

December 22, 2017

Patricia S. Connor
Clerk, U.S. Court of Appeals for the Fourth Circuit
Lewis F. Powell, Jr. United States Courthouse Annex
1100 East Main Street, Suite 501
Richmond, Virginia 23219-3517

Re: *International Refugee Assistance Project v. Trump*
Nos. 17-2231(L), 17-2232, 17-2233, 17-2240 (Consolidated) (en banc)

Dear Ms. Connor:



National Office
125 Broad Street, 18th floor
New York NY 10014

aclu.org

The en banc Court heard argument in these consolidated cases on December 8, 2017. Pursuant to Fed. R. App. P. 28(j) and L.R. 28(e), the plaintiffs respectfully submit the opinion that the Ninth Circuit issued today in *Hawai'i v. Trump*, No. 17-17168, the parallel litigation challenging the same Presidential Proclamation, as supplemental authority.

The Ninth Circuit's *per curiam* opinion affirms, on statutory grounds, the district court's preliminary injunction with regard to individuals with a credible claim of a bona fide relationship with a person or entity in the United States. It rejects the various contentions regarding justiciability that the government advanced both in *Hawai'i* and in this case. Slip Op. 14-25; IRAP Br. 14-19. On the merits, it holds that the Proclamation exceeds the President's delegated authority under the Immigration and Nationality Act; fails to provide an adequate basis for its sweeping entry restrictions; and violates the statute's prohibition of nationality discrimination in visa issuance. Slip Op. 26-61; IRAP Br. 22-41. And it finds that the remaining preliminary injunction factors justify issuance of the injunction for reasons equally applicable here. Slip Op. 61-66; IRAP Br. 55-57.

Accordingly, the Ninth Circuit's decision fully supports affirmance in this case.

Respectfully submitted,

/s/ Omar C. Jadwat

Counsel for Plaintiffs
in Nos. 17-2231 & 17-2240

cc: All counsel via ECF