

NOTE

THE RELATIONSHIP BETWEEN STRUCTURAL DEREGULATION AND SOCIAL REGULATION: A CASE STUDY OF THE U.S. REFUGEE ADMISSIONS PROGRAM

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ABSTRACT

This article argues that structural deregulation of the U.S. Refugee Admissions Program ("USRAP") during the first Trump Administration paradoxically had significant regulatory effects on civil society. Building on the framework introduced by legal scholars Jody Freeman and Sharon Jacobs, which defines structural deregulation as the deliberate systematic weakening of executive agency capabilities, this article extends their theory to public-private partnerships like the USRAP. It argues that such structural attacks on state capacity can serve as a form of social regulation—that is, the strategic effort to reshape civil society by weakening or eliminating organizations and communities deemed undesirable or oppositional to government policy. The article analyzes how deliberate reductions in staffing, resources, expertise, and reputation hampered the USRAP's effectiveness and, in turn, destabilized refugee resettlement non-profits, refugee communities, and broader civil society organizations that rely on refugee admissions. These cuts triggered cascading harms—such as office closures, loss of community support infrastructure, and disruptions in healthcare, housing, and employment services—demonstrating how weakening bureaucratic capacity can be used to marginalize vulnerable populations and suppress dissent. Refugee-serving organizations, many of which promote humanitarian values and resist exclusionary policy agendas, were a particular target. The use of structural

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deregulation to erode ideologically opposed civil society actors is a hallmark tactic of authoritarian governance. As similar strategies reemerge under the second Trump Administration across a wider range of agencies, this article calls for a re-examination of regulatory theory to account for how attacks on administrative infrastructure can be used to indirectly control civil society.

TABLE OF CONTENTS

I.	INTRODUCTION	358
II.	STRUCTURAL DEREGULATION OF THE USRAP	359
	A. <i>Background on the U.S. Refugee Admissions Program</i>	360
	B. <i>The Mechanisms of Structural Deregulation</i>	362
	1. Staffing	362
	2. Deprivation of Other Resources	364
	3. Eroding Agency Expertise	366
	4. Inflicting Reputational Harms	368
III.	SOCIAL REGULATION OF CIVIL SOCIETY	371
	A. <i>The USRAP's Embeddedness in Society</i>	371
	B. <i>Social Regulation of Refugee Resettlement Non-profits</i>	373
	C. <i>Social Regulation of Refugee Communities and Other Civil Society Groups</i>	374
	1. Refugee Communities	375
	2. Other Civil Society Groups	376
IV.	CONCLUSION	379

I. INTRODUCTION

This article argues that actions that structurally deregulate government agencies paradoxically have a regulatory effect on society. Legal scholars Jody Freeman and Sharon Jacobs coined the term “structural deregulation” in their 2021 *Harvard Law Review* article of the same name.¹ They define structural deregulation as actions that deliberately weaken an executive branch agency’s core capabilities and systematically hinder the agency’s ability to carry out its statutory mandates.² Freeman and Jacobs applied their framework solely

1. See Jody Freeman & Sharon Jacobs, *Structural Deregulation*, 135 HARV. L. REV. 585 (2021).
 2. *Id.* at 586–88.

to executive branch agencies.³ This article argues that their structural deregulation framework can be applied to public-private partnerships that stretch across multiple executive branch agencies and domestic non-profits.⁴ Specifically, this article argues that the first Trump Administration engaged in structural deregulation of the U.S. Refugee Admissions Program (“USRAP”) from 2016 to 2020.

Because of the ways the USRAP is embedded in society, its deregulation during the first Trump Administration contributed to the social regulation of refugee resettlement non-profits, refugee communities, and other civil society groups. In this context, social regulation includes attempting to reshape society by eliminating civil society groups or communities that are seen as undesirable or a counterweight to government policy. Attempts to erode civil society groups that are ideologically opposed to the government’s policy initiatives are a common tactic of authoritarian governments.⁵

The second Trump Administration is increasingly employing tools of structural deregulation across a broad range of government agencies, from the U.S. Agency for International Development to the Consumer Finance Protection Bureau.⁶ As President Trump and his allies, such as Elon Musk, continue to engage in structural deregulation, it becomes increasingly important for scholars to refine our frameworks for understanding how attacks upon the bureaucracy also regulate civil society.

II. STRUCTURAL DEREGULATION OF THE USRAP

In their influential 2021 article on structural deregulation, Freeman and Jacobs identified four key areas in which structural deregulation guts an agency’s capabilities: staffing, other resources, agency expertise, and reputation.⁷ Structural deregulation weakens an agency’s core competencies through shortages of both line-level staff and officers.⁸ Acting officials, commission vacancies, and other structural changes to staffing lessen an agency’s efficacy.⁹ Structural deregulation deprives agencies of necessary resources by eliminating budgets or office space,¹⁰ or by wasting resources with needless “busywork.”¹¹ An agency suffers structural

3. *Id.* at 585–665.

4. *See Where are the Refugees?*, REFUGEE COUNCIL USA, at 5, <https://rcusa.org/wp-content/uploads/2019/07/RCUSA-Report-1.pdf> [<https://perma.cc/6WRV-FSDW>] (last visited Nov. 6, 2025); ANDORRA BRUNO, CONG. RSCH. SERV., RL31269, REFUGEE ADMISSIONS AND RESETTLEMENT POLICY 1 (Dec. 18, 2018), <https://www.congress.gov/crs-product/RL31269> [<https://perma.cc/R39J-6N7Q>].

5. *See, e.g.*, Galia Chimiak, Zhanna Kravchenko & Ulla Pape, *Civil Society and the Spread of Authoritarianism: Institutional Pressures and CSO Responses*, 35 VOLUNTAS: INT’L J. VOLUNTARY & NONPROFIT ORG. 221 (2024); Ozan Varol, *Stealth Authoritarianism*, 100 IOWA L. REV. 1673 (2015); Mariana Olaizola Rosenblat *The Role of Transnational Civil Society in Shaping International Values, Policies, and Law*, 23 CHI. J. INT’L L. 144 (2022).

6. *See* Jody Freeman & Sharon Jacobs, *President Trump’s Campaign of ‘Structural Deregulation’*, LAWFARE (Feb. 12, 2025, 10:40 ET), <https://www.lawfaremedia.org/article/president-trump-s-campaign-of-structural-deregulation> [<https://perma.cc/44HM-HZDV>].

7. *See* Freeman & Jacobs, *supra* note 1, at 586.

8. *Id.* at 594–609.

9. *Id.*

10. *Id.* at 609–15.

11. *Id.* at 612.

deregulation when its substantive expertise is devalued, eroded, dismissed, and overridden.¹² Finally, an agency's effectiveness is seriously hindered when the President and his allies deliberately tarnish the agency's reputation.¹³

By the definition Freeman and Jacobs set out in their article, the first Trump Administration engaged in structural deregulation of USRAP from 2016 to 2020. The example of USRAP shows that structural deregulation encompasses contexts and effects on public-private partnerships that Freeman and Jacobs' original article did not anticipate. While Freeman and Jacobs focused on individual executive branch agencies, USRAP is a public-private partnership between multiple agencies and nongovernmental organizations.¹⁴ And while Freeman and Jacobs identified changes to agencies that deregulated markets and society, the USRAP case shows that the same structural changes can have regulatory effects on civil society and on individuals.

This Section charts the structural deregulation of USRAP with attention to the novel ways this deregulation process played out in the context of a public-private partnership. After providing background on the agency, it demonstrates that structural deregulation hampered USRAP's core competency in resettling refugees, which contributed to decreased refugee admissions.¹⁵

A. *Background on the U.S. Refugee Admissions Program*

The Refugee Act of 1980 (the "Refugee Act") formally established the U.S. Refugee Admissions Program, building off a history of domestic religious organizations welcoming refugees, especially after World War II.¹⁶ USRAP is a public-private partnership between multiple executive branch agencies and domestic non-profit organizations that operate refugee resettlement offices.¹⁷

The Refugee Act requires coordination between the executive branch and the legislative branch to set the annual refugee admissions ceiling. The refugee admissions ceiling is the maximum number of refugees that can be resettled in the United States for a given fiscal year.¹⁸ The President must conduct "appropriate consultation" with Congress before issuing a Presidential Determination to set the annual refugee admissions ceiling.¹⁹ The Immigration and Nationality Act ("INA") defines "appropriate consultation" with Congress to mean in-person discussions between Cabinet-level representatives, members of the Committee

12. *Id.* at 615–20.

13. *Id.* at 620–23.

14. See *Where are the Refugees?*, *supra* note 4, at 1–2; BRUNO, *supra* note 4, at 1.

15. BRUNO, *supra* note 4, at 1; see Priscilla Alvarez, *America's System for Resettling Refugees is Collapsing*, THE ATLANTIC (Sept. 9, 2018), <https://www.theatlantic.com/politics/archive/2018/09/refugee-admissions-trump/569641/> [https://perma.cc/8W4T-UCZF].

16. See *Where are the Refugees?*, *supra* note 4, at 1–2.

17. *Id.*; see BRUNO, *supra* note 4, at 1.

18. See 8 U.S.C. § 1157(a); *Frequently Asked Questions: Refugee Ceiling and the Presidential Determination*, GLOB. REFUGE (Sep. 1, 2020), <https://www.globalrefuge.org/news/frequently-asked-questions-refugee-ceiling-and-the-presidential-determination-lirs/> [https://perma.cc/B976-QWZA].

