

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

STATE OF HAWAII,

Plaintiff,

v.

DONALD TRUMP, et al.,

Defendants.

Civil Action No.: 1:17-CV-00050-DKW-KSC

**DECLARATION OF MARK HETFIELD,
PRESIDENT AND CEO OF HIAS, INC.**

DECLARATION OF MARK HETFIELD, PRESIDENT AND CEO OF HIAS, INC.

I, Mark Hetfield, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am the President and Chief Executive Officer of HIAS, Inc.
2. HIAS was founded in 1881 as the Hebrew Immigrant Aid Society to assist Jews fleeing pogroms in Russia and Eastern Europe. It is the world's oldest—and only Jewish—national refugee resettlement agency. Today, HIAS serves refugees and persecuted people of all faiths and nationalities around the globe. Since HIAS's founding, the organization has helped more than 4.5 million refugees start new lives. In 2016 alone, HIAS provided services to more than 350,000 refugees and asylum seekers globally.
3. HIAS has offices in twelve countries worldwide, including its headquarters in Silver Spring, Maryland, its principal place of business, and additional domestic offices in New York City and Washington, D.C.
4. HIAS's refugee resettlement work is grounded in, and an expression of, the organization's sincere Jewish beliefs. The Torah, Judaism's central and most holy text, commands followers to welcome, love, and protect the stranger. The Jewish obligation to the stranger is repeated in various ways throughout the Torah, more than any other teaching or commandment.

HIAS believes that this religious commandment demands concern for and protection of persecuted people of all faiths. The Torah also teaches that the Jewish people are to welcome, protect, and love the stranger because “we were strangers in the land of Egypt” (Leviticus 19:34). Throughout their history, violence and persecution have made the Jewish people a refugee people. Thus, both our history and our values lead HIAS to welcome all refugees in need of protection. A refusal to aid persecuted people of any one faith, because of stigma attached to that faith, violates HIAS’s deeply held religious convictions.

5. HIAS’s client base includes refugees and their families abroad and those located in the United States. Hundreds of these clients hail from the six countries singled out in Section 2(c) of the March 6 Executive Order, including Syria, Iran, Sudan, Somalia, and Yemen. Other clients, who will also be affected by the 120-day ban on refugees in Section 6(a) of the Order, hail from countries that include Iraq, Ukraine, Bhutan, the Democratic Republic of the Congo, Afghanistan, Eritrea, Tanzania, Ethiopia, Central African Republic, Burundi, South Sudan, Uganda, Russia, Belarus, Burma, and El Salvador. Its overseas clients are seeking refugee status, and do so precisely because they face a real risk of persecution at home. They remain in precarious situations often in third countries.

6. The refugee resettlement process typically begins with the office of the United Nations High Commissioner for Refugees (“UNHCR”), which interviews and screens the applicant and determines whether the applicant may qualify as a refugee, and where the applicant may resettle. In certain circumstances, specially trained non-governmental organizations will identify the refugee and begin this process. Some refugee-clients of HIAS started the application process without a referral from the UNHCR or entity. Some of these refugees are close relatives of asylees and refugees already in the United States; others belong to specific groups identified in

by statute or the U.S. Department of State as eligible for direct access to the refugee and resettlement program.

7. The U.S. Department of State or U.S. Citizenship and Immigration Services will then assign the refugee to a Resettlement Support Center (“RSC”). HIAS is one of five agencies that operate RSCs. These relationships are formal, documented, and formed in the ordinary course of HIAS’s business. None of these relationships were formed for the purpose of evading the refugee ban.

8. The RSC operated by HIAS in Austria is primarily intended for Iranian refugees who fled religious persecution in Iran. Every one of those Iranian refugees has a relationship with a person in the United States who is the “anchor” for that case, who initiates the resettlement application, and who provides a “Care and Maintenance deposit” to ensure that the applicant will be able to cover his or her living expenses while waiting to be processed in Austria. None of the relationships between the U.S. anchor and the applicant was arranged for the purpose of evading the refugee ban. Under the policy of the U.S. Refugee Admissions Program, the U.S. anchor may or may not be a close relative of the refugee applicant.

9. The RSCs are responsible for organizing the physical processing of refugee applicants, educating the applicant about the process, and preparing the physical case file. The RSC will also interview the applicant and enter the relevant application document into the Department of State’s Worldwide Refugee Admission Processing System (“WRAPS”), cross reference and verify the data, and send information required for a background check to other U.S. agencies.

