

**D'var on Lech Lecha
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Refugee Shabbat. 10/20/2018**

At the beginning of this week's parsha, Lech Lecha, God tells Abraham "Go from your land, from your birthplace and from your father's house, to the land which I will show you."

With this command, Abraham becomes the first Jewish immigrant. He leaves the home and family he knows, and with only a promise from God that he will be made a great nation, he takes a leap of faith.

Since Abraham, throughout history, Jews have taken that same leap of faith. Our ancestors left their countries and their homes, often because of imminent danger and persecution; by the Romans and Greeks, by the crusaders, during pogroms, at the time of the horror of the Nazis, from Arab lands after the founding of the state of Israel, or from Russia during the 1970s, '80s and 90s. And today, we see Jews streaming out of countries like France and Turkey, where anti-semitism and violence against Jews are on the rise.

Jews in America are immigrants, or the children or grandchildren of immigrants, who fled discrimination, persecution and imminent danger. With this history, and with the mandate from the Torah to welcome the stranger, the Ger, we have a special sensitivity, indeed a moral obligation to today's immigrants. Many of today's immigrants, those taking hard and painful paths similar to those our ancestors took, are fleeing terror, places where lives are threatened and danger is imminent. They yearn to come to our country, a country of immigrants, where the Statue of Liberty stands as an eternal symbol welcoming the Ger, the stranger.

But just as Nativist and anti-Semitic policies in the 1930's prevented Jews fleeing for their lives from entering the U.S., so today, Xenophobic, Nativist, and racist policies are preventing a new generation of deserving immigrants from finding sanctuary in the U.S. We remember with horror those turned away and forced back to Nazi Europe, like the doomed passengers of the S.S. St. Louis. We should similarly view with horror the current U.S. policies preventing refugees from entering the U.S. Those fleeing war-torn countries like Syria and those fleeing inescapable and brutal gang violence in El Salvador, Honduras and Guatemala.

The Refugee Act of 1980 demonstrated the commitment by the United States to welcoming refugees, those fleeing persecution based on race, religion, national origin, political opinion, or social group. The waves of Soviet Jews who came to the U.S. throughout the 1980's and early 90's, as well as others from across the world, benefitted from this law, a law with the goal of admitting an average of 95,000 Refugees each year.

It is not easy to be approved as a refugee in the United States. Applicants go through years of rigorous screening, background checks and vetting. Many fail and are never approved. In some countries people wait in refugee camps for as long as 17 years to get to the top of the list. Only 1% of all 22 million refugees in the world today qualify to meet the stringent criteria for resettlement, and of this 1%, only a tiny fraction ever make it to the United States. By the end of his presidency, President Obama had raised the U.S. refugee threshold numbers to 110,000/year - the highest in our history.

But the current administration has shown unprecedented hostility towards refugees and immigrants.

President Trump campaigned on a promise to drastically reduce immigration to the U.S., and demonized Mexicans and Muslims. Those who thought this was only a campaign ploy were rudely awakened when, as soon as he took office, President Trump attempted to ban citizens of many Muslim countries, including war-ravaged Syria. Despite hard-fought court battles across the country, ending in the Supreme Court, this largely Muslim travel ban remains in place today.

President Trump's administration lowered our refugee threshold from 110,000 to 30,000, the rock-bottom lowest number in our history since 1980 when Congress passed the Refugee Act. But even this number overstates the openness of our country. The total number of admitted Refugees is just a fraction of this low threshold because the administration is stalling admitting even those refugees who have waited years to pass all the background checks and hurdles and finally were authorized to come. For example, since January of this year, the U.S. has admitted only 30

Syrian refugees. In contrast, in 2016 we admitted over 15,000 Syrian refugees.

President Trump has also terminated the DACA program, which protects Dreamers - kids who were brought without documentation by their parents into the U.S. Over 700,000 of these kids, many now in high school and college, some the valedictorians of their classes, face deportation to countries where they have never lived and don't know. A Federal Court in Washington state has temporarily stopped the government from ending this program, but these Dreamers live in fear and intense anxiety about their future.

President Trump has also broken precedent by announcing the ending of Temporary Protected Status for people from El Salvador, Haiti, Honduras, Nicaragua, and Sudan, among other countries. Temporary Protected Status, known as TPS, is a temporary legal immigration status granted to people from countries experiencing wars, natural disasters or other conditions which make it unsafe for those here to return home. Over 300,000 TPS holders, many living in the U.S. for over 20 or 30 years, and their families and employers, are beside themselves with worry, facing a completely

unknown future with the hard choice of deportation or living underground. Massachusetts alone is home to 10,000-15,000 TPS holders.

The means by which the Administration has attempted to end TPS is telling. The law states that, every 12 to 18 months, the President must extend or terminate TPS programs. For example, since 2001, every Administration, Republican and Democrat alike, has extended the TPS program for El Salvador, first because of the earthquake the country suffered and then subsequently because of gang violence – the murder rate there is one murder every hour. Although the Administration wanted to end TPS for those from El Salvador, Haiti, Nicaragua and Sudan, two weeks ago a Federal Court in California issued a preliminary injunction prohibiting this. The court forced the Trump administration to turn over internal emails from high level officials. These emails showed that the officials believed it too dangerous in El Salvador, Haiti, Nicaragua and Sudan to end the programs. President Trump's senior advisors sent the reports back to the staffers with instructions to re-write them to make it sound safe enough that they could justify ending these programs. The reports were sent back three times until the administration officials got the white-washed

analysis they wanted. A similar lawsuit challenging the terminations of these programs for El Salvador, Haiti and Honduras is pending in Federal Court here in Boston.