19. 8 U.S.C. § 1157(a).

on the Judiciary of the Senate, and the House of Representatives.²⁰ The INA lists seven categories of information that must be provided, including the proposed number of refugees to be admitted, plans and costs for resettlement, and foreign policy impacts of resettlement.²¹

USRAP has a distinct structure that incorporates several different executive branch agencies. These include the Department of State (“DOS”), the Department of Homeland Security (“DHS”), and the Department of Health and Human Services (“HHS”).²² Each agency participates in refugee resettlement at different stages in the process. The Department of State’s Bureau of Population, Refugees, and Migration (“PRM”) manages Resettlement Support Centers that conduct refugee processing abroad.²³ It conducts interviews, initiates biographic checks, and prepares cases for subsequent adjudication by U.S. Citizenship and Immigration Services (“USCIS”).²⁴ Biographic checks consist of an interagency vetting process through the National Vetting Center and the Department of State Consular Lookout and Support System.²⁵

As an arm of DHS, USCIS conducts interviews and adjudications to determine if an individual meets the criteria for resettlement.²⁶ The individual must meet the Immigration and Nationality Act’s definition of a refugee, among other requirements.²⁷ USCIS initiates biometric checks, which include running fingerprints through the Federal Bureau of Investigation (“FBI”) Fingerprint Check Next Generation Identification, the DHS Automated Biometric Identification System, and the Department of Defense (“DOD”) Forensics and Biometrics Agency’s Automated Biometric Identification System.²⁸ Overall, Refugee Corps officers within USCIS determine whether the Secretary of DHS should use their discretionary authority to admit refugees.²⁹

After USCIS approves a refugee for resettlement, the “sponsorship assurance” process begins.³⁰ At this point, private organizations enter the process, making USRAP not just an interagency program but a public-private partnership. The federal government, which represents the public sector, enters into contracts with domestic non-profit organizations that represent the private (non-governmental) sector. Specifically, the State Department’s Bureau of Population, Refugees, and Migration enters into cooperative agreements with domestic non-profit organizations that carry out reception and placement services.³¹ When a

20. *Id.* § 1157(e).

21. *Id.*

22. *Id.*

23. *See* BRUNO, *supra* note 4, at 1, 6.

24. *Id.* at 6–7.

25. *Id.*; *see* *Refugee Processing and Security Screening*, U.S. CITIZENSHIP & IMMIGR. SERVS., <https://www.uscis.gov/humanitarian/refugees-and-asylum/refugees/refugee-processing-and-security-screening> [<https://perma.cc/Y49D-L7LY>] (last visited Nov. 9, 2025).

26. *See* *Refugee Processing and Security Screening*, *supra* note 25.

27. *See* BRUNO, *supra* note 4, at 7–8.

28. *See* *Refugee Processing and Security Screening*, *supra* note 25.

29. *See* BRUNO, *supra* note 4, at 7.

30. *Id.* at 1.

31. *Id.* at 6.

resettlement agency sponsors a refugee, the agency receives funding to provide short-term services such as housing, food, clothing, and assistance in finding employment.³² Separately, the Office of Refugee Resettlement (“ORR”) within HHS has a funding stream for longer-term assistance to refugees, such as ongoing case management and employment skills training.³³

B. *The Mechanisms of Structural Deregulation*

During his first administration, President Trump attacked the core capabilities described above by employing all four structural deregulation tactics that Freeman and Jacobs outline in their article: staffing, other resources, agency expertise, and reputation.

1. *Staffing*

Freeman and Jacobs argue that staffing-based structural deregulation can occur through reductions in civil servants, failures to nominate principal officers, and vacancies in Senate-confirmed positions, among other mechanisms.³⁴ At USRAP, staffing-based structural deregulation occurred through the Trump Administration, leaving vacant positions at key agencies, reassigning Refugee Corps officers, and experiencing high staff turnover.³⁵

The Trump Administration left an unprecedented number of vacancies for Senate-confirmed positions across all the agencies involved in USRAP, including for principal officers at the Department of State, Department of Homeland Security, and the Department of Health and Human Services.³⁶ A nonpartisan non-profit that tracks presidential appointments, the Partnership for Public Service, stated that “what we have seen is unprecedented, with consistent vacancies across the government.”³⁷ When President Trump was three years into his first term, a quarter of DOS and HHS positions that required Senate confirmation remained vacant, and two-thirds of DHS positions requiring Senate confirmation

32. *Id.*

33. See *Voluntary Agencies Matching Grant Program*, ADMIN. FOR CHILD. & FAMS., <https://acf.gov/orr/programs/refugees/matching-grants> [<https://perma.cc/RF9W-GYB3>] (last visited Nov. 10, 2025); *Refugee Resettlement*, U.S. COMM. FOR REFUGEES & IMMIGRANTS, <https://refugees.org/refugee-resettlement/> [<https://perma.cc/38ZC-CT5P>] (last visited Nov. 10, 2025).

34. See Freeman & Jacobs, *supra* note 1, at 594–609.

35. See Dareh Gregorian, ‘*Off the Charts*’: *White House Turnover is Breaking Records*, NBC NEWS (Sept. 23, 2019), <https://www.nbcnews.com/politics/white-house/charts-white-house-turnover-breaking-records-n1056101> [<https://perma.cc/2ER6-CZPN>]; Kathryn Dunn Tenpas, *Tracking Turnover in the Trump Administration*, BROOKINGS (Jan. 20, 2021), <https://www.brookings.edu/articles/tracking-turnover-in-the-trump-administration/> [<https://perma.cc/ZT5H-7N8E>]; Dareh Gregorian, *Trump’s Revolving Door Creates Unprecedented Vacancy Mess in Government*, NBC NEWS (May 15, 2019), <https://www.nbcnews.com/politics/donald-trump/trump-revolving-door-creates-unprecedented-vacancy-mess-gov-t-n1004566> [<https://perma.cc/V3QU-ATHJ>]; Sarah Aziza, *Donald Trump Isn’t Just Slashing the Refugee Quota, He’s Dismantling the Entire Resettlement System*, THE INTERCEPT (Aug. 15, 2018), <https://theintercept.com/2018/08/15/donald-trump-refugee-resettlement-quota/> [<https://perma.cc/A5TX-AYF2>].

36. See ‘*Off the Charts*’: *White House Turnover Is Breaking Records*, *supra* note 35; Tenpas, *supra* note 35; *Trump’s Revolving Door Creates Unprecedented Vacancy Mess in Government*, *supra* note 35.

37. *Trump’s Revolving Door Creates Unprecedented Vacancy Mess in Government*, *supra* note 35.

were vacant.³⁸ Across these three agencies during the same time period, Trump appointed four Secretaries of State, five Secretaries of HHS, and five Secretaries of DHS.³⁹ All three agencies had at least two “acting” secretaries.⁴⁰ Acting secretaries are temporary secretaries who “have not gone through the appointments process delineated in the Constitution.”⁴¹

High numbers of acting officials have deregulatory impacts because these officials have a lower stature and legitimacy.⁴² Acting status hampers their ability to “[p]ush back on controversial actions by the White House, which is sometimes necessary to defend the agency’s pursuit of its statutory obligations.”⁴³ Acting status may also undermine the official’s effectiveness in promoting the agency’s agenda in Congress.⁴⁴ The lack of Senate-confirmed principal officers, frequent use of acting secretaries, and turnover amongst confirmed secretaries contributed to structural deregulation, which hampered the agency’s operations and efficacy.⁴⁵ In addition, the Trump Administration in September 2017 made staffing changes affecting some civil servants within USCIS.⁴⁶ The Administration reassigned approximately one hundred Refugee Corps officers to a different division within USCIS, claiming that the change was necessary to address case backlogs within the other division.⁴⁷ USCIS had only about 30 Refugee Corps officers left to conduct interviews after the reassignments.⁴⁸ USCIS spokesperson Michael Bars stated, “Ultimately, this diversion of resources compromises the ability for officers to conduct interviews abroad for individuals legitimately seeking refugee status.”⁴⁹ USCIS was forced to delay or suspend interviews due to low capacity, and interviews are a prerequisite before other steps in the resettlement process can occur such as medical clearances.⁵⁰ During this time period, there were an estimated 200,000 refugees awaiting interviews with a Refugee Corps officer.⁵¹ The director of World Relief Durham, a refugee resettlement agency, noted, “when there aren’t enough people abroad to interview and process the cases, there is no way to keep the stream of vetted refugees coming.”⁵²

Overall, the staffing changes within USCIS hampered the agency’s ability to timely interview, adjudicate, and screen potential refugees for

38. See Daniel Beers, *The End of Resettlement? U.S. Refugee Policy in the Age of Trump*, 9 Soc. Sci. 129 (2020).

39. *Id.*

40. *Id.*

41. See Anne Joseph O’Connell, *Actings*, 120 COLUM. L. REV. 613, 625 (2020).

42. See Freeman & Jacobs, *supra* note 1, at 602–03.

43. *Id.* at 602.

44. *Id.* at 602–03.

