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# The Refuge

ABA International Refugee Law Committee Newsletter

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March 2017  
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## Welcome to *The Refuge*

Dear Reader,

*The Refuge* is the revival of the IRLC's monthly newsletter that will brief attorneys, students, and scholars of the trending topics in international refugee and asylum law. The mission of *The Refuge* is to provide a light, easy-to-read, review of trending news stories and legal developments that will keep readers up to date with refugee and asylum law developments.

Although *The Refuge* has an international outlook, it's hard to mention the word "refugee" without discussing President Trump's executive orders. While, future issues will have a broader variety of articles, this issue will have a heavy focus on the executive orders and discuss its legal and real-world impacts.

Thanks for reading, and please take a look at Page 11 for more information about *The Refuge* and how you can participate.

Sincerely,  
Andrew Solis  
Vice-Chair, Editor



The International Refugee Law Committee is a subsection of the American Bar Association's Section of International Law.

### About the Committee

#### Co-Chairs:

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#### Who We Are:

The International Refugee Law Committee is concerned with the fundamental human rights of refugees around the world, rights that refugees can rarely assert and are often denied. The committee seeks to educate its members and the public about issues in this field, to foster critical discussion toward a greater realization of refugee rights, and to stimulate legal and policy advocacy on behalf of refugees worldwide.



# Irreconcilable? Trump's EO and INA

By Cindy Galway Buys

On January 27, 2017, President Donald Trump issued Executive Order (“EO”) 13769: “Protecting the Nation from Foreign Terrorist Entry into the United States”.<sup>1</sup> The EO makes several changes to U.S. immigration law, for the stated purpose of “ensur[ing] that those admitted to this country do not bear hostile attitudes towards it and its founding principles.” The EO has been the subject of a temporary restraining order issued by a U.S. District Court in Washington<sup>2</sup> and upheld by the Ninth Circuit Court of Appeals.<sup>3</sup> In that lawsuit, the plaintiffs argued that the EO violates both U.S. constitutional and statutory law. This article analyzes the authority of the President under the Immigration and Nationality Act (“INA”)<sup>4</sup> to issue those portions of the Order that have been the subject of several legal challenges.<sup>5</sup>

## Breaking Down the Executive Order

The two sections of the EO that immediately drew multiple legal challenges are sections 3 and 5. Section 3(b) of the EO suspends for 90 days entry into the United States of both immigrants and nonimmigrants from countries referred to in section 217(a)(12) of the Act.<sup>6</sup> Section 217 of the INA establishes a visa waiver program that makes it easier for tourists from designated countries to enter the United States for less than 90 days. Subsection 217(a)(12) excludes from the visa waiver program persons who are nationals of or who have been present in Iraq or Syria or any other designated country of concern since March 1, 2011.<sup>7</sup> The additional countries of concern under section 217 are Iran, Libya, Somalia, Sudan, and Yemen.<sup>8</sup> Section 3 of the EO also calls for various reviews of other countries that may be added to the list. Section 3(g) gives the Secretaries of State and Homeland Security the ability to issue visas to individuals subject to this section on a case-by-case basis when in the national interest.

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**“The impact of the Executive Order was immediate and widespread.”**

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As a result of this provision, the Department of Homeland Security immediately began denying entry to the United States to persons from those seven countries. As stated by the Ninth Circuit Court of Appeals in *State of Washington v. Donald J. Trump*: “The impact of the Executive Order was immediate and widespread. It was reported that

<sup>1</sup> <https://www.whitehouse.gov/the-press-office/2017/01/27/executive-order-protecting-nation-foreign-terrorist-entry-united-states>

<sup>2</sup> *Washington v. Trump*, No. C17-0141-JLR, 2017 WL 462040 (W.D. Wash. Feb. 3, 2017).

<sup>3</sup> *State of Washington; State of Minnesota v. Donald J. Trump et al*, No. 17-35105 (9<sup>th</sup> Cir. Feb. 9, 2017) [hereinafter Ninth Circuit Order].

<sup>4</sup> 8 U.S.C. § 1101 et seq.

<sup>5</sup> More than a dozen lawsuits were filed around the country challenging the Executive Order on various grounds. See Lauren Pearle and James Hill, *13 Legal Actions Challenging Trump's Immigration Executive Order*, ABC News (Feb. 1, 2017), <http://abcnews.go.com/Politics/legal-actions-challenging-trumps-immigration-executive-order/story?id=45175192>. Valid arguments may be made that the Order violates the United States' international obligations as well as domestic law, but those arguments are beyond the scope of this article.