We have all heard the heart-wrenching stories of the inhuman separation of families at the US-Mexican border. Children were ripped from their mothers' arms, forced into detention cages and pods. What you may not know is that ICE, the Immigration and Customs Enforcement agency, lured other family members in the US to come forward to apply to be sponsors of their nieces, cousins and grandchildren. But this was a cruel trap, and ICE met any undocumented sponsor who came forward to collect these children with handcuffs, and dragged them to prison for deportation. The children, pawns in this immoral game, were left more alone and traumatized than ever and the psychological damage inflicted by our own government to them and their parents cannot be overstated. Many will never, ever recover.

ICE has created an atmosphere of terror. ICE officers routinely patrol DMV's, courthouses, even Family Courts. An undocumented victim of domestic violence seeking a temporary protective order has a high

likelihood of being arrested by ICE at the courthouse. In this atmosphere, it is no surprise that the reporting of crimes by undocumented immigrants has dropped precipitously. This policy is making our country not safer, but much more dangerous.

The combination of these aggressive law enforcement tactics, with the unprecedented institution by Attorney General Jeff Sessions of case completion quotas for immigration judges, and new limits on judges' discretion to grant stays in deportation cases, is propelling the deportation numbers sky high. The prisons, public and private, are bursting at the seams with immigrants, who are housed with criminals. They are thrown together in the same cell blocks. And because the Government has reversed the process for hearing asylum cases, new asylum applicants' cases are rushed through in weeks, while those who filed years ago languish waiting years for a decision. Law abiding people who have never committed a crime, but merely seek a safe haven in the United States, can sit in prison in this country for 5 years waiting to see if they will be allowed to stay. Almost no one is allowed to post bond to leave prison while their case is pending. This makes it much harder for them to find lawyers to represent

them, and much harder for lawyers to get access to their clients to properly defend them.

Organizations like PAIR, Refugee Immigration Ministry and Open Avenues Foundation, who you will meet today at Kiddush, are working incredibly hard to support deserving refugees and immigrants in our community. And our own Temple Emunah Refugee Committee, co-chaired by Barbara Posnick and Sylvia Perlman, offers Temple Emunah members opportunities to become educated about the challenges facing immigrants in our community and to volunteer to help them.

I am very proud of the extensive pro bono work my law firm does to help immigrants. Currently we are representing pro bono clients from Afghanistan, Iran, Ethiopia, Syria, Turkey, Uganda, Rwanda, Yemen, El Salvador, Guatemala, Honduras, among others.

One case is more compelling than the next.

Recently, a Mintz team represented a brave outspoken lesbian gay rights advocate from Uganda. In Uganda it is a crime to be gay, and the police routinely break up LGBT gatherings, beat up gay people, and stand aside

doing nothing when gay people are attacked and burned alive by mobs. Our client was very active in Uganda's LGBT community. Retribution in Uganda was swift and harsh. The Ugandan Parliament condemned the magazine as pornography and our client was brutally attacked and beaten, and threatened with death. She went into hiding. Her father's family, from a rigid, conservative tribe, announced they would hunt her down, flog her, and forcibly marry her to save the family name. Her mother raised money for a plane ticket to the U.S. where she knew no one.

When she landed and requested asylum, our client was immediately put in detention, where she stayed for many months. Our team visited her often to prepare her case. Recently she was led into immigration court for her asylum hearing in leg chains, handcuffs and arm chains. The Mintz team masterfully led her through her emotional testimony and her case was so compelling that, despite the government attorney's efforts to discredit her, the judge granted her asylum that day. She is now living with a welcoming Jewish family and trying to put her horrific past behind her.

Currently, I am representing a highly-respected judge from Turkey. He is one of the 3,000 Turkish judges who

were summarily arrested and fired from their jobs by President Erdogan, falsely accused with no evidence whatsoever of being terrorists involved in the attempted coup in Turkey in 2016. My client came to the US to do a Ph.D. in law. Ironically, his dissertation is on the importance of the rule of law and of an independent judiciary. Unlike his colleagues, many of whom were thrown into jail and tortured to try to get them to confess their non-existent ties to terrorist organizations; he was in the States at the time of the attempted coup. He was spared the jailing and the torture. But he has lost everything. His wife and daughter are in hiding in Turkey. There is an outstanding warrant for his arrest, and if forcibly returned to Turkey, he would be apprehended at the airport and taken straight to prison, where he would be tortured, or worse. Why? Because he spoke out to support an independent judiciary in Turkey.

He is an honorable, law-abiding, brilliant jurist who never broke the law. It is an honor to represent him. I have great hope we will win his case and be able to bring his wife and daughter to join him. But with the current government backlogs, by the time all that is accomplished, his six year old daughter will likely be a teenager.

Over the millennia our people have had fled persecution, enslavement, imprisonment and annihilation. The immigrants' plight is our plight; they are our brothers and sisters and their tears are our tears. How can we look them in the eye, look each other in the eye, and face God, If we don't stand with them and stand up for them.

Today let's recommit ourselves to our sacred heritage and embrace the strangers in our midst, and those who deserve to be in our midst.

For there but for the grace of G-d go we.

Shabbat Shalom.