45. See ‘Off the Charts’: *White House Turnover Is Breaking Records*, *supra* note 35.

46. See Beers, *supra* note 38, at 28; *Where are the Refugees?*, *supra* note 4, at 6.

47. Beers, *supra* note 38, at 28.

48. See Aziza, *supra* note 35.

49. *Id.*

50. *Id.*

51. *Id.*

52. *Id.*

resettlement.⁵³ Reassigning Refugee Corps officers contributed to structural deregulation because it impeded the USRAP from establishing a pipeline of refugees for resettlement.⁵⁴ Scholar Daniel Beers wrote that “leadership vacancies, staff shortages, and reduced capacity in key administrative offices have led to instability and widespread disruptions in the resettlement system.”⁵⁵

2. *Deprivation of Other Resources*

Freeman and Jacobs argue that structural deregulation can occur through depriving an agency of “other resources” needed to fulfill its mandate, such as budget and office space.⁵⁶ Time is another valuable resource which executive branch agencies squander when engaged in “busy work,” which is additional labor that uses manpower without contributing meaningfully to the agency’s mission.⁵⁷ The Trump Administration engaged in structural deregulation of the USRAP through decreasing the budget for refugee resettlement and “extreme vetting” busy work, which drained staff time and resources without meaningfully improving safety.⁵⁸

To understand how “extreme vetting” drained agency time and resources, it is helpful to examine the vetting processes that existed before the first Trump Administration. Candidates for resettlement undergo multiple rounds of security checks across the DOS, DHS, and FBI.⁵⁹ Each of these security checks has a “narrow validity period,” such that refugees normally only have a “two-month travel window during which all their checks are complete and valid.”⁶⁰

On January 27, 2017, President Trump issued Executive Order 13769, which temporarily paused the USRAP.⁶¹ As a result, many refugees were not resettled during their narrow travel window.⁶² For these refugees, at least one security check often expired after their travel window passed.⁶³ As this security check was being repeated, a process which takes months, oftentimes another security check would expire.⁶⁴ One refugee resettlement non-profit described the phenomenon as a “domino effect of expired validity” that

53. *See id.*; *see Where are the Refugees*, *supra* note 4, at 5–7; Beers, *supra* note 38.

54. *See Aziza*, *supra* note 35.

55. Beers, *supra* note 38, at 27.

56. *See Freeman & Jacobs*, *supra* note 1, at 609–15.

57. *Id.*

58. *See Silva Mathema & Sofia Carratala, Rebuilding the U.S. Refugee Program for the 21st Century*, CTR. FOR AM. PROGRESS, at 18, (Oct. 26, 2020), <https://www.americanprogress.org/article/rebuilding-u-s-refugee-program-21st-century/> [<https://perma.cc/C5ZU-RP5H>]; *IRAP Explainer on the U.S. Refugee Admissions Program Suspension*, INT’L REFUGEE ASSISTANCE PROJECT (Oct. 29, 2025) <https://refugeerights.org/news-resources/irap-explainer-on-the-u-s-refugee-admissions-program-suspension> [<https://perma.cc/J4BX-H98W>]; David J. Bier, *Extreme Vetting of Immigrants: Estimating Terrorism Vetting Failures*, CATO INSTITUTE (April 17, 2018), <https://www.cato.org/policy-analysis/extreme-vetting-immigrants-estimating-terrorism-vetting-failures> [<https://perma.cc/LVS8-6G4X>].

59. *See Refugee Processing and Security Screening*, *supra* note 25.

60. *See Where are the Refugees*, *supra* note 4, at 7.

61. Exec. Order No. 13,769, 82 Fed. Reg. 8977 (Jan. 27, 2017).

62. *See Mathema & Carratala*, *supra* note 58, at 10.

63. *See Where are the Refugees?*, *supra* note 4, at 7.

64. *Id.*

severely hindered refugees' abilities to resettle in a timely manner.⁶⁵ In other words, pausing the resettlement program delayed the ability of refugees to resettle in a timely manner due to the narrow period of validity when all their security checks are valid.⁶⁶

On October 24, 2017, President Trump issued Executive Order 13815, which restarted USRAP with "enhanced vetting capabilities" (also known as "extreme vetting").⁶⁷ Because refugees awaiting resettlement had not been resettled during the narrow period when all of their security checks were valid—often only two months—USRAP conducted duplicative "busy work" in re-doing these checks when USRAP was finally restarted.⁶⁸ This "busy work" included procedural requirements which added unnecessary layers of bureaucracy for refugees that had already completed their interviews with USCIS and that USCIS had approved for departure.⁶⁹ These refugees had to provide additional information to Refugee Support Centers, such as their addresses from the last ten years instead of the last five years, and then undergo re-screening.⁷⁰ At least 19,500 checks needed to be re-run due to the "extreme vetting" requirement to provide additional, unnecessary information.⁷¹ The results of extreme vetting are dramatically increased backlogs and wait times for refugees without improved safety.⁷²

Indeed, "extreme vetting" is "busy work" because it occupied agency time and resources without meaningfully contributing to the mission of ensuring that refugees do not pose a security threat.⁷³ Scholar Daniel Beers writes that "[w]hile the White House has doggedly insisted on the importance of enhanced screening procedures, policy experts and high-level officials from both major parties have dismissed the notion of extreme vetting as unnecessary and counterproductive."⁷⁴ For example, the Cato Institute dismissed extreme vetting as unnecessary, given that between 2002 and 2016, there was a 1 in 328 million chance per year that a terrorist would kill an American due to insufficient vetting.⁷⁵ The Cato Institute concluded that "blindly enacting new requirements without any evidence that these standards are capable of protecting the country will only create unnecessary costs."⁷⁶

Along with "extreme vetting," the Trump Administration also engaged in structural deregulation through decreasing the budget for refugee resettlement. During the first Trump Administration, the Reception and Placement federal funding was structured so that resettlement agencies received funding

65. Mathema & Carratala, *supra* note 58, at 1, 10.

66. *Id.*

67. Exec. Order No. 13,815, 82 Fed. Reg. 50055 (Oct. 24, 2017).

68. See *IRAP Explainer on the U.S. Refugee Admissions Program Suspension*, *supra* note 58, at 4; See *Where are the Refugees?*, *supra* note 4, at 7, 21.

69. See Mathema & Carratala, *supra* note 58, at 9.

70. See Bier, *supra* note 58.

71. *Id.*

72. See Beers, *supra* note 38, at 30; Mathema & Carratala, *supra* note 58.

73. See Beers, *supra* note 38, at 30.

74. *Id.*

75. Bier, *supra* note 58.

76. *Id.*

for each resettled refugee that their agency served.⁷⁷ In other words, if refugees were not resettled, then resettlement agencies would not receive Reception and Placement funding.⁷⁸ Thus, in order to drastically cut the Reception and Placement budget, the Trump Administration set a historically low refugee admissions ceiling through his Presidential Determinations.⁷⁹ In Executive Order 13769, President Trump set the refugee admissions ceiling at 50,000 for fiscal year 2017.⁸⁰ Each subsequent year, President Trump continued to decrease the refugee admissions ceiling from 45,000 refugees (FY 2018) to 30,000 refugees (FY 2019) to 18,000 refugees (FY 2020), to a historically low 15,000 refugees in fiscal year 2021.⁸¹ A refugee admissions ceiling of 15,000 is the lowest Presidential Determination in the history of the USRAP.⁸² The decreased refugee admissions ceiling and subsequent decreased federal funding, along with the unnecessary “extreme vetting,” contributed to structural deregulation by depriving the USRAP of budget and time, which could have been spent on substantive work instead of busy work.

3. *Eroding Agency Expertise*

Freeman and Jacobs argue that a third pathway to structural deregulation involves the erosion and dismissal of substantive expertise within an agency.⁸³ President Trump maligned substantive expertise when he nominated an ORR appointee with no relevant substantive experience and failed to conduct appropriate consultations with Congress. He also eroded substantive expertise when he suppressed an HHS report and stopped coordination meetings with refugee resettlement non-profits, amongst other actions.⁸⁴

The first Trump Administration eroded the Office of Refugee Resettlement’s expertise by appointing Scott Lloyd as the Office’s Director, despite Lloyd

77. See Lori Scialabba et al., *Refugee Resettlement Strategies*, DELOITTE (Jan. 19, 2023), <https://www2.deloitte.com/us/en/insights/industry/public-sector/refugee-resettlement-strategies.html> [https://perma.cc/RDS5-PQFB]; Mary Frances Schjonberg, *Trump’s Immigration Policies Force Reduction of Episcopal Church’s Refugee Resettlement Network*, EPISCOPAL NEWS SERV. (Apr. 4, 2017), <https://episcopalnewsservice.org/2017/04/04/trumps-immigration-policies-force-reduction-of-episcopal-churchs-refugee-resettlement-network/> [https://perma.cc/EP43-SWZ5].

78. Schjonberg, *supra* note 77.

79. See *Trump Administration Sets Record Low Limit for New U.S. Refugees*, REUTERS (Oct. 28, 2020), <https://www.reuters.com/article/world/trump-administration-sets-record-low-limit-for-new-us-refugees-idUSKBN27D1UG/> [https://perma.cc/LDY4-K6DW].

80. Exec. Order No. 13,769, 82 Fed. Reg. 8977 (Jan. 27, 2017).

81. Presidential Determination on Refugee Admissions for Fiscal Year 2018, 82 Fed. Reg. 49083 (Sept. 29, 2017); Presidential Determination on Refugee Admissions for Fiscal Year 2019, 82 Fed. Reg. 55091 (Oct. 4, 2018); Presidential Determination on Refugee Admissions for Fiscal Year 2020, 84 Fed. Reg. 65903 (Nov. 1, 2019); Presidential Determination on Refugee Admissions for Fiscal Year 2021, 85 Fed. Reg. 71219 (Nov. 1, 2020).

