immigrants and refugees and descendants of immigrants and refugees, it is an active part of the New Sanctuary movement in New York City, meeting anti-immigrant initiatives with a spirit of love and resistance.

For nearly two centuries, **Congregation B’nai Jeshurun (NYC)** has been at the forefront of American Jewish life. As we move into our third century, our vision is focused on the spiritual work of transformation: of ourselves, our community of nearly 1,800 member households, and of the larger world. We believe that as a faith community we are called upon to hold ourselves, each other, and our elected leaders accountable for sustaining the core values of our nation, and to bring to bear the moral values of our Jewish tradition and teachings for the benefit of all. For many years, these beliefs have manifest through engagement in the growing global refugee crisis, and efforts to assist immigrants and refugees in New York City. As such, we strongly support the goals of the *Flores* settlement, and expect any relevant government policy to build upon its framework, not subvert it to the detriment of immigrants. We are proud to join this brief to help ensure that the rights of all immigrants and refugees, regardless of race, religion, gender identity, sexual orientation, financial status, or country of origin, are treated fairly and equally, and with respect and dignity, by the American government.

The **Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces** represents Sisters who, with their Mission Partners, address the needs of thousands of low-income people in 28 states of the United States and overseas each year. Dedicated to serving girls, women, and families who experience poverty, exploitation, vulnerability, and marginalization, the Congregation and their lay partners minister to immigrants and victims of human trafficking here and abroad as well as persons in situations of domestic violence. Communication is key to our networking within the U.S. and in the other 71 countries where the Congregation is located in order to positively meet the challenges our program participants face.

Disciples Home Missions (DHM) is the enabling and coordinating expression of the **Christian Church (Disciples of Christ)** in the U.S. and Canada in the areas of congregational programming and mission in North America. With over 750,000 members in over 3,800 congregations, DHM and its Refugee and Immigration Ministries (RIM) office have, since 1949, resettled more than 38,000 refugees and assisted countless people facing immigration problems. RIM engages congregations and members in advocacy to support refugee and immigrant rights. The Disciples Immigration Legal Counsel helps congregation members protect their rights, understand their options and work through the U.S. immigration system. DHM has consistently fought through advocacy actions, sign-on letters, vigils, public statements and education to seek to ensure the protections of the *Flores* Agreement are not lost for migrants and their children.

Faith in Public Life is a strategy center for the faith community advancing faith in the public square as a powerful force for justice, compassion, and the common good. It represents a network of 50,000 faith leaders from a broad variety of traditions who agree in the infinite value of human life. Its #BridgesNotWalls program is a movement to lift up faith voices in solidarity with refugees and immigrants. It joins this brief out of a belief that welcoming refugees reflects the demands of Scripture and our nation's highest ideals. Families belong together in a safe, healthy, free environment. Caging kids and families in inhumane camps and prisons is an immoral abuse of power. Any policy that contradicts these principles is unacceptable.

Inspired by the Gospel of Jesus, and the example of Saints Francis and Clare, the **Franciscan Action Network** is a collective Franciscan voice seeking to transform United States public policy related to peace-making, care for creation, poverty, and human rights, including advocacy on behalf of immigrants and refugees. Providing protection to people seeking safety is one of our nation's proudest and longest-standing traditions which we are morally obligated to uphold.

The **Franciscan Friars Province of St. Barbara** is dedicated to serving the poor and promoting justice, peace, care of creation, and reconciliation. Living these values requires that the Friars support this amicus brief.

The **Friends Committee on National Legislation** (FCNL) strongly opposes the incarceration of children and family detention. FCNL lobbies the United States Congress and the Administration on matters of justice, peace, and good governance as aligned with the Quaker faith. FCNL has long supported policies that reduce incarceration in both the criminal justice and immigration contexts. We advocate that all policies should recognize and answer to "that of God" in each person and that alternatives to incarceration should be prioritized. FCNL has actively advocated to enact stronger federal requirements and oversight of immigrant detention, including building on and strengthening the minimum requirements of child welfare standards outlined in the *Flores* settlement agreement. As a faith-based organization, we are committed to achieving justice for all children by restoring humanity to our justice systems and fully utilizing discretion when determining best responses; by ensuring that all people—not just U.S. citizens—have access to restorative justice and discretion; and by recognizing that how our laws treat migrant children and the children of immigrants is paramount for a society that values human beings.

The **Good Shepherd United Church of Christ** in Sahuarita, Arizona is committed to providing humanitarian assistance to refugees and immigrants who are suffering and dying within miles of the church. Good Shepherd has joined this amicus brief because it sees firsthand the effects of U.S. immigration policies on people and their families and has long advocated for and helped refugees and immigrants.

