

# DECLARATION OF RABBI WILL BERKOVITZ

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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON and STATE  
OF MINNESOTA,

Plaintiffs,

v.

DONALD TRUMP, in his official  
capacity as President of the United  
States; U.S. DEPARTMENT OF  
HOMELAND SECURITY; JOHN F.  
KELLY, in his official capacity as  
Secretary of the Department of  
Homeland Security; TOM SHANNON,  
in his official capacity as Acting  
Secretary of State; and the UNITED  
STATES OF AMERICA,

Defendants.

CIVIL ACTION NO. 2:17-cv-00141-JLR

DECLARATION OF  
RABBI WILL BERKOVITZ

Pursuant to 28 U.S.C. § 1746(2), I, Will Berkovitz, hereby declare as follows:

- I am competent to be a witness and declare on personal knowledge as indicated. I am an ordained rabbi and have been Chief Executive Officer of Jewish Family Service of Seattle (“JFS”) since 2013. Prior to becoming CEO of JFS, I was the Senior Vice President and Rabbi at a national Jewish organization called Repair the World, whose mission is to create greater opportunities for the Jewish community to engage in

1 public service. Prior to that I was the Rabbi and Executive Director of Hillel at the  
2 University of Washington, which is the Jewish religious and cultural center of the  
3 University.

4 2. JFS has an uninterrupted 125-year history of service to refugees – the most  
5 vulnerable Jewish and non-Jewish individuals and families from around the globe. JFS  
6 was founded in 1892 to help newly arrived Jewish immigrants and refugees establish  
7 their lives in the Puget Sound Region. During the twentieth century, JFS resettled  
8 Eastern European and Mediterranean Jewish refugees, Holocaust survivors, and those  
9 fleeing religious persecution in the former Soviet Union.

10 3. The Torah commands us to “welcome the stranger” and references that duty  
11 more than thirty times. Our obligation to the stranger is included in the Haggadah, the  
12 text used every year to guide Passover observances in Jewish homes and communities,  
13 and is embedded in our spiritual DNA. A core dictate from the Talmud – a sacred  
14 collection of biblical commentary – states: “Whoever saves a life, it is considered as if  
15 he saved an entire world.” This teaching underpins the necessity for Jewish people to  
16 involve themselves, to the greatest degree possible, in preserving the lives of the  
17 vulnerable. This thinking is so essential to Judaism’s moral and ethical core that the  
18 saving of even one life supersedes other commandments, even those as powerful as  
19 those regarding religious observance.

20 4. But of course JFS also helps address the communal command that arises from  
21 the fact that we are a refugee people who have faced and were often forced to flee from  
22 persecution on the basis of religion, race, and national origin. We too were strangers in  
23 a strange land. Our history and values compel us to serve and protect other refugees and  
24 to oppose the religious discrimination and unjust targeting of Muslims addressed in this  
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1 lawsuit. Part of seeking to protect our own community from persecution is stepping  
2 forward to help and protect others.

3 5. Today, one way JFS and the Puget Sound region's Jewish community answer  
4 these religious and cultural commands is by resettling and serving refugees from  
5 Afghanistan, Burma, the Democratic Republic of Congo, Iran, Iraq, Syria, Sudan,  
6 Somalia, and Ukraine. JFS's mission is to help vulnerable individuals and families of  
7 all backgrounds achieve well-being, health, and stability. JFS is committed to  
8 measurably improving people's lives in each of those three key areas. JFS helps people  
9 (1) to live with dignity and to develop social supports; (2) to achieve their optimal  
10 physical and mental health; and (3) to achieve safe and sustainable housing and  
11 financial stability. JFS fulfills its mission by offering Refugee & Immigrant Services,  
12 Counseling & Addiction Services, Domestic Violence Services, Emergency Services,  
13 Food Bank Services, Older Adult Services, and Supported Living Services.

14 6. All of JFS's services to refugees are built around the goal of helping our clients  
15 become integrated members of society – economically self-sufficient and civically  
16 engaged. As a result, JFS serves refugees from the moment they arrive at the airport  
17 through the time they naturalize as U.S. citizens. We thus also become familiar with  
18 their significant contributions to the culture and economy of the community and with  
19 their general history of abiding by the law. In our experience our refugee clients never  
20 present the sort of threat said to be the concern of Defendants in this lawsuit. We have  
21 seen no instances in which the intensive vetting in place in recent years allowed a  
22 potential terrorist into our midst.