82. See *Trump Administration Sets Record Low Limit for New U.S. Refugees*, *supra* note 79.

83. See Freeman & Jacobs, *supra* note 1, at 615–20.

84. See Adam Cancryn & Renuka Rayasam, *Meet the Anti-Abortion Trump Appointee Taking Care of Separated Kids*, POLITICO (June 21, 2018), <https://www.politico.com/story/2018/06/21/scott-lloyd-anti-abortion-separated-kids-642094> [https://perma.cc/5MPQ-CDN6]; Carter Sherman, *The Man Trump Put in Charge of Separated Children Has Almost No Experience with Them*, VICE (June 21, 2018), <https://www.vice.com/en/article/trump-put-scott-lloyd-in-charge-of-separated-kids-without-experience/> [https://perma.cc/W7PW-4WW9]; Beers, *supra* note 38, at 22, 26; Mathema & Carratala, *supra* note 58.

having “little background in refugee resettlement” before taking office.⁸⁵ Lloyd’s primary professional experiences were advocating for pro-life policies at the Knights of Columbus and Legalworks Apostolate, a Catholic fraternal organization and a conservative law firm, respectively.⁸⁶ In contrast, his predecessors had decades of relevant work experience within the field of refugees and forced migration.⁸⁷ Leaders without substantive expertise, like Scott Lloyd, erode the executive branch’s efficacy in carrying out its statutory mandates.

In addition, President Trump maligned substantive expertise when he failed to conduct the statutorily required “appropriate consultation” with Congress before issuing a Presidential Determination to set the annual refugee admissions ceiling.⁸⁸ The INA defines “appropriate consultation” as in-person discussions between Cabinet-level representatives, members of the Committee on the Judiciary of the Senate, and the House of Representatives.⁸⁹ The Trump Administration circumvented this process for the fiscal year 2018 refugee cap, undermining the statute’s goals and ignoring Congress’s policy expertise.⁹⁰ Senators Chuck Grassley (R-Iowa) and Dianne Feinstein (D-California) issued the following statement: “We are incredibly frustrated that the annual consultation for refugee admissions, which is required by law, was finalized just one day in advance. It is simply unacceptable to read in the press that the administration had reached its decision on the refugee cap before the mandated meeting with Congress had even been scheduled . . . An eleventh-hour meeting to check a legal box is not sufficient.”⁹¹ The INA requires consultation with Congress to ensure that the President benefits from the legislative branch’s substantive expertise in subjects including the foreign policy impacts of resettlement.⁹² President Trump’s failure to consult with Congress clearly maligned substantive expertise and thus eroded the USRAP’s efficiency in resettling refugees.

The Trump White House also maligned substantive expertise by refusing to publish research from civil servants within DHS. The White House requested a cost-benefit analysis of the impacts of refugee resettlement on the economy.⁹³ DHS concluded that over the past ten years, refugees contributed \$63 billion to the American economy, even after subtracting costs associated with the refugees.⁹⁴ The Trump Administration refused to accept the expert conclusion of its own agency, and instead released a three-page report which counted only the costs and ignored all benefits.⁹⁵ The Trump Administration’s

85. See Cancryn & Rayasam, *supra* note 84; Sherman, *supra* note 84.

86. *Id.*

87. *Id.*

88. 8 U.S.C. § 1157(a).

89. *Id.* § 1157(e).

90. See Beers, *supra* note 38, at 26.

91. *Id.*

92. 8 U.S.C. § 1157(e).

93. See Beers, *supra* note 38, at 22.

94. *Id.*

95. *Id.* at 22–23.

suppression of the full cost-benefit analysis clearly illustrates the dismissal of substantive agency expertise.

Finally, the Trump Administration dismissed substantive expertise by ending coordination meetings among federal, state, local governments, and non-profit leadership. Previously, the USRAP hosted conferences between government and non-profit leadership, and also hosted meetings open to the general public.⁹⁶ These events helped bring non-profit and community expertise to the ears of government leaders within USRAP.⁹⁷ During the Trump Administration, communication eroded significantly.⁹⁸ The leader of a refugee resettlement non-profit stated “We don’t get any insider information. We just hear what the government chooses to announce to the public, and then we have to adjust accordingly.”⁹⁹ When the Trump Administration stopped communicating with civil society, USRAP’s substantive expertise was eroded because there was no input from ground-level stakeholders. Overall, unqualified leadership, lack of appropriate consultation with Congress, and suppression of an HHS report eroded agency expertise. These actions, along with poor communication with resettlement agencies, contributed to structural deregulation that hampered the USRAP’s ability to meet its statutory mandates.

4. *Inflicting Reputational Harms*

Freeman and Jacobs argue that a strong reputation may help an agency more effectively secure Congressional funding, set policies, or win favorable judicial rulings.¹⁰⁰ Inversely, a president who erodes an agency’s reputation engages in structural deregulation, which thereby hinders the agency’s efficacy in achieving its statutory goals.¹⁰¹ President Trump inflicted reputational harm on USRAP that weakened its efficacy, specifically through unsubstantiated claims that USRAP had insufficient vetting processes and discriminated against Christian refugees.¹⁰²

96. See Mathema & Carratala, *supra* note 58, at 18.

97. See *id.* at 18–19.

98. See Beers, *supra* note 38, at 30.

99. *Id.*

100. See Freeman & Jacobs, *supra* note 1, at 592.

101. *Id.* at 592–94.

102. See, e.g., Jessica Taylor, *Trump Calls for ‘Total and Complete Shutdown of Muslims Entering’ U.S.*, NPR (Dec. 7, 2015), <https://www.npr.org/2015/12/07/458836388/trump-calls-for-total-and-complete-shutdown-of-muslims-entering-u-s> [https://perma.cc/6QRP-ARXN]; Ben Jacobs, *Somali migrants are ‘Disaster’ for Minnesota, says Donald Trump*, THE GUARDIAN (Nov. 7, 2016), <https://www.theguardian.com/us-news/2016/nov/06/donald-trump-minnesota-somali-migrants-isis> [https://perma.cc/TRP4-FHJ8]; *Timeline of the Muslim Ban*, ACLU WASH., <https://www.aclu-wa.org/pages/timeline-muslim-ban> [https://perma.cc/8J5A-6RUT] (last visited Nov. 6, 2025); Exec. Order No. 13,769, 82 Fed. Reg. 8977 (Jan. 27, 2017); *The Full Interview: President Trump Talks with CBN’s David Brody*, CHRISTIAN BROAD. NETWORK (Jan. 30, 2017), <https://cbn.com/news/politics/full-interview-president-trump-talks-cbns-david-brody> [https://perma.cc/J397-TD53]; Greg Miller, Julie Vitkovskaya & Reuben Fischer-Baum, *‘This Deal Will Make Me Look Terrible’: Full Transcripts of Trump’s Calls with Mexico and Australia*, WASH. POST (Aug. 3, 2017), https://www.washingtonpost.com/graphics/2017/politics/australia-mexico-transcripts/?utm_term=.52b4fd520cd6 [https://perma.cc/BU8F-F7AA].

To understand how President Trump's aspersions contributed to structural deregulation of USRAP, we first must understand the program's strong reputation before 2017.¹⁰³ Before President Trump, USRAP had bipartisan support.¹⁰⁴ For example, President Reagan set the refugee resettlement ceiling at 140,000 refugees in fiscal year 1982.¹⁰⁵ President Bush, in fiscal year 1989, set the ceiling at 116,500 refugees.¹⁰⁶ In 2017, President Obama lowered the ceiling to 110,000.¹⁰⁷ Since USRAP's inception in 1980, the Presidential Determination for the refugee admissions ceiling has averaged 95,000 refugees.¹⁰⁸ Regarding Presidential Determinations before President Trump, political scientist Idean Salehyan notes that "Congress was largely on board with whatever numbers the State Department and the administration would put forth."¹⁰⁹ Scholars have described the USRAP pre-Trump as "earning a reputation as 'one of the most successful humanitarian programs in U.S. history'."¹¹⁰ Overall, the USRAP before President Trump had much higher ceilings and strong bipartisan support, which contributed towards its reputation as a valuable, non-controversial humanitarian program.

Donald Trump began inflicting reputational harm upon the USRAP from the onset of his Presidential campaign, even before he became President.¹¹¹ During a 2015 campaign rally, then-candidate Trump called for a "total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on."¹¹² On the campaign trail, Trump referred to Syrian refugees as potential "Trojan horses" and raised concerns about terrorists posing as refugees.¹¹³ Trump also stated, "[W]e've admitted tens of thousands with no effective screening plan. . . . [W]e have no idea who we are letting in. You've seen what happened."¹¹⁴ Trump repeatedly criticized current vetting processes as ineffective, and made repeated

103. See *Four Decades of Presidential Leadership in Refugee Protection, Until Now*, INT'L RESCUE COMM. (Feb. 14, 2020), <https://www.rescue.org/resource/four-decades-presidential-leadership-refugee-protection-until-now> [<https://perma.cc/G44U-LHWJ>].

104. *Id.*

105. *Id.*

106. *Id.*

107. *Id.*

108. See *What to know about Refugee Resettlement: Platform, Talking Points, and Policy Asks*, HEBREW IMMIGRANT AID SOC'Y, https://hias.org/wp-content/uploads/what_to_know_about_refugee_resettlement_0.pdf [<https://perma.cc/7775-GMHG>] (last visited Nov. 17, 2025).

109. *How Trump Politicized Refugees*, NISKANEN CTR. (Oct. 23, 2019), <https://www.niskanencenter.org/how-trump-politicized-refugees/> [<https://perma.cc/SBB9-V7R7>]; Idean Salehyan, *Home*, <https://idean-salehyan.weebly.com/> [<https://perma.cc/8PZT-DQ4T>] (last visited Nov. 7, 2025).