10. Even before many individuals are referred to an RSC, HIAS provides intensive psychosocial, legal and livelihood assistance to vulnerable refugees around the world. It works

closely with the UN refugee agency to identify cases that cannot secure durable solutions in the countries to which they have fled. HIAS staff develop in-depth relationships with clients who receive psychosocial assistance, including individual counseling and group therapy. Staff also develop bonds with refugees through our legal work which includes asylum preparation and through our livelihoods and employment services. Through HIAS' comprehensive programming, staff come to understand all of the challenges that these individuals experience either because of the persecution they have faced in their countries of origin or because of the issues they deal with in the countries of asylum. HIAS build relationships with individual clients as well as other family members ensuring that they are able to access protection services and durable solutions.

11. HIAS staff involved in referring cases for resettlement are in close contact with the UN refugee agency to determine the progress of clients that are referred through the United States Refugee Admissions Program (USRAP). HIAS staff is often in contact with refugees after they have been resettled to the United States to find out how they are faring and obtain feedback on how we can improve our services. Because of the intensive work that HIAS has done with clients through direct services, HIAS is able to maintain ties after they are no longer in the countries of first asylum.

12. Clients referred to the USRAP must fall into certain categories of vulnerability. As such, HIAS builds up these ties through the close support that we provide to clients particularly by way of the psychosocial and mental health services HIAS offer which help refugees recover from trauma and move on with their lives. For those refugees who simply cannot access the protection that they need to stay safe, HIAS assists them to secure durable solutions, thus developing strong ties with individuals through the provided support.

13. The RSC process can often take 18-24 months or longer, during which time the RSC serves as the primary point of contact as the refugee undergoes the extensive background checks and processing required by U.S. governmental entities. The RSC will also work with the refugee applicant to address any changes related to application that occur in the course of the process, such as whether refugee's application needs to be considered for expedited consideration, or if there is a change to the family composition, such as a birth, death, divorce, or marriage.

14. Should the application proceed, applicants must complete a cultural orientation course and a medical screening, the results of which are also entered into WRAPS.

15. If the case is cleared, resettlement agency representatives, who meet weekly to review WRAPS information, will determine where to resettle the refugee. Should the applicant be assigned to the United States, the applicant will be subject to further screening from United States Customs and Border Protection, and the Transportation Administration's Secure Flight Program.

16. Once all refugee processing is complete, refugee clients are assigned via the State Department's allocation process to one of nine non-profit agencies that contract with the United States government as resettlement agencies. HIAS is one of the nine resettlement agencies. To serve these refugees, HIAS currently holds sub-agreements with 18 local organizations ("affiliates") who operate and oversee 21 resettlement sites across the country. Once a refugee is approved for resettlement, they are matched to a local affiliate, who then provides an "assurance," which is a guarantee that the affiliate will provide services to the individual when he/she arrives.

17. As a resettlement agency, HIAS and its affiliates are required to arrange for the reception and placement of refugees in the United States and offer appropriate assistance during their initial resettlement in the United States; provide refugees with basic necessities and core

services during their initial period of resettlement; and in coordination with publicly supported refugee service and assistance programs, assist refugees in achieving economic self-sufficiency through employment as soon as possible after their arrival in the United States. These relationships are formal, documented, and formed in the ordinary course of HIAS's business. None of these relationships were formed for the purpose of evading the refugee ban.

18. After a refugee has been given an assurance, but before the refugee has been issued a visa, HIAS and its affiliates begin the involved process of arranging for the reception, placement, and appropriate initial resettlement assistance for the refugee. Refugees typically travel 2 to 6 weeks after receiving an assurance by one of the affiliates.

19. As a resettlement agency, HIAS and its affiliates ensure that the arriving refugees assigned to it are met at the airport of final destination and transported to furnished living quarters and provided culturally appropriate, ready-to-eat food and seasonal clothing as necessary to meet immediate needs.

20. HIAS and its affiliates also find housing for the refugee or refugee family, provides them with money for rent and utilities for up to three months, and supplies them with initial food and medical care before government-funded benefits begin. In addition, HIAS and its affiliates' case management services include providing initial safety orientation followed by weeks of extensive cultural orientation to adjust them to life in America, and HIAS and its affiliates assist the refugee or refugee family in enrolling in ESL classes, school, employment services, and benefits programs (including Medicare, food stamps and Supplemental Security Income for the elderly and disabled).

21. During this time, HIAS and its affiliates develop a close relationship with the refugee or refugee family, as they provide critical support during this vulnerable and challenging

time. For example, local affiliates work to provide many of the things the family is likely to need immediately upon their arrival, including finding housing and furnishing it, stocking the pantry, and making the family a welcome meal for their first night. When the refugees arrive, the affiliates often greet them at the airport, along with needed translators and caseworkers. After the refugees arrive, the affiliates will help with transportation and facilitate conversation while the refugees learn English, and even provide babysitting services so that the refugees can undertake the necessary steps to transition to life in America, like taking an English placement test or getting social security cards.

