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A federal judge in Maryland issued a preliminary injunction Jan. 15 blocking the Trump administration from enforcing an executive order that would allow state and local government officials to reject resettling refugees in their jurisdictions.

The judge ruled in favor of the plaintiffs, three faith-based resettlement agencies — HIAS, a Jewish organization; Church World Service; and Lutheran Immigration and Refugee Service — who said their work would be directly impacted and harmed by the order.

In his 31-page decision, U.S. District Judge Peter Messitte said the executive order could be seen as unlawful because it grants states and localities veto power that "flies in the face of clear congressional intent."

The judge also called for refugee resettlement to "go forward as it developed for the almost 40 years" prior to President Donald Trump's executive order, announced last September.

Ashley Feasley, director of policy for Migration and Refugee Services of the U.S. Conference of Catholic Bishops, echoed this sentiment, telling Catholic News Service that "refugee resettlement will continue as it has before" based on available resources and family connections.

But she also acknowledged that the refugee resettlement process has taken a hit. "Everything is in flux," she said just after the injunction was issued, and she pointed out it would likely be appealed by the Trump administration.

One sentence from the order that stood out for her was Messitte's assertion that the order goes against the intent of Congress as per its 1980 Refugee Act.

The judge said Trump's executive order "appears to run counter to the Refugee Act's stated purpose, which is to provide 'comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.'"

He also noted that giving states and localities veto power over refugee resettlement "raises a serious matter of federal preemption under the Constitution."

The judge said he agreed with the plaintiffs' claim that their work would be harmed by the executive order, and he said he also was convinced they would be able to demonstrate the order is "arbitrary and capricious" as well as "susceptible to hidden bias."

He concluded by saying the order "does not appear to serve the overall public interest."

The three refugee advocacy groups filed the lawsuit against the executive order with the U.S. District Court in Greenbelt, Maryland, last November. The groups are among nine national agencies that have agreements with the federal government to provide housing and other services for refugees, including the USCCB's Migration and Refugee Services, which in partnership with its affiliates, resettles about 30% of the refugees that arrive in the U.S. each year.

Krish O'Mara Vignarajah, president and CEO of Lutheran Immigration and Refugee Service, called the ruling a "win for the rule of law and for all refugees and the communities that welcome them."

"We know the fight isn't over," she added in a statement, but she said the refugee advocacy groups are "confident that the Constitution — and, as the last few months have proved, the country — are on our side."

She said LIRS and its colleagues have been working on the local, state and national level to "successfully resettle refugees for decades, and we plan to continue doing just that."

Trump's executive order issued last fall, said state and local officials in any jurisdiction had veto power over refugee resettlement after June 2020, if they make their decision on this public by Jan. 21.

To date, governors in 42 states have said they will accept more refugees. Governors from five remaining states that accept refugees — Alabama, Georgia, Florida, Mississippi and South Carolina — had not yet responded to the deadline.

Texas was the first state to reject the resettlement of new refugees, announced by Texas Gov. Greg Abbott in a Jan. 10 letter to Secretary of State Mike Pompeo. In statements and Twitter posts, the state's Catholic bishops urged him to reconsider.

The Texas Catholic Conference, the public policy arm of the state's bishops, said the move to "turn away refugees from the great state of Texas" was "deeply discouraging and disheartening."

In a Jan. 10 statement, the conference said it "respects the governor" but said his decision in this case was "simply misguided" because it "denies people who are fleeing persecution, including religious persecution, from being able to bring their gifts and talents to our state and contribute to the general common good of all Texans."

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