<sup>6</sup> 8 U.S.C. 1187(a)(12).

<sup>7</sup> The Executive Order exempts certain diplomatic visas.

<sup>8</sup> Ninth Circuit Order at 4, citing 82 Fed. Reg. 8,977-78.

thousands of visas were immediately canceled, hundreds of travelers with such visas were prevented from boarding airplanes bound for the United States or denied entry upon arrival, and some travelers were detained.”<sup>9</sup> In response to public outcry, White House Counsel issued “authoritative guidance” shortly after the Order took effect that it would not be applied against U.S. lawful permanent residents (i.e., immigrants).<sup>10</sup>

Section 5 of the EO suspends the U.S. Refugee Admissions Program for 120 days, during which time, the Secretaries of State and Homeland Security and the Director of National Intelligence are to review the refugee admission program “to ensure those approved for refugee admission do not pose a threat to the security and welfare of the United States.” Upon the expiration of the 120-day period, refugee admissions will be resumed only for nationals of countries whom the three department heads jointly determine have procedures adequate to ensure the security and welfare of the United States. Section 3(b) further instructs government officials upon resumption of the refugee admissions, “to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual’s country of nationality.” Subsection 5(c) indefinitely suspends the admission of all Syrian refugees as detrimental to the interests of the United States. Subsection 5(d) caps refugee admissions at 50,000 for 2017.<sup>11</sup> However, notwithstanding section 5(a) of the Order, subsection 5(d) allows the admission of refugees on a case-by-case basis if the Secretaries of State and Homeland Security jointly determine, in their discretion, that the admission of an individual as a refugee would be in the national interest.

### **Potentially Competing Provisions of the U.S. Immigration and Nationality Act**

In issuing the EO, President Trump relied primarily on the authority granted to him under section 212(f) of the INA, which gives the President broad authority to exclude aliens or classes of aliens who he believes would be detrimental to the interests of the United States:

Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.

Previous U.S. Presidents have relied on this authority to deny entry to persons who were banned from travel pursuant to United Nations-sanctioned travel bans; persons who had engaged in serious human rights abuses; persons who participated in military coups;

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<sup>9</sup> Ninth Circuit Order at 4-5.

<sup>10</sup> Gerstein and Nussbaum, *White House tweaks Trump’s travel ban to exempt green card holders* (Feb. 1, 2017), <http://www.politico.com/story/2017/02/white-house-green-card-holders-no-longer-covered-by-trump-executive-order-234505>.

<sup>11</sup> On September 28, 2016, then President Obama had issued an Executive Order setting the number of U.S. refugee admissions for 2017 at 110,000. Presidential Determination – Refugee Admissions for Fiscal Year 2017, <https://obamawhitehouse.archives.gov/the-press-office/2016/09/28/presidential-determination-refugee-admissions-fiscal-year-2017>.

and persons who engaged in international corruption and other international criminal behavior, among other examples.<sup>12</sup> Thus, previous use of this authority focused mainly on conduct of an intending immigrant or nonimmigrant, not on a person's nationality or religion.<sup>13</sup>

Section 212(f) was added to the INA in the early years of the cold war as part of the McCarran-Walter Act of 1952.<sup>14</sup> That Act was controversial at the time in part because it contained a number of provisions that discriminated against persons based on nationality, making it easier for persons from Northern and Western Europe and the Western Hemisphere to immigrate to the United States as compared to those from other parts of the world.<sup>15</sup>

In 1965, following the lead of President Kennedy, Congress made several significant changes to the INA, including: (1) ending the national origins quota system; (2) abolishing the special immigration restrictions relating to Orientals and prohibiting immigration discrimination because of race, sex, nationality, place of birth, or place of residence; and (3) modifying the existing quota system.<sup>16</sup>

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***“This nondiscrimination provision appears to directly conflict with President Trump’s Executive Order banning persons from certain countries from immigrating to the United States.”***

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As mentioned above, one of the amendments to the INA in 1965, section 202(a)(1), prohibits discrimination in the issuance of immigrant visas on the grounds of race, sex, nationality, place of birth, or place of residence.<sup>17</sup> The recommendation and adoption of a provision banning racial and national origin discrimination was a direct response to the discrimination that had been codified in the INA for the previous seventy years. This nondiscrimination provision appears to directly conflict with President Trump’s Executive Order banning persons from certain countries from immigrating to the United States.