110. Beers, *supra* note 38, at 1.

111. See Taylor, *supra* note 102.

112. *Id.*

113. *Donald Trump: Refugees Could Be 'The Greatest Trojan Horse of All Time'*, THE GUARDIAN (Nov. 19, 2015), <https://www.theguardian.com/us-news/video/2015/nov/19/donald-trump-refugees-could-be-greatest-trojan-horse-of-all-time-video> [<https://perma.cc/VA4Y-5YUS>]; Tal Kopan, *Donald Trump: Syrian Refugees a 'Trojan Horse'*, CNN (Nov. 16, 2015), <https://www.cnn.com/2015/11/16/politics/donald-trump-syrian-refugees/index.html> [<https://perma.cc/FBB7-YZWW>].

114. Ben Jacobs, *Trump Says Syrian Refugees Aren't Just a Terrorist Threat, They'd Hurt Quality of Life*, THE GUARDIAN (Sept. 21, 2016), <https://www.theguardian.com/us-news/2016/sep/21/trump-syrian-refugees-terrorism-quality-life-bombing-attacks> [<https://perma.cc/HU73-LN8K>].

campaign promises of “extreme vetting,” including during the second presidential debate.¹¹⁵ While campaigning in Minnesota, Trump told rally attendees that “[h]ere in Minnesota, you’ve seen first-hand the problems caused with faulty refugee vetting. . . . [S]ome of them [are] joining ISIS.”¹¹⁶

These campaign promises of extreme vetting morphed into Executive Order 13769, colloquially known as the “Muslim ban” or the “travel ban.”¹¹⁷ The executive order suspended USRAP for 120 days and set the fiscal year 2017 ceiling to 50,000 refugees.¹¹⁸ Regarding the executive order, President Trump expressed his intent to conduct “extreme vetting” and “keep terrorists out.”¹¹⁹ A follow-up executive order, “Protecting the Nation from Foreign Terrorist Entry into the United States,” provided the “illustrative example” of Abdinassir Mohamud Ibrahim, who was admitted to the United States through USRAP and later convicted of conspiring to provide material support to Al-Shabaab, a Somali terrorist group.¹²⁰

In addition to attacking USRAP’s reputation through claims of insufficient vetting, President Trump also claimed that USRAP was discriminating against Christian refugees from the Middle East.¹²¹ In a 2017 interview, a journalist asked President Trump directly about the “refugee program.” President Trump responded: “Do you know if you were a Christian in Syria, it was impossible, at least very tough, to get into the United States? If you were a Muslim, you could come in, but if you were a Christian, it was almost impossible, and the reason that was so unfair, everybody was persecuted, in all fairness, but they were chopping off the heads of everybody, but more so the Christians. And I thought it was very, very unfair.”¹²² President Trump reiterated these claims during a phone call with the Australian Prime Minister Malcolm Turnbull, according to transcripts obtained and published by the Washington Post.¹²³ On that phone call, President Trump stated that “[I]f you were a Christian from Syria, you had no chance of coming to the United States. Zero . . . but if you were a Muslim from Syria, that was the

115. Bier, *supra* note 58.

116. Jacobs, *supra* note 102.

117. ACLU WASH., *supra* note 102; Exec. Order No. 13,769, 82 Fed. Reg. 8977 (Jan. 27, 2017).

118. ACLU WASH., *supra* note 102; Exec. Order No. 13,769, 82 Fed. Reg. 8977 (Jan. 27, 2017).

119. Paul Owen, Sabrina Siddiqui & Heather Stewart, *U.S. Refugee Ban: Trump Decried for ‘Stomping on’ American Values*, THE GUARDIAN (Jan. 28, 2017, 5:33 AM), <https://www.theguardian.com/us-news/2017/jan/27/trump-immigration-plan-refugees-vetting-reaction> [https://perma.cc/GT2Z-A2GZ].

120. Exec. Order No. 13,780, 82 Fed. Reg. 13209 (Mar. 6, 2017). EO 13769, also known as “Muslim Ban 1.0,” implemented a travel ban for individuals from 7 majority-Muslim countries, suspended refugee resettlement for 120 days, banned Syrian refugees indefinitely, and set the refugee admissions ceiling at 50,000. President Trump revoked EO 13769 because its implementation was delayed by litigation and replaced it with EO 13780, known as “Muslim Ban 2.0.” EO 13780 still suspended resettlement and lowered the ceiling to 50,000, but it implemented a travel ban for people from only 6 majority-Muslim countries and removed the indefinite ban on Syrian refugees. *The Evolution of the Muslim Ban – an Explainer*, INT’L REFUGEE ASSISTANCE PROJECT (Jan. 31, 2018), <https://refugeerights.org/wp-content/uploads/2018/02/The-Muslim-Bans-An-Overview-3.pdf> [https://perma.cc/UB85-JXM5].

121. See *The Full Interview: President Trump Talks with CBN’s David Brody*, *supra* note 102.

122. *Id.*

123. See Miller, Vitkovskaya & Fischer-Baum, *supra* note 102.

number one place to get into the United States from. That was the easiest thing.”¹²⁴ Executive Order 13769 also reflects President Trump’s concerns about alleged discrimination against Christian refugees.¹²⁵ The executive order directed the Secretary of State to “prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual’s country of nationality.”¹²⁶ Overall, President Trump’s attacks on USRAP’s reputation contributed to structural deregulation, which hindered the agency’s efficacy in achieving its mission.

III. SOCIAL REGULATION OF CIVIL SOCIETY

The structural deregulation of USRAP not only gutted the program’s core capacity of resettling refugees but paradoxically had a regulatory effect on society. Because USRAP is embedded in society, the deregulation of the USRAP during the first Trump Administration simultaneously contributed to the social regulation of refugee resettlement non-profits, other civil society groups, and refugee communities. Social regulation means attempting to reshape society by eliminating civil society groups or communities that are seen as undesirable or a counterweight to government policy. Refugee resettlement non-profits faced social regulation because decreased refugee admissions led to decreased funding, which forced these organizations to close offices, fire staff, and lose expertise. When non-profits closed or had limited capacity, refugee communities in turn experienced social regulation due to decreased access to social services and the general weakening of their communities’ social fabric. Social regulation also had a negative impact on other civil society groups that serve or employ refugees, such as faith-based and community volunteers, medical clinics, landlords, schools, and employers.

A. *The USRAP’s Embeddedness in Society*

USRAP is embedded in society because the program is structured as a public-private partnership.¹²⁷ The “public” portion is the federal government, and the “private” portion is domestic non-profit organizations that receive federal funding to resettle refugees. These non-profit organizations are important civil society actors, especially embedded in refugee communities, as they resettle refugees and provide important social services.

Once refugees have entered the United States, the federal government works with voluntary agencies that provide social services to help refugees begin their new lives in the United States. The INA defines voluntary agencies as “resettlement agencies or a State or local government that has entered

124. *Id.*

125. Exec. Order No. 13,769, 82 Fed. Reg. 8977 (Jan. 27, 2017).

126. *Id.*

127. *See Where are the Refugees?*, *supra* note 4, at 2; BRUNO, *supra* note 4, at 1.

into a grant, contract, or cooperative agreement with the United States Department of State or other appropriate Federal agency to provide for the reception and initial placement of refugees in the United States.”¹²⁸ The funding structure of the public-private partnership, which includes both cooperative agreements and ORR grants, provides a link between the government and civil society.

The DOS Bureau of PRM enters into cooperative agreements with domestic non-profit organizations, also known as “voluntary agencies,” that carry out reception and placement services, which occur after refugees have entered the United States.¹²⁹ Through the Reception and Placement Program, the voluntary agencies contribute “significant cash or in-kind resources to supplement U.S. government funding.”¹³⁰

Another contracting mechanism for the public-private partnership is the Matching Grant Program, which is administered by ORR.¹³¹ In this program, ORR provides federal funding to voluntary agencies that match those funds with cash and in-kind resources, such as goods and services from local faith-based or community volunteers.¹³² These services normally include funds for housing, utilities, and transportation, along with employment services like interview preparation.¹³³

During the first Trump administration, there were nine national voluntary agencies: Church World Service, Ethiopian Community Development Council, Episcopal Migration Ministries, Hebrew Immigrant Aid Society, International Rescue Committee, Lutheran Immigration and Refugee Service, United States Conference of Catholic Bishops, U.S. Committee on Refugees and Immigrants, and World Relief.¹³⁴ Each national voluntary agency has a network of local affiliates or subcontractors, which are known as “local volunteer agencies.”¹³⁵ In 2017, the Department of State estimated that the nine national non-profits placed refugees in around 190 different communities across the country.¹³⁶

128. 45 C.F.R. § 400.2.

129. See *Where are the Refugees?*, *supra* note 4, at 2.

130. See *Reception and Placement: Bureau of Population, Refugees, and Migration*, U.S. DEP’T OF STATE, <https://2017-2021.state.gov/refugee-admissions/reception-and-placement/> [https://perma.cc/EX2P-SR5W] (last visited Jan. 20, 2021).

131. See *Refugee Resettlement Core Services*, HEBREW IMMIGRANT AID SOC’Y, https://hias.org/wp-content/uploads/refugee_resettlement_core_services.pdf [https://perma.cc/V8N5-N84H] (last visited Nov. 5, 2025).

132. *Id.*

133. *Id.*

134. See *Refugee Resettlement: The Who, What, Where, When, & Why*, BRYCS, <https://brycs.org/migration-resettlement-awareness/refugee-resettlement-the-who-what-where-when-why/> [https://perma.cc/GYF5-EPCZ] (last visited Jan. 8, 2026).