23 7. JFS's most intensive services to refugees are delivered through our reception  
24 and placement program. For these clients, who are newly arrived in the United States,  
25 JFS staff provide case management that includes coordinating with local family  
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1 members and friends prior to arrival; meeting new arrivals at the airport and  
2 transporting them to furnished housing with adequate food, clothing, and spending  
3 money; registering clients with local government agencies to receive benefits; assisting  
4 with access to primary and specialty healthcare; registering children in school and  
5 adults in English as a Second Language (“ESL”) classes and JFS’s employment  
6 services program; and throughout the resettlement period, conducting extensive cultural  
7 orientation on everything from how to navigate public transportation to American laws  
8 and customs.

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10 8. One other important aspect of refugee resettlement is helping current and  
11 former resettlement clients reunite with family who remain overseas. Through the  
12 assistance of a contracted attorney, JFS assists clients with family reunification  
13 applications through both refugee and immigrant legal channels. While the March 6,  
14 2017 Executive Order allows for waivers to be granted to close family members  
15 (described in Section 3(c)(vi) as immediate family members) it does not permit waivers  
16 where the immigrant has a close family friend or grandparent as the U.S. support. We  
17 have clients who will be excluded because of the narrowness of the waiver criteria,  
18 even though those clients have already been fully vetted for entry into the United  
19 States.

20 9. After the initial resettlement period, JFS continues to serve clients through  
21 extended case management, employment services (assessment, job readiness,  
22 employment counseling, job placement, and retention), language classes, and other  
23 social services, including green card and citizenship applications, classes, and support  
24 and referral services.

25 10. Supporting JFS’s refugee resettlement services is a critical way that Jewish  
26 individuals and families in the Puget Sound region are able to fulfill their religious,

1 cultural, and historical obligations. This is particularly true for Jewish Holocaust  
2 survivors. JFS volunteers welcome the stranger by greeting refugees at Seattle  
3 International Airport and helping with a welcoming meal for their first night in the  
4 United States. They volunteer at ESL classes so new arrivals can function in their new  
5 homeland. JFS volunteers mentor families to help them acculturate, showing them how  
6 to navigate the doctor's office, elementary school enrollment, the bus schedule, the  
7 grocery store, and all manner of mundane necessities required to survive and thrive.  
8 JFS volunteers provide mentorships for "strangers" – including engineers, doctors and  
9 other highly-skilled professionals – who worked with U.S. armed forces in Afghanistan  
10 and Iraq, and whose lives are endangered as a direct result of their work with the  
11 American military.

12 11. With the rising awareness of the global refugee crisis, the Puget Sound region's  
13 Jewish community – individuals, families, synagogues and other Jewish institutions –  
14 has increasingly turned to JFS as a primary vehicle through which to fulfill the  
15 obligation to welcome the stranger and "to save one life." JFS staff have noted an  
16 increase in the number of local Jewish people specifying their desire to volunteer in  
17 refugee resettlement, as well an increase in "tzedakah" (the word is widely understood  
18 as meaning "charity", but its roots stem from "justice") and in-kind giving directed to  
19 helping the stranger and saving the lives of refugees.

20 12. The Executive Order at issue in this lawsuit burdens and – as to many refugees  
21 – would substantially impair JFS's ability to fulfill its mission in accordance with these  
22 religious values and the Jewish history of persecution. The Order severely undermines  
23 the ability of JFS and the Jewish people of this region to fulfill religious  
24 commandments, which are not mere options or desires. The Order prohibits JFS and  
25 members of our local Jewish community from saving the lives of those refugees who, if  
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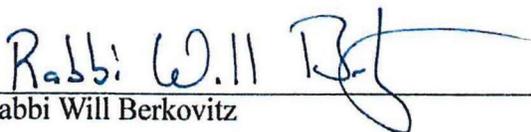
1 turned back to their home countries, will almost certainly face life-threatening  
2 persecution. These vulnerable individuals feel that they cannot risk being identified,  
3 much less participate, in this lawsuit out of fear of retaliation or other consequences.

4 13. JFS annually resettles over 300 refugees and, to date, has resettled 237 in  
5 federal fiscal year (FY) 2017. Until Executive Order 13769 was issued, JFS was  
6 expecting to resettle an additional 65 refugees in FY17. JFS has 147 clients overseas  
7 who have already been extensively vetted and are awaiting resettlement in the United  
8 States. Among these clients, 22 are from the six countries identified in the March 6,  
9 2017 Executive Order whose residents have been precluded from immigration,  
10 consisting of 11 prospective immigrants from Iran and 11 from Somalia.

11 14. Among all JFS clients awaiting resettlement, only 8 have travel arrangements.  
12 The U.S. Department of State has limited travel scheduling following Executive Order  
13 13769, notwithstanding this Court's injunction. As a result, our clients have only been  
14 scheduled for travel through March 14, 2017.

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16 I declare under penalty of perjury that the foregoing is true and correct.

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18 Executed on this 12th day of March, 2017

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21 Rabbi Will Berkovitz