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***“... Congress must have intended to limit the president’s power to discriminate... when it amended the INA...”***

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In the recent *State of Washington v. Donald Trump* case challenging sections 3 and 5 of the EO, Washington argued that the EO violates the INA’s nondiscrimination provision and that section 202(a)(1)(A) supersedes the earlier enacted section 212(f) because the 1965 amendments to the INA were intended to and did mark a “profound change” in the law.<sup>18</sup> They were enacted alongside the Civil Rights Act of 1964 and the

<sup>12</sup> Kate M. Manuel, Congressional Research Service, Executive Authority to Exclude Aliens: In Brief, (Jan. 23, 2017), <https://fas.org/sgp/crs/homesecc/R44743.pdf> [hereinafter CRS Brief].

<sup>13</sup> President Reagan relied on section 212(f) authority to temporarily cut off most immigration from Cuba in response to the Mariel Boatlift and President Fidel Castro’s refusal to take back Cubans who were deemed ineligible to immigrate to the United States. *See id.* This action was in response to a specific international crisis with a particular country and contained several exceptions. As a result, it was quite different from the broad immigration ban of the current Executive Order.

<sup>14</sup> *See* CRS Brief, *supra* note 11, at 1.

<sup>15</sup> Office of the Historian, U.S. Dept. of State, The Immigration and Nationality Act of 1952, <https://history.state.gov/milestones/1945-1952/immigration-act>.

<sup>16</sup> 1 Charles Gordon, Stanley Mailman, and Stephen Yale-Loehr, IMMIGRATION LAW AND PROCEDURE §§ 2.02-2.04 (2011).

<sup>17</sup> 8 U.S.C. § 1152(a)(1)(A).

<sup>18</sup> *State of Washington v. Donald Trump et al.*, No. 2:17-cv-00141, Motion for Temporary Restraining Order 19-20 (W.D. Wash. Jan. 30, 2017), citing *Olsen v. Albright*, 990 F. Supp. 31 (D.D.C. 1997). The Washington TRO Motion also argues that although the nondiscrimination provision only refers to the

Voting Rights Act of 1965, during a time when Congress was focused on eliminating discriminatory statutory provisions.<sup>19</sup> Thus, Congress must have intended to limit the president's power to discriminate under the INA when it amended the INA to add the nondiscrimination provision.<sup>20</sup>

When interpreting statutes, courts should adopt an interpretation that avoids conflicts between statutory provisions and instead should adopt an interpretation that produces a harmonious whole.<sup>21</sup> The best way to read the president's authority under section 212(f) consistently with the nondiscrimination provision is to interpret the INA to allow the president the authority to deny an alien or a class of aliens entry to the United States on a case-by-case basis upon a showing that such entry would be harmful to the national interest. Under this interpretation, the president would retain the authority to protect the country, but would not do it in a discriminatory way that bans entire countries of persons from entering the United States without individualized determinations. Such an interpretation would also be consistent with Section 11(b) of the EO which states: "The order shall be implemented consistent with applicable law and subject to the availability of appropriations."

In the *Washington* case, the United States Government argued that the courts lack authority to enjoin enforcement of the EO because the President has "unreviewable authority to suspend the admission of any class of aliens," even if those actions potentially contravene constitutional rights and protections.<sup>22</sup> While it is well established that "courts owe substantial deference to the immigration and national security policy determinations of the political branches," the Ninth Circuit rejected the idea that such decisions are unreviewable.<sup>23</sup> The court stated that this "claimed unreviewability . . . runs contrary to the fundamental structure of our constitutional democracy."<sup>24</sup> The court continued by discussing several cases involving the INA in which courts had reviewed the constitutionality of the federal government's actions and concluded that it is the court's role to ensure that the government has chosen constitutionally permissible means.<sup>25</sup> The court further concluded that "although courts owe considerable deference to the President's policy determinations with respect to immigration and national security, it is beyond question that the federal judiciary retains the authority to adjudicate constitutional challenges to executive action."<sup>26</sup>

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"issuance of an immigrant visa"; "it would be rendered meaningless if it did not equally prohibit attempts, like President Trump's, to deny an immigrant entry into the country altogether."

<sup>19</sup> See Washington TRO Motion, *supra* note 18, at 20.

<sup>20</sup> See *id.* The State of Washington also argued that the Executive Order violates the INA's provisions that create a right to petition the government for asylum. See Washington TRO Motion, *supra* note 18, at 18. However, an asylum applicant generally must be physically present in the United States to make an asylum application. Because the Executive Order is focused on persons seeking entry, it generally would not apply to those already present in the United States. It is more likely that the Executive Order's provisions on refugees violate U.S. constitutional law and international law, but that is beyond the scope of this article.