The **Leadership Conference of Women Religious**, founded in 1956, is an association of leaders of congregations of Catholic Sisters. The conference has nearly 1,300 members, who represent approximately 38,800 women religious in the United States. Catholic sisters came to these shores almost 300 years ago as immigrants to serve immigrant communities and continue to this day to accompany immigrant families and children in schools, hospitals, and social service agencies. We are called by our faith to care for the vulnerable and challenged by our national values to promote

the welfare of all children. As Catholic sisters, as women of faith, we must condemn our government's attempts to hold children in cages, to imprison families, and to use detention to punish those seeking safety in our country.

The **Multifaith Alliance for Syrian Refugees**, a project of the Tides Center, is a coalition of over 100 faith-based and secular organizations. Our mission is to mobilize global support to alleviate the Syrian humanitarian crisis, heighten awareness of the growing dangers of not responding adequately, and advance future stability in the region. The new rule regarding the *Flores* settlement violates the tenets of every major religious faith and the principles on which our democracy is founded to “welcome the stranger” and assist the refugee—both of which are key elements in the work of the Multifaith Alliance for Syrian Refugees. This rule intentionally harms children. Furthermore, as the courts have previously stated, deterrence is not justification for detention. We therefore have a vested interest in the outcome of this litigation.

The **National Advocacy Center of the Sisters of the Good Shepherd** represents Sisters who have a presence in over 70 countries and a charism to work with refugees. For this reason, we strongly oppose the indefinite detention of families with children during their immigration proceedings. Such a policy could do immense and permanent harm to children and inflict great suffering to their families. When people are in need and come to us for help, it is our duty to help them in any way that we are able. To do otherwise would be a violation of our responsibility and contrary to our core values as a nation.

The **National Council of Churches** is the largest and oldest ecumenical organization in the United States and is comprised of 38 denominations numbering some 30 million adherents in more than 100,000 local congregations. Faith traditions worldwide emphasize the importance of caring for those fleeing persecution or war. Christianity, in particular, rests upon the story of the Holy Family driven from Bethlehem into Egypt because of a ruler's genocidal edict. Based on its understanding of scripture, the NCC believes we have a responsibility to welcome and assist immigrants and refugees of all faiths and nationalities.

The **National Council of Jewish Women (NCJW)** is a grassroots organization of 90,000 volunteers and advocates who turn progressive ideals into action. Inspired by Jewish values, NCJW strives for social justice by improving the quality of life for women, children, and families and by safeguarding individual rights and freedoms. NCJW's Resolutions state that NCJW resolves to work for “Comprehensive, humane, and equitable immigration, refugee, asylum, and naturalization laws, policies, and practices that facilitate and expedite legal status and a path to citizenship for more individuals.” Consistent with our Principles and Resolutions, NCJW joins this brief.

National Justice for Our Neighbors, a United Methodist ministry, supports a network of 18 sites around the country that provide immigration legal services to low-income immigrants and refugees.

NETWORK Lobby for Catholic Social Justice educates, organizes, and lobbies for social and economic transformation. Founded by Catholic Sisters in the progressive spirit of Vatican II, we are rooted in the Catholic Social Justice tradition and open to all who share our passion. The

NETWORK community of justiceseekers is more than 50,000 strong with members in every state and every congressional district. NETWORK joins in this amicus brief because we are called by faith to welcome the stranger and love our neighbor.

Northern California Nevada Conference of United Church of Christ is in covenant with 116 congregations in Northern California and Northern Nevada. Justice in our immigration process is one area of focus for many of our churches and for our Conference as a whole. We recently passed a resolution titled, “A Call to Become Immigrant and Refugee Welcoming as a Conference and in Congregations.” This resolution is based on the belief that every immigrant and refugee has inherent dignity and human rights; that every immigrant and refugee should be able to live in safety, to live without fear, and have access to basic necessities and opportunities. Matthew 25:40 summarizes our call from Jesus, “Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me.” Our faith compels us to seek justice for all humanity.

Reconstructing Judaism is the central organization of the Reconstructionist movement. We train the next generation of rabbis, support and uplift congregations and *havurot*, and foster emerging expressions of Jewish life—helping to shape what it means to be Jewish today and to imagine the Jewish future. There are over 100 Reconstructionist communities in the United States committed to Jewish learning, ethics, and social justice. We support this brief because it expresses core Jewish values. The Hebrew Bible exhorts us no less than 36 times to welcome and embrace the stranger. It also teaches that every individual is created *betzelem Elohim*, in the image of God. We see that this extends directly and compellingly toward a refugee policy that is as welcoming it as can be while taking legitimate security concerns into consideration. We support national policies that live up to the ideals of our faith as well as the founding documents of the American republic.