135. 8 U.S.C. § 1522(a)(9).

136. See *The Reception and Placement Program*, U.S. DEP’T OF STATE, <https://2009-2017.state.gov/j/prm/ra/receptionplacement/index.htm> [https://perma.cc/44UK-Z49J] (last visited Nov. 5, 2025). There is not much publicly available information about what percentage of these organization’s budgets come from federal funding. However, in 2017, almost 60% of the International Rescue Committee’s funding came from the federal government. Nayla Rush, *The International Rescue Committee: Federally Funded, but Working to Undermine Federal Policy*, CTR. FOR IMMIGR. STUD. (Nov. 5, 2019), <https://cis.org/Rush/International-Rescue-Committee->

As most national voluntary agencies are faith-based organizations, they have large networks of local houses of worship, like churches and synagogues, which volunteer and contribute to support their local resettlement agencies.¹³⁷ These houses of worship provide in-kind donations and volunteer time to support the national voluntary agencies' resettlement efforts.¹³⁸ Communities' donated goods and services allow voluntary agencies to participate in the Matching Grant Program through ORR.¹³⁹ To participate in the Matching Grant Program, voluntary agencies agree that for every two dollars of federal funding, they will engage community volunteers to provide one dollar worth of goods and services.¹⁴⁰ For example, in 2016, the Hebrew Immigrant Aid Society launched a "Welcome Campaign" to support resettled refugees, and nearly 200 congregations joined.¹⁴¹ Synagogues that participated in the Welcome Campaign donated funds to the Hebrew Immigrant Aid Society and volunteered their time to support recently resettled refugees in their community.¹⁴² In 2017, Episcopal Migration Ministries had the support of twenty-seven church dioceses for their thirty-one local resettlement agencies across twenty-three states.¹⁴³ World Relief has partnered with thousands of local churches to facilitate refugee resettlement since the non-profit's inception in 1979.¹⁴⁴ Overall, the nine national voluntary agencies have deep ties within communities across the United States, representing USRAP's inherent embeddedness in society.

B. *Social Regulation of Refugee Resettlement Non-profits*

As a result of the non-profits' (and therefore USRAP's) embeddedness in civil society, structural deregulation that weakened USRAP had regulatory effects on civil society. Structural deregulation gutted USRAP's core capacity

Federally-Funded-Working-Undermine-Federal-Policy [https://perma.cc/P7ED-P4RA]. In 2025, the Hebrew Immigrant Aid Society reported that federal funding comprised 60% of their \$200 million annual budget. Alexander Cornwell, *Jewish American Group Helping Refugees Scrambles After Trump Aid Cuts*, REUTERS (Feb. 19, 2025), <https://www.reuters.com/world/us/jewish-american-group-helping-refugees-scrambles-after-trump-aid-cuts-2025-02-19/> [https://perma.cc/L8G7-4SEA].

137. See Stephanie J. Nawyn, *Faithfully Providing Refuge: The Role of Religious Organizations in Refugee Assistance and Advocacy*, CTR. FOR COMPAR. IMMIGR. STUD. 1 (Apr. 2005), http://ccis.ucsd.edu/_files/wp115.pdf [https://perma.cc/MJ95-AQBR]; Young-joo Lee, *Welcome Strangers: Protestant Churches' Involvement in Refugee Resettlement in the United States*, 63 J. SCI. STUDY RELIGION 2, 388-405 (2023), <https://doi.org/10.1111/jssr.12900> [https://perma.cc/K9NF-YSTY].

138. See *The Reception and Placement Program*, *supra* note 136.

139. See *id.*; *Refugee Resettlement Core Services*, *supra* note 131.

140. *Id.*

141. See *Nearly 200 U.S. Congregations Pledge Support for Refugees*, HEBREW IMMIGRANT AID SOC'Y (Sept. 8, 2016), <https://hias.org/statements/nearly-200-us-congregations-pledge-support-refugees/> [https://perma.cc/YU65-S3U6/].

142. *Id.*; *Taking Action for Refugees: A Guide for Congregations and Communities*, HEBREW IMMIGRANT AID SOC'Y, https://hias.org/wp-content/uploads/welcome_campaign_make_a_difference_print.pdf [https://perma.cc/PH8L-MLDW] (last visited Nov. 9, 2025).

143. See Mary Frances Schjonberg, *Executive Council Supports Episcopal Migration Ministries in Midst of Trump's Order*, EPISCOPAL NEWS SERV. (Feb. 8, 2017), <https://episcopalnewservice.org/2017/02/08/executive-council-supports-episcopal-migration-ministries-in-midst-of-trump-order-2/> [https://perma.cc/94CJ-WND3].

144. See *Sustain the U.S. Refugee Resettlement Program*, WORLD RELIEF, <https://worldrelief.org/christianstatement/> [https://perma.cc/D3WL-MABE] (last visited Nov. 9, 2025).

of resettling refugees.¹⁴⁵ Because “dollars in resettlement follow refugees,” decreased refugee admissions led to decreased government funding for the nine voluntary agencies.¹⁴⁶ Along with slashing the refugee admissions ceiling, in 2017 the Trump Administration announced new requirements for local resettlement offices, which forced many office closures.¹⁴⁷ Specifically, the DOS Bureau of PRM told resettlement agencies that it would revoke resettlement authorization for any resettlement office that expected to resettle fewer than one hundred refugees in FY 2018.¹⁴⁸ Furthermore, the administration announced that local refugee resettlement offices could only be affiliated with one national resettlement agency.¹⁴⁹ Previously, three national resettlement agencies – Church World Service, Episcopal Migration Ministries, and Lutheran Immigration and Refugee Services – had worked collaboratively with some local offices through a tri-agency model.¹⁵⁰

Overall, decreased government funding and the new requirements led to office closures and staff layoffs at the non-profits, which decreased the national resettlement capacity by thirty-eight percent.¹⁵¹ 134 local refugee resettlement offices were forced to close between fiscal year 2017 and May 2020.¹⁵² For example, World Relief laid off a fifth of its staff – about 140 resettlement employees – and closed five offices.¹⁵³ Lutheran Immigration and Refugee Service laid off between seventy and eighty employees in 2017.¹⁵⁴ Overall, the nine national voluntary agencies had laid off an estimated 300 employees by April 2017.¹⁵⁵ The Center for American Progress noted that staff layoffs and office closures “reduce[d] [resettlement agencies’] capacity to accept new arrivals and provide services for the resettled population.”¹⁵⁶

C. *Social Regulation of Refugee Communities and Other Civil Society Groups*

The aforementioned office closures and layoffs, in turn, contributed to weakening refugee communities that relied on social services, as well as

145. *Supra*, Section III.

146. *See* Scialabba et al., *supra* note 77; Schjonberg, *supra* note 77.

147. *See* Muzzafar Chisti, Kathleen Bush-Joseph & Madeleine Greene, *How the Rebuilt U.S. System Resettled the Most Refugees in 30 Years*, MIGRATION POL’Y INSTITUTE, (Oct. 30, 2024) <https://www.migrationpolicy.org/article/rebuilt-us-refugee-resettlement-biden> [<https://perma.cc/3CXB-PDH4>].

148. *See* Mica Rosenberg, *Exclusive: Dozens of Refugee Resettlement Offices to Close as Trump Downsizes Program*, REUTERS (Feb. 14, 2018, 6:07 AM), <https://www.reuters.com/article/world/exclusive-dozens-of-refugee-resettlement-offices-to-close-as-trump-downsizes-pro-idUSKCN1FY1ER/> [<https://perma.cc/9HR3-KYLE>].

149. *See* *Where are the Refugees?*, *supra* note 4, at 9.

150. *Id.* at 6.

151. *See* Chisti, Bush-Joseph & Greene, *supra* note 147.

152. *Id.*

153. *See* Tom Gjelten, *Refugee Agency World Relief Lays Off Workers in Response to Trump*, NPR (Feb. 16, 2017), <https://www.npr.org/2017/02/16/515638169/refugee-agency-world-relief-lays-off-workers-in-response-to-trump> [<https://perma.cc/D3US-ZH7B>].

154. *See* Victoria Macchi, *Trump’s Cuts to US Refugee Program Lead to 300-plus Layoffs*, VOICE OF AM. (Apr. 26, 2017), <https://www.voanews.com/a/donald-trump-cuts-us-refugee-program-lead-to-hundreds-of-layoffs/3826785.html> [<https://perma.cc/94N9-73RB>].

155. *Id.*

156. Mathema & Carratala, *supra* note 58.

other civil society groups that relied on a continued stream of refugee admissions. The first Trump Administration also engaged in social regulation of refugee communities through setting a historically low refugee admissions ceiling.¹⁵⁷ The policy goal behind a low Presidential Determination is to reshape society's demographics through limiting the size of refugee communities.

1. *Refugee Communities*

Because it shuttered refugee resettlement agencies nationwide, the structural deregulation of USRAP weakened the social fabric of refugee communities and limited their access to social services, including mental health services.