<sup>21</sup> See *Waggoner v. Gonzales*, 488 F.3d 632, 636 (5th Cir. 2007) ("When interpreting statutes, we begin with the plain language used by the drafters. Furthermore, each part or section of a statute should be construed in connection with every other part or section to produce a harmonious whole.")

<sup>22</sup> Ninth Circuit Order, at 13.

<sup>23</sup> See *id.* at 14-15.

<sup>24</sup> Citing *Boumediene v. Bush*, 553 U.S. 723, 765 (2008).

<sup>25</sup> See, e.g., *INS v. Chadha*, 462 U.S. 919, 943 (1983); *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001).

<sup>26</sup> Ninth Circuit Order at 18.

In assessing whether to grant the federal government’s motion to stay the district court’s order, the Ninth Circuit ultimately held that Washington had demonstrated a likelihood of success on the merits because the EO violates due process by failing to provide notice and a hearing prior to restricting an individual’s right to travel.<sup>27</sup> In this regard, the court noted that lawful permanent residents of the United States are entitled to due process, including notice and opportunity to be heard when returning to the United States from abroad.<sup>28</sup> The Ninth Circuit further held that Washington had raised “serious allegations” and “significant constitutional questions” relating to religious discrimination based on statements made by President Trump about his intent to implement a “Muslim ban” and the EO’s implementation of that ban in sections 3 and 5.<sup>29</sup> Accordingly, the Ninth Circuit Court of Appeals denied the federal government’s motion for an emergency stay of the district court’s TRO.

## Conclusion

Following the Ninth Circuit’s February 9 decision, the parties returned to the U.S. District Court to pursue arguments relating to an injunction and a hearing on the merits. However, the federal government asked the U.S. District Court to put the proceedings on hold because the Trump Administration plans to issue a new executive order. As of this writing, the revised executive order has not been issued. To correct the problems with Executive Order 13769, it would be prudent for the federal government to adopt a process by which aliens who are denied entry into the United States are given some form of individual consideration that is not based solely on their religion or nationality.

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Cindy Galway Buys is a Professor of Law and the Director of International Law Programs at the Southern Illinois University (SIU) School of Law, where she teaches International Law-related courses as well as Immigration Law and Constitutional Law. Professor Buys has held leadership positions in the Illinois State Bar Association, the American Bar Association, the American Society of International Law, and the American Association of Law Schools. Prior to joining the SIU School of Law faculty in 2001, Professor Buys spent ten years in public and private practice in Washington, D.C.



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<sup>27</sup> *Id.* at 19.

<sup>28</sup> *See id.* at 21, citing *Landon v. Plasencia*, 459 U.S. 21, 33-34 (1982). The Ninth Circuit further stated that the “authoritative guidance” issued by the White House stating the Executive Order does not apply to lawful permanent residents was not sufficient to overcome this problem.

<sup>29</sup> *See id.* at 24-26.

# Dispatches from Middle America

By Alex Enyart



Along with increased activities nationwide, in known Latino neighborhoods such as Fairmont City, Illinois, we are seeing an increase in the number of squad cars used in common speed traps. Where previously these were marked cruisers, we are now seeing an increase in the use of unmarked vehicles at these checkpoints.

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***“In the week since the executive orders, they went from two children receiving this foster care to nine, a 450% increase.”***

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One local social service provider, *Puentes de Esperanza* (Bridges of Hope), is contracted to provide bilingual foster care for children from bilingual or Spanish only families. When the undocumented parents of US-born, US Citizen children are detained by ICE, *Puentes* places the children with foster parents and provides other necessary social services which the State of Illinois pays for. In the week since the executive orders, they went from two children receiving this foster care to nine, a 450% increase.

What’s most alarming about these detentions is that they do not appear to target criminals. Indeed, the most severe crime involved in these detentions appears to be a DUI from a decade prior. ICE and police check points appear to be going after anyone they can find. Busted taillights, chipped windshield, a missed court date for a traffic ticket are now leading to families being torn apart without a moment’s notice.

The most senseless part of it all is that Fairmont City is one of the most peaceful, nice areas in our notoriously seedy strip club stretch of towns and cities in the American Bottoms. The area was decrepit and failing before Mexicans started moving into the area. Over the last 7 years, there has been a boom of immigration and businesses are expanding to the point that hammers are constantly heard over huaraches.