The **Reconstructionist Rabbinical Association**, established in 1974, is the professional association of Reconstructionist rabbis and serves as a voice of Reconstructionist Jewish values in the world. Our understanding of Jewish tradition and experience compels us to support refugees and immigrants as an act of justice and compassion in the world.

Shadow Rock United Church of Christ is a progressive congregation in Phoenix living out the core values of inclusion, justice, and spirituality. Shadow Rock UCC has joined this amicus brief because its members stand opposed to the enforcement of immigration laws out of fear and prejudice.

The **Sisters of St. Francis, Clinton, Iowa** is a Catholic religious order. The Sisters are joining this amicus brief because the order has taken a corporate stand to welcome immigrants and refugees and to advocate for policies that uphold their basic civil and human rights. Having engaged in education for over 150 years, the welfare of children is a priority for the Sisters.

Sisters of St. Francis of Penance and Christian Charity, St. Francis Province. Our sisters on the U.S. Pacific Coast and in Southern Mexico are working with immigrants seeking life and safety in the U.S. for their families. They tell us of their experiences with a people suffering trauma all the way North and at the border. They also tell us of the resilience they witness.

Since the founding of the **Sisters of the Holy Names of Jesus and Mary, U.S.-Ontario Province** in 1843 by Blessed Marie Rose Durocher, our congregation has been dedicated to the Christian education of young people, particularly girls, including immigrants and those with no other support for formal schooling. As educators, we are very aware of the harm caused by separating children from their families, and how seriously it interferes with learning. In no way would the Trump Administration's proposed new rules uphold the *Flores* Settlement Agreement's protections for immigrant children in government custody, who face both the threat of separation from their parents and inhumane conditions in detention.

Founded in the early 1970s, **Sojourners** believes in honoring the God-given dignity of every person, protecting family unity, and promoting thriving communities. As an ecumenical Christian organization, we take the words and actions of Jesus seriously. Jesus recognized the worth and value of children, specifically calling out anyone who prevented them from enjoying the bountiful life Jesus offers. Jesus uplifted the status of children in society by declaring that anyone who wished to follow him and build justice in this world must have the attitude of children. Jesus set children as models of our faith. There is no better measure of our conscience than how we treat those who are most vulnerable among us. In today's context migrant children are particularly positioned to be preyed upon. It is our moral duty to protect them and ensure that our laws do the same.

The **Southern California Nevada Conference of the United Church of Christ** supports and provides services to 135 local churches, embracing some 16,000 members and 250 clergy, within Southern California and Nevada. Our mission statement, "To embody a covenant of extravagant Christian love," is manifested in a deep commitment to ministry of extravagant welcome, particularly children and especially the parentless. Our Sacred Texts teach us that "Religion that is pure and undefiled before God, the Father, is this: to care for orphans and widows in their distress, and to keep oneself unstained by the world." Scripture teaches us that God is One "who executes justice for the orphan and the widow, and who loves the strangers, providing them food and clothing," and teaches us to "also love the stranger, for you were strangers" Caring for one's own family is a basic obligation of the Christian faith: "And whoever does not provide for relatives, and especially for family members, has denied the faith and is worse than an unbeliever."

The **Southwest Conference of the United Church of Christ** is the regional body that provides support and services to 48 local churches, embracing some 6,000 members and 160 clergy, within Arizona, New Mexico and El Paso, Texas. Our mission statement, "extravagantly welcoming and affirming followers of Christ called to embody God's unconditional justice and love," is manifested in a deep commitment to ministry of extravagant welcome, particularly children and especially the parentless. Our Sacred Texts teach us that "Religion that is pure and undefiled before God, the Father, is this: to care for orphans and widows in their distress, and to keep oneself unstained by the world." Scripture teaches us that God is One "who executes justice for the orphan and the widow, and who loves the strangers, providing them food and clothing," and teaches us to "also love the stranger, for you were strangers" Caring for one's own family is a basic obligation of the Christian faith: "And whoever does not provide for relatives, and especially for family members, has denied the faith and is worse than an unbeliever."