Anecdotally, refugee communities around the country experienced these effects. For instance, when Akron World Relief closed its resettlement office, the closure left 415 refugees without access to the continuing social services they had expected.¹⁵⁸ These social services include enrolling children in school, job development, and programming to help start businesses.¹⁵⁹ When a refugee resettlement agency closed in Chicago, it was also forced to close its community-based mental health center that provided low or no-cost services, including counseling, group therapy, and care coordination.¹⁶⁰ An employee and former human rights activist from the Democratic Republic of the Congo, speaking about the refugee communities' response to the closure, stated that "It's like losing parents. They feel abandoned."¹⁶¹ When the Pan African Association in Chicago, IL, was forced to close its resettlement program, the executive director reported that "we close the office, but every day people come and knock on our doors" seeking services, such as job placement, civic education, and interpretation for medical visits.¹⁶²

Professionals and clinicians who work with refugee communities reported that the broader cuts to USRAP degraded the social fabric of refugee communities, where many members wait for family reunification. Dr. Matthew

157. Exec. Order No. 13,769, 82 Fed. Reg. 8977 (Jan. 27, 2017), Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States; Presidential Determination on Refugee Admissions for Fiscal Year 2018, 82 Fed. Reg. 49083 (Sept. 29, 2017); Presidential Determination on Refugee Admissions for Fiscal Year 2019, 82 Fed. Reg. 55091 (Oct. 4, 2018); Presidential Determination on Refugee Admissions for Fiscal Year 2020, 84 Fed. Reg. 65903 (Nov. 1, 2019); Presidential Determination on Refugee Admissions for Fiscal Year 2021, 85 Fed. Reg. 71219 (Nov. 1, 2020); *Trump Administration Sets Record Low Limit for New U.S. Refugees*, *supra* note 79. As previously stated, President Trump set the refugee admissions ceiling at 50,000 for fiscal year 2018 and decreased the cap each subsequent year until a record-low of 15,000 in fiscal year 2021. *Supra* note 80–81.

158. See Tania Karas, *US Refugee Agencies Wither as Trump Administration Cuts Numbers to Historic Lows*, THE WORLD (Sept. 27, 2019), <https://theworld.org/stories/2019/09/27/us-refugee-agencies-wither-trump-administration-cuts-numbers-historic-lows> [https://perma.cc/CF4F-4JW8].

159. *Id.*

160. See Nissa Rhee, *Funding Cuts Under Trump are Forcing Clinics and Organizations that Serve Refugees to Close*, BORDERLESS (Nov. 20, 2019), <https://borderlessmag.org/2019/11/20/funding-cuts-under-trump-are-forcing-clinics-and-organizations-that-serve-refugees-to-close/> [https://perma.cc/62N8-DDVL].

161. *Id.*

162. *Id.*

Lorenz, who operates a refugee clinic in Rhode Island, noticed an exacerbation of depression, PTSD, and anxiety in resettled refugee patients.¹⁶³ He stated that “decreased resettlement caps and worsening backlogs have delayed family reunification, a significant stressor contributing to adverse mental health effects among resettled refugees.”¹⁶⁴ Angie Plummer, the Executive Director of Community Refugee and Immigration Services in Columbus, Ohio, also noted that delayed family reunification was taking a significant toll on the local refugee community.¹⁶⁵ For example, the refugee resettlement agency had a Columbus-based client whose 16-year-old child died in their home country, waiting to be resettled.¹⁶⁶ Plummer stated that her “file cabinets are bursting with callous stories like that, because nothing is moving along. Their lives are on hold.”¹⁶⁷ Similarly, Interfaith Refugee Ministry in Wilmington, NC, found that their clients were “weeping and heartbroken” because their loved ones abroad were unable to access family reunification and join them in North Carolina.¹⁶⁸ Overall, refugee communities were regulated and weakened through decreased access to social services and increased mental distress.

2. *Other Civil Society Groups*

The Trump Administration’s structural deregulation of USRAP had a regulatory effect on other civil society groups that served or employed refugees, by hampering these groups’ ability to fulfill their own missions. Social regulation in this case includes the fraying of community relationships that help the refugee resettlement program run smoothly, such as partnerships with faith and community-based volunteers.

For example, when World Relief was forced to close its last refugee resettlement office in Florida, the Director of Church Mobilization stated, “It’s really disheartening . . . just because we know that both those communities, but Jacksonville in particular, have such a legacy of community based volunteers, church-based volunteers, that want to welcome refugees.”¹⁶⁹ Similarly, the director of Church World Service’s refugee resettlement office in Harrisonburg, VA, stated that volunteers and churches are asking his office to help refugees,

163. See Matthew L. Lorenz, *U.S. Refugee Resettlement Is in Ruins – It is Our Duty to Rebuild It*, 37 J. GEN. INTERNAL MED. 940, 941 (Jan. 14, 2022), <https://pmc.ncbi.nlm.nih.gov/articles/PMC8759599/> [<https://perma.cc/T6VP-JHC5>].

164. *Id.*

165. See Karas, *supra* note 158.

166. *Id.*

167. *Id.*

168. Chelsea Donovan, *Wilmington Resettlement Agency reacts to refugee ban*, WECT NEWS 6 (Jan. 31, 2017), <https://www.wect.com/story/34392855/wilmington-resettlement-agency-reacts-to-refugee-ban/> [<https://perma.cc/7LM7-MH7X>].

169. Abukar Adan, *World Relief’s Last Florida Office in Jax Will Close as Refugee Arrivals Decline*, WJCT (July 17, 2019, 5:22 PM), <https://news.wjct.org/first-coast/2019-07-17/world-reliefs-last-florida-office-in-jax-will-close-as-refugee-arrivals-decline> [<https://perma.cc/XX7Z-LZ6A>].

but that there were no more arriving families for them to assist.¹⁷⁰ The advocacy and communications manager for Refugee Council USA stated, “These office closures mean not only a loss of support for refugees who have been resettled more recently, but we risk losing some of those community relationships—relationships which are key to uplifting resettled refugees and ensuring their success as they build new lives.” These relationships include not only faith-based and community volunteers but also other civil society groups, such as medical and dental clinics, landlords, and schools, that primarily provided services to refugees.

For example, landlords in Buffalo had to scrap plans to develop housing for refugees after the admission dropped sharply.¹⁷¹ Another community partner is Dr. Matthew Lorenz, who helps to run a primary care group in Providence, Rhode Island, which includes a refugee intake clinic. Due to decreased refugee arrivals during the first Trump Administration, his clinic treated significantly fewer patients, such as their inability to conduct scheduled health intake visits for a Congolese refugee family, because they never arrived due to the Trump Administration’s policies.¹⁷² Similarly, a medical and dental clinic that served resettled refugees was forced to close in Buffalo, New York.¹⁷³ Touhy Health Clinic, which serves refugees in Chicago, went from seeing 120-130 refugee patients monthly to only 30.¹⁷⁴ Due to the decrease in patients, the State of Illinois stopped providing an administrative grant, which had paid for the clinic’s support staff.¹⁷⁵ Some refugee patients were unable to continue their care because the clinic’s core services moved to a different location.¹⁷⁶ The staff was also forced to downsize from eighteen employees to seven, and key expertise was lost; the staff used to collectively speak twenty-five languages, and now only speak ten.¹⁷⁷

In some cases, the cuts affected not just services for refugees, but also services like hospitals and schools that support both refugees and broader populations. A hospital in Garden City, Kansas, relied on the International Rescue Committee (“IRC”) to provide social services to refugee hospital patients, such as coats in the winter, but could not continue the partnership after IRC’s Garden City office was forced to close.¹⁷⁸ A teacher at Wellstone International High School in Minnesota stated that “our school’s future will definitely be up in the air,” as the school primarily serves refugees and immigrants, and refugee arrivals had sharply decreased due to the Trump

170. See Ben Kuebrich, *Closing of Aid Office in Garden City Reflects Fewer New Refugees*, KCUR (Feb. 1, 2018), <https://www.kcur.org/news/2018-02-01/closing-of-aid-office-in-garden-city-reflects-fewer-new-refugees> [<https://perma.cc/V43L-JM6A>].

171. See *Where are the Refugees?*, *supra* note 4, at 15.

172. See Lorenz, *supra* note 163, at 940–42.

173. *Where are the Refugees?*, *supra* note 4, at 15.

174. Rhee, *supra* note 160.

175. *See id.*

176. *See id.*

177. *See id.*

178. See Kuebrich, *supra* note 170.

Administration's policies.¹⁷⁹ In Akron, Ohio, refugee arrivals had been credited with "keep[ing] a high school open in a neighborhood where the population was aging," but refugee arrivals also decreased in Akron due to the Trump Administration's policies.¹⁸⁰ The former director of Akron World Relief stated that the community expected to experience "very significant" impacts from decreased refugee admissions, including negative economic impacts as resettled refugees had "shored up [the] tax bases" locally.¹⁸¹

In addition, refugee resettlement agencies often place clients with employers in certain industries, like agriculture, that frequently face worker shortages and high turnover.¹⁸² The cuts to USRAP also affected these private employers. For example, the IRC's Northern California offices frequently receive calls from human resources at Foster Farms, a local chicken processing plant, soliciting job applications from recently resettled refugees.¹⁸³ In Rockingham County, Virginia, a Perdue poultry plant relied heavily on refugee resettlement to provide a pipeline for hiring workers; forty-two percent of their workforce were immigrants in 2016. With the decreased refugee admissions cap, a Perdue spokesperson shared that they have received dwindling numbers of job applications from refugees.¹⁸⁴

The relationship between private employers and refugee resettlement has led some employers to oppose cuts to refugee admissions. When President Trump issued the travel bans, the North American Meat Institute released a statement voicing concern. CEO Barry Carpenter wrote that "[i]mmigrants and refugees can be an important component of some companies' labor forces, especially in rural areas where low unemployment creates a tight labor supply."¹⁸⁵ A spokesman for the National Chicken Council stated that refugees and immigrants have been an "integral part of our workforce for decades."¹⁸⁶ An estimated tens of thousands of refugees nationwide work in unionized meat and poultry plants, according to the United Food & Commercial Workers International Union.¹⁸⁷ The employment sector is just one example of an aspect of society within which refugees are deeply embedded. As shown above, refugees are crucial participants in many sectors of society, including faith

179. Ibrahim Hirsi, *As Refugee Admissions Hit Record Low, One Minneapolis School Fights to Adapt*, MPR NEWS (Sept. 3, 2019), <https://www.mprnews.org/story/2019/09/03/as-refugee-admissions-hit-record-low-one-minneapolis-school-fights-to-adapt> [<https://perma.cc/PX2L-WSDX>].

