



NEWS from the ACLU of Indiana

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VICTORY! U.S. Court of Appeals Denies Indiana's Effort to Prevent Resettlement of Syrian Refugee Families

*****MEDIA AVAILABILITY TOMORROW, Tues. Oct. 4 at 10 a.m. at the ACLU of Indiana office, 1031 East Washington Street, Indianapolis, 46202.*****

Indianapolis – Today the U.S. Court of Appeals for the Seventh Circuit affirmed a federal court ruling that prohibits the State of Indiana from taking any actions to interfere with or attempt to deter the resettlement of Syrian refugees in Indiana, including by withholding funds and services to resettlement groups and the refugees they serve.

The lawsuit filed in November, 2015 was brought by Exodus Refugee Immigration, a nonprofit resettlement agency, represented by the American Civil Liberties Union of Indiana and ACLU national, which said the state's actions to discriminate against Syrian refugees on the basis of national origin violate both equal protection and civil rights laws and intrude on authority that is exclusively federal.

In part, the ruling says, “[Governor Mike Pence] argues that his policy of excluding Syrian refugees is based solely on the threat he thinks they pose to the safety of residents of Indiana. But that’s the equivalent of his saying (not that he does say) that he wants to forbid black people from settling in Indiana, not because they are black, but because he’s afraid of them, and since race is therefore not his motive he isn’t discriminating. But that of course would be racial discrimination, just as his targeting Syrian refugees is discrimination on the basis of nationality.”

The three judge appeals court panel who decided the case included Judges Richard Posner, Frank H. Easterbrook and Diane S. Sykes. At the time of oral arguments in mid-September, the judges were highly critical of the State of Indiana’s reasoning and defense of the governor’s actions to ban Syrian refugees. They asked many questions, such as, “When Indiana says it is only banning refugees from Syria but not on the basis of their national origin, the only response can be a broad smile,” and, “The Governor of Indiana knows more about refugees than the State Department does?” [Click here to listen to the oral arguments.](#)

"The Court of Appeals' decision underscores what we have said throughout this litigation," said Ken Falk, legal director of the ACLU of Indiana. "Governor Pence may not constitutionally or legally discriminate against a particular nationality of refugees that are extensively vetted by the federal government."

Continued from previous page

“A court has once again rejected Indiana’s efforts to block the resettlement of Syrian refugees. This ruling is a stinging rebuke of Governor Mike Pence’s anti-refugee actions,” said Omar Jadwat, senior staff attorney with the ACLU’s Immigrants’ Rights Project.

The ruling in *Exodus Refugee Immigration, Inc. v. Mike Pence, et al.*, **Case No. 16-1509** was entered in the U.S. Court of Appeals for the Seventh Circuit on Oct. 3, 2016. The preliminary injunction was entered Feb. 29, 2016 in the U.S. District Court for the Southern District of Indiana, Indianapolis Division, **Case 1:15-cv-01858-TWP-DKL**.

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