

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself and its clients; HIAS, INC., on behalf of itself and its clients; JOHN DOES #1 AND 3; JANE DOE #2; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; ARAB AMERICAN ASSOCIATION OF NEW YORK, on behalf of itself and its clients,
Plaintiffs - Appellees,

and ALLAN HAKKY; SAMANEH TAKALOO,
Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as President of the United States; UNITED STATES DEPARTMENT OF HOMELAND SECURITY; DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; ELAINE C. DUKE; in her official capacity as Acting Secretary of Homeland Security; REX TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence,
Defendants - Appellants.

[Caption continued on inside cover]

**MOTION BY THE IMMIGRATION REFORM LAW INSTITUTE
FOR LEAVE TO FILE AN AMICUS CURIAE BRIEF IN
SUPPORT OF DEFENDANTS-APPELLANTS AND REVERSAL**

Christopher J. Hajec
Michael M. Hethmon
Julie B. Axelrod
Elizabeth A. Hohenstein
Mark S. Venezia
IMMIGRATION REFORM LAW INSTITUTE
25 Massachusetts Ave., NW, Suite 335
Washington, DC 20001
Phone: (202) 232-5590
litigation@irli.org

Attorneys for Amicus Curiae

No. 17-2231(L)
On Cross-Appeal from the United States District Court for the District of Maryland,
Southern Division
(8:17-cv-00361-TDC)

No. 17-2232
(8:17-cv-02921-TDC)

IRANIAN ALLIANCES ACROSS BORDERS; JANE DOE #1, JANE DOE #2, JANE DOE
#3, JANE DOE #4, JANE DOE #5, JANE DOE #6,
Plaintiffs – Appellees,

v.

DONALD J. TRUMP, in his official capacity as President of the United States; ELAINE C.
DUKE, in her official capacity as Acting Secretary of Homeland Security; KEVIN K.
MCALEENAN, in his official capacity as Acting Commissioner of U.S. Customs and Border
Protection; JAMES MCCAMENT, in his official capacity as Acting Director of U.S.
Citizenship and Immigration Services; REX TILLERSON; JEFFERSON B. SESSIONS III,
in his official capacity as Attorney General of the United States,
Defendants – Appellants.

No. 17-2233
(1:17-cv-02969-TDC)

EBLAL ZAKZOK; SUMAYA HAMADMAD; FAHED MUQBIL; JOHN DOE #1; JOHN DOE
#2; JOHN DOE #3,
Plaintiffs – Appellees,

The Immigration Reform Law Institute (IRLI) respectfully requests leave to file an *amicus curiae* brief in support of defendants-appellants and reversal of the decision below. The brief is attached as Exhibit 1 hereto.

Amicus curiae the Immigration Reform Law Institute (IRLI) is a non-profit 501(c)(3) public interest law firm dedicated to litigating immigration-related cases on behalf of, and in the interests of, United States citizens and lawful permanent residents, and also to assisting courts in understanding and accurately applying federal immigration law. IRLI has litigated or filed *amicus curiae* briefs in a wide variety of cases, including *Wash. All. of Tech. Workers v. U.S. Dep't of Homeland Sec.*, 74 F. Supp. 3d 247 (D.D.C. 2014); *Save Jobs USA v. U.S. Dep't of Homeland Sec.*, No. 16-5287 (D.C. Cir. filed Sept. 28, 2016); *Keller v. City of Fremont*, 719 F.3d 931 (8th Cir. 2013); and *Texas v. United States*, 787 F.3d 733 (5th Cir. 2015). IRLI is considered an expert in immigration law by the Board of Immigration Appeals, which has solicited *amicus* briefs drafted by IRLI staff from the organization IRLI supports, the Federation for American Immigration Reform (FAIR), for more than twenty years. *See, e.g., Matter of Silva-Trevino*, 26 I. & N. Dec. 99 (B.I.A. 2016); *Matter of C-T-L-*, 25 I. & N. Dec. 341 (B.I.A. 2010).

IRLI submits this *amicus curiae* brief to assist this Court in understanding that the federal courts lack jurisdiction to hear plaintiffs-appellees' statutory

claims, and in drawing out the disastrous legal consequences of the constitutional holding of the court below. IRLI has often provided assistance in understanding immigration-related issues to the Board of Immigration Appeals, upon specific request by that body, because of IRLI's unusual expertise in immigration law. *See, e.g., Matter of Silva-Trevino*, 26 I. & N. Dec. 99 (B.I.A. 2016); *Matter of C-T-L*, 25 I. & N. Dec. 341 (B.I.A. 2010); and *In re Q- T- -- M- T-*, 21 I. & N. Dec. 639 (B.I.A. 1996). Accordingly, IRLI is an appropriate *amicus curiae* in this matter.

All parties to this litigation have consented to the filing of the attached brief.

DATED: November 6, 2017.

/s/ Christopher J. Hajec
Christopher J. Hajec
Julie B. Axelrod
Michael M. Hethmon
Elizabeth A. Hohenstein
Mark S. Venezia
IMMIGRATION REFORM LAW
INSTITUTE
25 Massachusetts Ave., NW, Suite 335
Washington, DC 20001
Telephone: (202) 232-5590
Fax: (202) 464-3590
litigation@irli.org

Attorneys for *Amicus Curiae*

CERTIFICATE OF SERVICE

I certify that on November 6, 2017, the foregoing motion for leave to file an *amicus curiae* brief was served on all parties or their counsel of record through the CM/ECF system.

/s/ Christopher J. Hajec
Christopher J. Hajec
Attorney for *Amicus Curiae*