We are telling them to prepare powers of attorney for property and temporary guardianship for their children. Find a family member or friend you can trust who can care for the children if you are detained and eventually deported. Keep your medical records close and any medication with you and in the pill bottle with your name on it.

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**“One prominent question, stood out from the rest. Could their US-born, US Citizen children come back?”**

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A group of lawyers stood in a stuffy community hall, next to the kitchen where they prepare chorizo by hand for the town’s annual fiesta, a tradition began by Fairmont’s original Spaniards fleeing Franco’s Fascism following the fall of Barcelona, 1939. We did not have many answers as to what will happen, just advice for how to prepare. One prominent question, stood out from the rest. “Could their US-born, US Citizen children come back?”

Outside, the children played on the swing sets and their mothers talked in the unusually warm February Southern Illinois air. The conversation centered on getting passports for their children. Like Moses, they may never see the Promised Land, but their

children shall.

None of us up there really know what will happen or when. Tensions are understandably high. Good, wholesome families with US Citizen children are being ripped apart by one man's edict from on high. As lawyers, we are manning the barricadas to buy them enough time to get their affairs in order for what appears to be the beginning of a mass exodus for many. The February air isn't the only thing that's heating up and there's no telling when it will break.

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Alex Enyart was born and raised in Belleville, Illinois. He earned his Bachelor's in Spanish from Knox College in 2008 and his law degree from Southern Illinois University School of Law. He recently started up Eckert Enyart Attorneys at Law with his father, retired US Congressman and Major General Bill Enyart. Prior to private practice, he was an Assistant Public Defender in St. Clair County's Felony Division. Before, during, and after law school he has been active working for and with non-profit legal service providers such as Land of Lincoln Legal Assistance Foundation, the MICA Project, and Illinois Migrant Legal Assistance Project. He lives in Belleville, teaches law at Lindenwood University-Belleville and freelances as a Spanish/English interpreter and translator.




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## Trump's EO and U.S. Obligations to the Rest of the World



By Emily Patterson

The President's executive orders on immigration have rightfully caused a whirlwind of concern and commentary. From the discrimination inherent in their terms to the chaos witnessed in their implementation, the President's actions set a clear tone for how immigration will be treated during his term. One aspect of these actions deserves attention: the right to seek asylum and what that means in terms of international human rights law.

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**"...the United States has made the right to request asylum a matter of law."**

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Having effectively acceded to the 1951 Convention on the Status of Refugees by virtue of formal accession to its 1967 Protocol, the United States has made the right to request asylum a matter of law. But a law has no meaning if the right it protects cannot be invoked. And the January 25 Executive Order 13767 "Border Security and Immigration Enforcement Provisions"<sup>1</sup> raises serious concerns about how claims for asylum will be treated. Section 11 of the EO on "Parole, Asylum, and Removal" says, "It is the policy of the executive branch to end the abuse of parole and asylum provisions currently used to prevent the lawful removal of removable aliens." It suggests parole and asylum provisions have been "illegally exploited."<sup>2</sup>

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<sup>1</sup> <https://www.whitehouse.gov/the-press-office/2017/01/25/executive-order-border-security-and-immigration-enforcement-improvements>

<sup>2</sup> Sec. 11(a).

On February 20, the Secretary of Homeland Security issued a memo on implementation of the EO which allows individual immigration officers to order someone removed “without further hearing or review” if the officer “determines that an arriving alien is inadmissible.”<sup>3</sup> Though the memo excepts unaccompanied children, those who “indicate an intention to apply for asylum” or relief under the Convention Against Torture, or those that claim to be US citizens or otherwise in possession of “a valid immigration status,” there are potentially grave implications associated with removal decisions. And the lack of due process and reviewability raise serious human rights concerns.

The 1951 Refugee Convention prohibits States from penalizing refugees “who, coming directly from a territory where their life or freedom was threatened...enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.”<sup>4</sup> As well, States may not unnecessarily restrict the movement of refugees within their territory.<sup>5</sup> States may expel refugees “on grounds of national security or public order.”<sup>6</sup> However, such an expulsion is permissible “only in pursuance of the decision reached in accordance with due process of law.” As well, a refugee has the right “to submit evidence to clear himself, and to appeal to an be represented for that purpose before competent authority or a person or persons specially designated by the competent authority.”<sup>7</sup> Further, “the contracting state shall allow such a refugee a reasonable period within which to seek legal admission into another country.”<sup>8</sup>

It is questionable whether granting an immigration officer the power to make an apparently un-appealable decision complies with the terms of the Convention. It certainly does not appear to give an individual requesting protection from persecution a reasonable degree of due process—or any process at all.

