

February 6, 2017

(505) 660-2216

Attorney General Balderas Joins Legal Battle Against President Trump's Illegal Travel Ban

Santa Fe, NM -Today, **New Mexico Attorney General Hector Balderas** and 14 other Attorneys General filed a brief opposing the federal executive order that bans travel by citizens of seven Muslim-majority countries and by refugees. The attorneys general filed their brief in the United States Court of Appeals for the Ninth Circuit and argued in support of the temporary restraining order that blocks the unlawful order. The brief highlights the real and immediate harm that the travel ban will inflict upon New Mexico and other states. It describes the harm suffered by New Mexico's colleges, universities, hospitals, and businesses, as well as New Mexico's interest in protecting its residents' constitutional and civil rights.

"New Mexico has welcomed hundreds of students, scholars, doctors, and other lawful visa-holders from countries affected by this unlawful order," said **Attorney General Balderas**. "It is unfair, unconstitutional, and un-American that these community members and their families are being penalized based solely on their religion and national origin."

The amicus brief makes clear that the states have standing to challenge the immigration executive order because of the harm the order inflicts on the states themselves, including:

- **State Educational Institutions.** The brief details the disruption of faculty staffing, student attendance, and on-going administration at state colleges and universities, as well as additional costs many of these resource-constrained public institutions cannot afford, caused by the immigration order. In particular, it notes the thousands of faculty and students from the seven affected countries who current work or study at Pennsylvania, New York, Massachusetts, California, and Virginia state universities.
- **State Medical Institutions.** The brief makes clear the similar injuries President Trump's order causes to state medical institutions and the provision of care, disrupting the matching process at medical schools and impacting medical residents and other physicians, faculty, and researchers. These institutions serve some of the neediest populations, and are now at risk of decreased staffing as a result of the order.
- **Diminished Tax Revenues from Students, Tourists, and Business Visitors.** The executive order abruptly halted the entry of students, tourists, and other visitors from the affected seven countries – and at the same time stopped the millions of dollars they contribute to the states' economies. The brief also makes clear that there are longer-term harms to the states' regional economies as a result of the order, as it hampers the movement of people and ideas into the states.
- **Irreparable Harm due to Establishment Clause Violations.** As the states have made clear in other filings, the executive order represents an egregious violation of the Establishment Clause of the First Amendment – and this "erosion of religious liberties cannot be deterred by awarding damages to the victims of such erosion."
- **Harm to States' Sovereign and Quasi-Sovereign Interests in Enforcing Their Own Statutes.** The executive order also undermines the states' abilities to enforce their own antidiscrimination laws, ensure the benefits of existing federal laws and regulations – such as the Immigration and National Act – are not denied to individuals arriving in these states, and protect residents, businesses, and communities.

The amicus brief calls for a denial of the federal government's emergency motion for stay, as it would return the country to the confusion and chaos created by the executive order in its implementation last weekend.

Coalition of Attorneys General Speak Out Against Travel Ban:

"New Mexico has welcomed hundreds of students, scholars, doctors, and other lawful visa-holders from countries affected by this unlawful order," said **Attorney General Hector Balderas**. "It is unfair, unconstitutional, and un-American that these community members and their families are being penalized based solely on their religion and national origin.

"The Administration's reckless dismissal of the Constitution threatens to rip apart California families, risks their economic well-being and defies centuries of our American tradition" said **California Attorney General Xavier Becerra**. "Immigrants are the life-blood of our nation who work hard to build our country, especially in California. Our universities, medical institutions, businesses, and our tax base are all harmed by President Donald Trump's unconstitutional and un-American order."

Pennsylvania Attorney General Josh Shapiro said "this filing is about keeping our communities safe, protecting our economy, and upholding the rule of law. Pennsylvania was founded on the promise of liberty and we're proud to help lead this effort in support of Washington State's lawsuit."

"State Attorneys General are on the front lines of protecting our people from dangerous and hastily-implemented federal policy. I've been clear: President Trump's executive order is unconstitutional, unlawful, and fundamentally un-American – and we won't stand by while it undermines our states' families, economies, and institutions," said **New York Attorney General Eric T. Schneiderman**. "From filing our own federal lawsuit last week, to partnering with fellow Attorneys General on this amicus brief today, we will use every tool at our disposal to fight President Trump's discriminatory order and help ensure the rule of law prevails."

"Even as we pursue our own challenge here in the Commonwealth, we stand with those opposing President Trump's unconstitutional, unlawful, and un-American immigration ban, whether in courtrooms, at our airports, or at peaceful demonstrations in communities all around the country," said **Virginia Attorney General Mark Herring**. "The immigration ban has already hurt Virginia families, businesses, colleges and universities in ways that will take years to undo, but the first step is getting it struck down in court and that is exactly what we plan to do."

"No president or administration is more powerful than our laws and our Constitution," said **Massachusetts Attorney General Healey**. "As state AGs, it is our job to hold this administration accountable and stand for the interests of our states and our residents. We are united in this effort."

"As a colony, Rhode Island was founded on religious tolerance. We were formed by the visionaries and dissidents who were escaping religious persecution. In our earliest years, we became a haven for people of all faiths and beliefs," said **Rhode Island Attorney General Kilmartin**. "President Trump's Executive Order is in direct conflict with the principles upon which our great state and this great nation was built upon. We cannot allow, our Constitution and our constitutional rights to be trampled on, people to be discarded, or our freedoms to be restricted."

We believe this executive order is unconstitutional and unlawful, which is why we are joining in opposing its implementation," **District of Columbia Attorney General Karl A. Racine** said. "If implemented, this executive order would cause real and immediate harm to our residents and our city. As state attorneys general charged with promoting the public interest, we will continue to take any appropriate action to stand in the gap to defend our Constitution and its timeless principles of religious freedom, equal protection of law, and due process."

“The Executive Order has already generated confusion, disappointment, and fear,” said **Maryland Attorney General Frosh**. “It is not only a policy that is unwise and dangerous, but it is a policy that is inhumane, inappropriate and un-American. As Attorneys General, we have the responsibility to fight this unconstitutional order and uphold the law.”

“Our country was built by immigrants and refugees who came here in search of a better life,” said **Illinois Attorney General Lisa Madigan**. “Illinois is home to nearly 2 million immigrants who contribute to our state in invaluable ways. I will fight to ensure Illinois remains a safe and welcome home for immigrants and refugees.”

“Here in Oregon, we welcome and honor our immigrants, who add so much to the quality of our lives. We want to be ready to help in any way we can to establish the permanent illegality of the Executive Order,” said **Oregon Attorney General Ellen Rosenblum**.

Please click here for a link to the brief -

https://ag.ny.gov/sites/default/files/washington_v_trump.states_amicus_memo_of_law_in_support_of_appellees.pdf

#