22. If HIAS and its affiliates are not able to resettle individuals who are already approved or assured, they will not only lose the \$950 per capita funding they are allocated through their cooperative agreement with the Department of State, impacting staff capacity, but they will also lose the resources and monies expended securing the necessities they are required to provide by the cooperative agreement.

23. In FFY 2016, HIAS's cooperative agreement with the Department of State provided that HIAS and its affiliates would resettle 3,768 refugees and Special Immigrants Visas ("SIVs") in the United States. However, as the number of refugees and SIV's approved for admission increased, HIAS eventually resettled 4,191 individuals that year. The Department of State, aware that it would significantly increase capacity for refugees in FFY 2017, then requested that HIAS apply for higher numbers of arrivals as the refugee program expanded. As a result, in its cooperative agreement for FFY 2017, HIAS was engaged to resettle 4,794 refugees and SIVs.

24. Of the hundreds of clients worldwide who have been vetted, approved for refugee status, and allocated and assured to a HIAS site, only a small number are currently scheduled for travel. Of those, 2 families of 8 total refugees are from the six banned countries and at least 6

lack a US tie as recognized by the State Department's current guidance. Many of these individuals will be prevented from travel as a direct result of the Executive Order, leaving them in precarious situations.

25. Additionally, the federal government is only committing to allowing refugees to travel through July 6, even though other refugees have travel dates booked beyond that date.

26. As a result of the Federal Government's interpretation of the Supreme Court's stay, many of these individuals will still be prevented or delayed from entering the United States, despite the fact that they have a bona fide relationship with a person or entity in the United States. Because security and medical clearances have expiration dates, it is likely that some refugees would lose their readiness for travel during the suspension period and lengthy checks would need to be repeated. Every day that these individuals' entry is delayed, they remain in precarious situations.

27. Because of the extensive time this interview process takes, stopping interviews can delay refugee admissions for next year since the approval process requires several steps and includes several time limited now it delays admission even next year despite living under the new cap. In order for refugees to be cleared to travel, the refugees need travel documents, medical clearance and current security clearance. Delays can cause any one of these pieces to expire, rendering the refugee unable to travel and requiring renewals. Refugees remain in precarious, stressful situations while waiting for final resettlement and family reunification.

28. Many of HIAS's clients abroad whose refugee status has been approved but have yet to be scheduled for travel, including clients from the six banned countries, belong to a category of refugees who, by definition, have a bona fide relationship with a United States entity or a close family relationship.

29. This includes individuals whose family members have petitioned, applied, or sponsored them for refugee status (often through HIAS and its affiliates as the very first step in initiating a resettlement case.). Refugees seeking entry under Priority 3 or P-3 status have either a parent, child, or spouse who has been recently admitted to the United States as a refugees or asylee. HIAS and its affiliates have pending applications for clients seeking to enter the United States under the P-3 (Priority Three) program.

30. Some HIAS clients have been approved as refugee status through the Central American Minors program, which permits U.S. relatives of persecuted children in Central America to petition for these children to immigrate here. These children remain in vulnerable and dangerous situations in their home countries, despite having been approved for refugee status, and their U.S. family members are forced to endure continued separation from and concern for these children. Other refugee categories are similar in that the characteristics permitting individuals to apply for refugee status under the program guidelines themselves establish a bona fide relationship with a person or entity in the United States, such as for example, the Priority 2 or P-2 program for individuals in Eurasia, the Baltics, El Salvador, Guatemala, and Honduras.

31. Also under the Direct Access Program for Iraqis (DAP for Iraqis) and the Direct Access Program for Syrians (DAP for Syrians), individuals can apply directly with USRAP without the need for a referral from UNHCR. This is based on these individual's current or prior relationship with a U.S. entity. Individuals who are eligible to apply for DAP include those who are at risk of or have experienced serious harm as a result of their association with the U.S. government or a U.S. entity. This includes individuals who have worked in Iraq or Syria for the U.S. government as interpreters or translators, those employed by U.S. media organization or U.S. non-governmental organizations. Refugees applying through DAP have by definition established

a relationship that is “formal, documented, and formed in the ordinary course” because establishing such a relationship is what qualifies them to apply through DAP in the first instance.

32. All beneficiaries of a Form I-730 Refugee/Asylee Relative Petitions have a family member in the United States who has petitioned on their behalf. HIAS represents clients in their family petitions and currently represents at least one client whose family member is from one of the banned countries.

I hereby declare under penalty of perjury that the foregoing is true and correct.



Mark Hetfield

Executed this 30 day of June 2017