Aside from the legal “technicalities,” policy makers should remember the legal “rationalities.” The protection of refugees aims to mitigate the irreparable damage suffered by an individual who has faced or who may face persecution: torture, discrimination, abuse. These are not minor inconveniences.

Those who work with refugees speak in terms of “protection.” Acquiring “protection” is the goal of laws and policies targeting refugees. An early step in achieving “protection” is the acquisition of legal status. Policies that make it more difficult to merely request that status forget the principle underlying “protection,” principles eloquently set out in the Universal Declaration of Human Rights:

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<sup>3</sup> DHS Secretary Memo on Implementing the President’s Border Security and Immigration Enforcement Improvements Policies, 20 Feb. 2017, p. 5-6.

<sup>4</sup> Article 31(1).

<sup>5</sup> Article 31(2).

<sup>6</sup> Article 32(2).

<sup>7</sup> Article 32(3).

<sup>8</sup> Article 32(3).

*[R]ecognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,*

*[D]isregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,*

*[I]t is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.*

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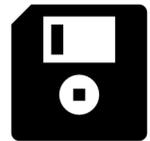
Emily Patterson is an international human rights lawyer based in Houston, Texas and currently serves as a vice-chair for the IRLC. She has worked on human rights and judicial reform in Kosovo, Somalia, Georgia, Montenegro, and the United States.




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## Tech Companies Tag-Team against EO

By Andrew Solis



97 tech companies in the U.S. joined together and filed an Amicus Brief in support Washington and Minnesota’s case against Trump’s EO 13769.<sup>38</sup> Major players include Apple, eBay, Facebook, Google, Intel, Lyft, Uber, LinkedIn, Microsoft, and Netflix. The tech companies began their brief by reminding the 9th Circuit that the United States is “nation of immigrants” and that the immigration policy reflected that we as a nation are descendants of immigrants of refugees.<sup>39</sup> However, they were not shy about their own commercial interests in being able to hire top talent from around the world. The brief explained how the immediate and unpredictable implementation of EO created substantial disruptions to the business operations of these tech companies.<sup>40</sup> The EO created uncertainty in the future of these companies’ ability to hire “some of the world’s best talent” and negatively affected their ability to compete in the global market place.<sup>41</sup>

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<sup>38</sup> Brief for Technology Companies and Other Business as Amici Curiae in Support of Appellees, *State of Washington v. Donald J. Trump*, 2:17-cv-00141-JLR (9th Circuit 2016).

<sup>39</sup> *Id.* at 1-2.

<sup>40</sup> *Id.* at 8-11.

<sup>41</sup> *Id.*

The tech companies explained how they operate in a global market place and the practice of hiring and sending employees around the world was essential for their growth. They expressed fear of retaliation that would affect their global business operations citing to a General Electric deal in Iraq that was being harmed by the EO.<sup>42</sup> While the EO attempts to protect the U.S. from external threats, the unpredictability of the EO is hurting American companies and limiting their ability to secure top talent and remain competitive in a global marketplace.

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Andrew Solis is an Associate Attorney at the Law Office of James N. Vasilas where he practices family and removal based immigration law. Andrew Solis graduated from Southern Illinois University Magna Cum Laude and served as an Articles Editor on SIU Law Journal. Andrew Solis currently serves as a Vice-Chair in the ABA International Refugee Law Committee and as Editor of *The Refuge*.




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## Call for Submissions!

*The Refuge* is always looking for help in providing important and interesting information to the refugee and asylum law community. We're just getting started and have big plans for the future. here's how you can help:

**Short Articles:** Contributors can submit half- to one-page articles on an important refugee or asylum law development they wish to highlight. The submission should be more than a summary of a news article and should attempt to provide concise analytical discussion of an issue. Be sure to include a short bio about yourself! Please note, contributors may be asked to sign a Publication Agreement.

**Member Spotlight:** This is the opportunity for contributors to highlight their work, or the work of others, and provide a short summary of the accomplishments and importance of that work.

**Key Dates:**

- Submission Deadline: Cut-off is the 20th of each month.
- Publication Agreement Deadline: 25th of each month.
- *The Refuge* will publish the first Monday of the month.

**Submission Instructions:**

Submit your contribution to *The Refuge* editors at [irlcrefuge@gmail.com](mailto:irlcrefuge@gmail.com) by the 20th of each month to have your contribution considered.

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<sup>42</sup> *Id* at 12.