180. Karas, *supra* note 158.

181. *Id.*

182. See Cindy Carcamo, *In California's Poultry Plants, Refugees Fill the Vacuum Left After President Bush's Immigration Raid*, L.A. TIMES (Jul. 31, 2017), <https://www.latimes.com/local/california/la-me-refugees-in-poultry-industry-in-california-20170726-htmlstory.html> [<https://perma.cc/V65P-YHKC>].

183. *Id.*

184. Jessie Knadler, *Trump's Policy Sharply Reduces Refugee Flow to Harrisonburg*, WMRA (Mar. 27, 2018), <https://www.wmra.org/wmra-news/2018-03-27/trumps-policy-sharply-reduces-refugee-flow-to-harrisonburg> [<https://perma.cc/P46Q-HV4N>].

185. Carcamo, *supra* note 182.

186. *Id.*

187. *Id.*

communities, healthcare, housing, and schools. Overall, structural deregulation not only diminished the USRAP's core competency in resettling refugees but also contributed to the regulation of the parts of civil society within which refugee communities are embedded.

IV. CONCLUSION

This article argues that structural deregulation also regulates society. The government actions reach society because federal contracting forms a bridge between executive branch agencies and civil society groups that receive federal funding. These civil society groups can be non-profits, faith communities, medical clinics, schools, and employers, to name a few stakeholders. Changes that take place at the federal level have cascading effects that shape local communities across the United States. In addition, when executive branch agencies exist to serve a target population, cuts to services will also regulate that population directly. Negative changes that impact the population group will inevitably impact those sectors of civil society that serve or employ that population, such as hospitals, schools, and private employers. USRAP serves as a case study to illustrate this phenomenon, but the implications are far broader.

The second Trump Administration, specifically Elon Musk's Department of Government Efficiency, is engaging in structural deregulation across almost every executive branch agency.¹⁸⁸ For example, the administration ordered executive branch agencies to fire almost all probationary employees, who are individuals who lack civil service protection due to their short length of employment, normally under a year.¹⁸⁹ Government data estimates that there were over 200,000 federal employees that had worked for the government for under a year, as of March 2024.¹⁹⁰ The administration also put a ninety-day hold on most foreign assistance and paused federal grants and loans.¹⁹¹ The U.S. General Services Administration, which operates most office spaces for the federal government, stated that it could target a 50% reduction in the square footage of office spaces used for federal agencies.¹⁹² The Trump Administration has attacked the reputation of numerous executive branch agencies, accusing the United States Agency for International Development

188. See Freeman & Jacobs, *supra* note 6.

189. See Sierra Campbell, *How Many Federal Workers Has DOGE Laid Off?*, THE HILL (Feb. 20, 2025), <https://thehill.com/homenews/administration/5154430-federal-worker-layoffs-doge-trump-administration/> [<https://perma.cc/J7YD-Y53F>]; *A Comprehensive Look at DOGE's Firings and Layoffs So Far*, KBTX (Feb. 19, 2025), <https://www.kbtx.com/2025/02/19/comprehensive-look-doges-firings-layoffs-so-far/> [<https://perma.cc/TYR9-Y4WJ>].

190. *A Comprehensive Look at DOGE's Firings and Layoffs So Far*, *supra* note 189.

191. *Id.*

192. See Brian J. Rogal, *Federal Plan to Reduce Government Office Space Could Be a Blow to Chicago, Where Selling Properties Wouldn't Be Easy*, CHI. TRIBUNE (Feb. 16, 2026), <https://www.yahoo.com/news/federal-plan-reduce-government-office-110000878.html> [<https://perma.cc/F68N-YEVM>].

(USAID) of “destabiliz[ing] world peace” and the Consumer Financial Protection Bureau of being a “woke & weaponized agency.”¹⁹³

The second Trump Administration has also renewed its attacks on USRAP, picking up where the President’s first term left off. President Trump issued an executive order on January 20, 2025, which suspended the USRAP.¹⁹⁴ 10,000 refugees that had already completed all steps in the vetting process and booked their flight tickets were unable to resettle in the United States.¹⁹⁵ On January 24, 2025, the Trump Administration issued a “stop work” order, which required resettlement agencies to stop providing Reception and Placement services to refugees that had already been resettled.¹⁹⁶ On February 26, the Trump Administration terminated “cooperative agreements” for resettlement agencies, effectively ending the public-private partnership.¹⁹⁷ Multiple resettlement agencies have sued the Trump Administration, including the Hebrew Immigrant Aid Society (HIAS). Mark Hetfield, the CEO of HIAS, stated, “We never, ever thought, in our worst-case scenario planning, that [the Trump Administration] would literally rip up all of our contracts and grant agreements.”¹⁹⁸ Overall, the second Trump Administration’s actions sweep far more broadly than the first Trump Administration.

This article’s case study of USRAP suggests that the second Trump Administration’s continued structural deregulation will impact not only government agencies but also regulate civil society as a whole. For example, just as the USRAP is embedded in U.S. civil society through cooperative agreements with national non-profits, USAID is similarly embedded in civil society through government contracts with non-profits both in the United States and abroad; more than eighty percent of the companies that contract with USAID are American companies.¹⁹⁹ So far, USAID contractors have laid off at least 13,000 American workers.²⁰⁰ USAID also buys approximately two

193. Joe Hernandez, *The Trump Administration Has Stopped Work at the CFPB. Here’s What the Agency Does*, NPR (Feb. 10, 2025), <https://www.npr.org/2025/02/10/nx-s1-5292123/the-trump-administration-has-stopped-work-at-the-cfpb-heres-what-the-agency-does> [https://perma.cc/J9R4-F76H]; Melody Schreiber & Fatma Tanis, *Why Is the Trump Administration Targeting USAID*, NPR (Feb. 7, 2025), <https://www.npr.org/sections/goats-and-soda/2025/02/07/g-s1-46239/why-is-the-trump-administration-targeting-usaid> [https://perma.cc/8SUP-7DVT].

194. See *Daily State of Play: Trump’s Indefinite Refugee Ban and Funding Halt*, CHURCH WORLD SERV. (Apr. 17, 2025), <https://cwsglobal.org/blog/daily-state-of-play-trumps-indefinite-refugee-ban-and-funding-halt/> [https://perma.cc/59WC-AFW9].

195. *Id.*

196. *Id.*

197. *Id.*

198. *HIAS Fires, Furloughs 40% of Staff Due to Trump Cuts to Refugee Work*, JNS (Mar. 17, 2025), <https://www.jns.org/hias-fires-furloughs-40-of-staff-due-to-trump-cuts-to-refugee-work/> [https://perma.cc/EP9W-V8YF].

199. See *The USAID Shutdown is Upending Livelihoods for Nonprofit Workers, Farmers, and Other Americans*, ASSOCIATED PRESS (Feb. 18, 2025), <https://www.usnews.com/news/business/articles/2025-02-18/the-usaid-shutdown-is-upending-livelihoods-for-nonprofit-workers-farmers-and-other-americans> [https://perma.cc/28UJ-FSSU].

200. See Maurie Backman, *America’s Farmers Voted for Trump in Big Numbers*, MONEYWISE (Feb. 28, 2025), <https://moneywise.com/news/economy/americas-farmers-voted-for-trump-in-big-numbers-but-now-they-feel-the-pain-of-his-shutdown-of-usaid-which-buys-2-billion-year-of-products-from-them-where-do-they-go> [https://perma.cc/MR98-K677].

billion dollars annually from U.S. farmers, with farmers expecting their livelihoods to be severely impacted by the cuts to USAID.²⁰¹

Structural deregulation masquerades as a “hands-off” approach in which the government shrinks the workforce, budget, and activities of the executive branch. This article has endeavored to prove that structural deregulation – paradoxically – *regulates*. The goal of structural deregulation is not just to shrink the footprint of the U.S. government. Structural deregulation allows authoritarian tactics, like those employed by the Trump administration, to reshape society through eliminating undesirable civil society groups or communities.²⁰² As the Trump Administration continues to regulate civil society under the guise of deregulation, legal scholars must condemn this charade and clearly share how the administration continues to attack marginalized communities.

201. *Id.*

202. New York Times Opinion, *The ‘Recklessness Itself Sends a Message’: 35 Legal Experts Assess Trump’s Return*, N.Y. TIMES (Apr. 28, 2025), <https://www.nytimes.com/2025/04/28/opinion/trump-constitution-rule-of-law.html> [<https://perma.cc/CZ8F-TM3W>]; Michael J. Klarman, *Foreword: The Degradation of American Democracy – And the Court*, 134 HARV. L. REV. 1 (2020); Jesus A. Rodriguez, *The Paper-Thin Constitutions: Paths to Authoritarianism in the United States and Venezuela*, 110 GEO. L. J. 1519 (2022); Scott L. Cummings, *The Autocratic Legal Playbook*, UCLA L. REV. (forthcoming), <http://dx.doi.org/10.2139/ssrn.5392409> [<https://perma.cc/G5QM-MDT2>].