Temple Shalom is a Reform Jewish congregation in Chevy Chase, Maryland. The Torah instructs no fewer than 36 times that we must welcome the stranger and treat the stranger well, because we were once strangers in a foreign land. This is one of the most fundamental tenets of Judaism. Temple Shalom supported and welcomed Jewish refugees from the former Soviet Union and from Ethiopia in the 1980s. And in more recent years, working with HIAS, Lutheran Social Services of the National Capital Area, and International Rescue Committee, Temple Shalom has sponsored a Syrian Muslim refugee family of six, has set up apartments for other refugee families, and continuously raises funds and supplies for refugees as part of its commitment to the Jewish teaching of *Tikkun Olam* (repair of the world). Temple Shalom's work with these adults and children has helped its members and clergy to deepen our awareness that refugees are mothers and fathers who bake cookies, work hard, and raise loving children who play soccer, draw and sing with our own children. Detaining those seeking asylum, especially children, violates these most basic teachings of Judaism dating back 4,000 years.

T'ruah: The Rabbinic Call for Human Rights brings together rabbis and cantors from all streams of Judaism, together with all members of the Jewish community, to act on the Jewish imperative to respect and advance the human rights of all people.

The **Union for Reform Judaism**, whose nearly 850 congregations across North America include 1.5 million Reform Jews; the **Central Conference of American Rabbis**, whose membership includes more than 2,000 Reform rabbis; **Women of Reform Judaism**, which represents more than 65,000 women in nearly 500 women's groups in North America and around the world; and **Men of Reform Judaism** come to this out of our longstanding and deep commitment to just, compassionate, and humane immigration policy that reflects the basic principles of human dignity and human rights. In at least 36 ways, the Torah demands of us concern for the stranger in our midst. We are inspired by our sacred texts to work towards solutions that would treat children and families with dignity and respect for their health and safety.

Union Theological Seminary is the oldest independent seminary in the United States. The seminary's education is rooted in Christian traditions but instructed by other faiths. The seminary and its President, the Reverend Doctor Serene Jones, join this brief in the recognition that at the heart of the Christian tradition is the call to love one another, to welcome those who are strangers, who are different, who suffer, who are in need. Indeed, turning your back on anyone, be they friend or foe, is an action directly refused by Jesus. So should it be by all Christians who seek to follow him.

The **Unitarian Universalist Association** comprises more than 1,000 Unitarian Universalist congregations nationwide. Unitarian Universalists believe that the circle of love transcends any human-made border. Its affirmation of the inherent worth and dignity of all people, and the profound interdependence of all life, compels Unitarian Universalists to work for a world in which no person—regardless of race, nationality, gender, sexuality, ability, citizenship, or belief—should be denied the right to safety, freedom, and community.

The **Unitarian Universalist Service Committee** is a 501(c)(3) human rights organization with over 40,000 members and supporters around the country. As an organization inspired by Unitarian Universalist (UU) values, solidarity with refugees and migrants displaced from their homes is

central to both our history and present work. In 1939, UUSC was founded to aid refugees fleeing religious and political persecution in Nazi-occupied Europe. Since that time, we have continued to advocate for just and compassionate immigration policies, which uphold the human right to seek asylum from persecution. In recent years, this work has included ongoing efforts to end the practices of family detention, family separation, and child detention at the U.S. border, all of which are elements of a deliberate strategy of deterrence that violates the dignity and right to fair treatment of families seeking asylum, while impairing their access to humanitarian protection. UU values call us to be in solidarity with refugees and migrants through their emphasis on the inherent worth and dignity of all people and the right of conscience. These values are directly threatened by policies that result in the return of those seeking asylum to harm's way.

The **United Church of Santa Fe** has been an inclusive and welcoming faith community since its beginnings. We support this amicus brief because we seek to follow the ways of Jesus Christ, who himself was a refugee and immigrant and who showed God's love across the political, ethnic, religious, and national divisions of his day. Our faith calls us to love both our neighbor and the stranger, and that love is shown by our support of this brief.

United Methodist Women is a mission organization founded in 1869 to address the needs of women, children, and youth. Since that time, the organization has sustained ministries to assist immigrant women, children, and families. Much of this work is now conducted through our 90-plus community centers and residences around the country as well as through member engagement on behalf of migrating people and families. It is in the spirit of this historic and continued concern for the welfare of women, children, and youth that we join this amicus brief in support of the district court decision rejecting proposed federal rules permitting the indefinite detention of immigrant children with their parents. Children belong with their families, and no family should be caged behind bars. Not only is this proposal unjust, it is dangerous. Children and adults are dying in US immigrant detention centers, and scores more have had their civil rights violated.

The **Women's Alliance for Theology, Ethics, and Ritual**, a non-profit educational group, is made up of people from a variety of religious perspectives and no religious affiliation whatsoever. However, we concur that immigrants deserve to be treated with utmost respect and care. Children and parents belong together.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system on January 28, 2020.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: January 28, 2020

s/ Amanda Aikman

Amanda Aikman