SPRINGFIELD

WMass agency, 6 refugees sue DHS over new Trump policy

Refugees might have to be revetted, according to memo

By Nirvani Williams
New England Public Media

Jewish Family Service of Western Massachusetts, a social services agency based in Springfield, filed a federal lawsuit Friday challenging a new memo from the U.S. Department of Homeland Security affecting refugees seeking green cards.

The agency joins the International Institute of New England and six refugees represented by Democracy Forward and the International Refugee Assistance Project, in filing the suit with the U.S. District Court for the District of Massachusetts.

The "Refugee Detention Policy" states "if a refugee does not submit an application for lawful permanent resident status and appear for an interview after one year in the United States, they can be detained for an unspecified amount of time."

According to this memo, DHS is now required to locate, arrest, and detain refugees who do not file applications and appear for an interview after one year. DHS hasn't set a time limit for refugee detention pursuant to this policy, and the length of refugee detention would be whatever time the government itself deems appropriate.

"Our board and leadership felt like it was critical to step forward because fundamentally, this policy is an attack on refugee status. It is an attempt to take what should be and what has always been understood as a permanent legal status and change it to a temporary status subject to reinspection, re-vetting, and detention without cause, crime and reason," Rabbi James Greene, CEO of Jewish Family Service of Western Massachusetts, told NEPM.

James Greene

Greene said this policy would affect about 1,062 clients along with over 100,000 refugees across the country.

Greene also said he is humbled by the six refugees stepping forward in this suit.

"It's very humbling to watch people stand up and say I'm willing to put myself forward knowing what risk is there. I think, for us, the risk of doing nothing is equally present. The risk of doing nothing means that each of those individuals and all of the refugees that they represent don't have the safety and security that they were promised," he said. "I think there's a sense of obligation from our organizations to support them and to stand with them, because my primary obligation is to serve that population and to protect them."

Jeff Thielman is president and CEO of the International Institute of New England, which has offices in Boston and Lowell.

"Litigation is not our standard method of advocacy, but when the federal government directly targets refugees — resilient, hardworking community members who escaped persecution and were promised safety by our nation — we must stand up and speak out," he said in a statement.

Jewish Family Service of Western Massachusetts, the six refugees, and the institute also have filed a motion for a temporary restraining order, asking the court to stop the policy under the Administrative Procedure Act to prevent irreparable harm to refugees while the case proceeds.

In a statement, the plaintiffs argue that the policy violates the Immigration and Nationality Act, was issued without required notice-and-comment rulemaking, is arbitrary and capricious, and violates both the Fourth Amendment, which protects people, including noncitizens physically present in the U.S., from unreasonable searches and seizures, and the Fifth Amendment, which protects people from deprivation of liberty without due process of law.

Sara Bedford, the chief operating officer of Jewish Family Service of Western Massachusetts, said this DHS policy letter puts resettled refugees in an "impossible position."

"The policy retraumatizes and revictimizes community members who entered as refugees. Moreover, it breaks the promise at the core of the refugee resettlement program — a program designed to support smooth and legal adjustment of status — (to) the refugees whom this program had promised a chance to restart their lives," Bedford told NEPM.

She said refugees are an integral part of society.

"Removing refugees from their families, ripping them away from communities where they are soccer coaches, teachers, health care workers, is fundamentally harmful. It would disrupt our work and our community so severely that it necessitated we step in as not just allies but advocates, to defend the rights and protections of our clients," she said.

DHS has not immediately responded to our request for comment.