

**Case Nos. 17-2231 (L), 17-2232, 17-2233, 17-2240 (Consolidated)**

**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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INTERNATIONAL REFUGEE ASSISTANCE PROJECT, ET AL.,

*Plaintiffs and Appellees,*

v.

DONALD J. TRUMP, ET AL.,

*Defendants and Appellants.*

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Appeal from the United States District Court  
for the District of Maryland, No. 17-cv-00361 (Chuang, J.)

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**UNOPPOSED MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF  
BY CIVIL RIGHTS ORGANIZATIONS  
IN SUPPORT OF APPELLEES  
FOR AFFIRMANCE OF PRELIMINARY INJUNCTION**

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Attorneys for *Amici Curiae*  
National Association for the Advancement of Colored People;  
Advocates for Youth;  
Center for Reproductive Rights;  
Chicago Lawyers' Committee for Civil Rights under Law;  
The Judge David L. Bazelon Center for Mental Health Law;  
Lambda Legal Defense and Education Fund  
Mississippi Center for Justice;  
National Center for Lesbian Rights;  
National Urban League;  
People for the American Way Foundation;  
Southern Coalition for Social Justice; and  
The Washington Lawyers' Committee for Civil Rights and Urban Affairs

On behalf of *Amici* National Association for the Advancement of Colored People, Advocates for Youth, Center for Reproductive Rights, Chicago Lawyers' Committee for Civil Rights Under Law, The Judge David L. Bazelon Center for Mental Health Law, Lambda Legal Defense and Education Fund, Mississippi Center for Justice, National Center for Lesbian Rights, National Urban League, People for the American Way Foundation, Southern Coalition for Social Justice, and Washington Lawyers' Committee for Civil Rights and Urban Affairs, we seek the Court's permission to file a brief of *amici curiae* in support of Appellees. The parties consent to the filing of the proposed *amici* brief, which accompanies this motion.

As set forth below, *amici* are national and regional civil rights groups interested in the promotion of civil liberties throughout the country, and elimination of discrimination in whatever form:

1. The National Association for the Advancement of Colored People (NAACP) is the nation's largest and oldest civil rights grassroots organization. Since its founding in 1909, the mission of the NAACP has been to ensure the political, educational, social, and economic equality of all persons and to eliminate race-based discrimination. The NAACP has fought in the courts for decades to protect the guarantee of equal protection under law. To advance its mission, the NAACP has represented parties in landmark civil rights cases, perhaps most

famously in *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), which outlawed segregation in public schools. The NAACP also has filed numerous *amicus* briefs over its decades of existence in cases that significantly impact minority groups.

2. The Advocates for Youth (Advocates) is a nonprofit organization that helps young people make informed and responsible decisions about their reproductive and sexual health. For more than three decades, Advocates has partnered with youth leaders, adult allies, and youth-serving organizations to advocate for effective adolescent reproductive and sexual health programs and policies. In 2017, Advocates launched the Muslim youth Leadership Council (MyLC). MyLC is a yearlong Leadership Council dedicated to bringing together young Muslim-identifying people in the United States and furthering their goals of becoming leaders within their communities and beyond. Each year MyLC recruits and trains 15-20 young people who advocate for the inclusion of young Muslim-identifying people in the planning, implementation, and evaluation of Reproductive Justice related programming and policies at the local, state, and federal levels.

3. The Center for Reproductive Rights (CRR) is a global human rights organization that uses the law to advance reproductive freedom as a fundamental right that all governments are legally obligated to respect, protect, and fulfill. In the United States, CRR's work focuses on ensuring that all people have access to a full

range of high-quality reproductive health care. Since its founding in 1992, CRR has been actively involved in nearly all major litigation in the U.S. concerning reproductive rights, in both state and federal courts, including most recently, serving as lead counsel for the plaintiffs in *Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292 (2016). As a rights-based organization, the Center has a vital interest in protecting individuals who endeavor to exercise their fundamental rights free from unwarranted government intrusion and discrimination. CRR's ability to bring litigation challenging executive and regulatory action, and to seek relief where individuals are threatened with irreparable harm, is crucial to its mission.

4. The Chicago Lawyers' Committee for Civil Rights (CLCCR) is a nonprofit public interest law organization founded in 1969. CLCCR works to secure racial equity and economic opportunity for all. CLCCR provides legal representation through partnerships with the private bar, and collaborates with grassroots organizations and other advocacy groups to implement community-based solutions that advance civil rights. In all practice areas, including education equity, fair housing, economic opportunity, hate crime prevention, and voting rights, CLCCR advocates for immigrants who have been subject to racially-discriminatory governmental practices and policies. CLCCR's goal is to ensure that America fulfills its promise of democracy and equal justice for all.

5. The Judge David L. Bazelon Center for Mental Health Law is a

national public interest organization founded in 1972 to advance the rights of individuals with mental disabilities. The Bazelon Center advocates for laws and policies that provide people with mental illness or intellectual disabilities the opportunities and resources they need to participate fully in their communities. Its litigation and policy advocacy is based on the Americans with Disabilities Act's guarantees of non-discrimination and reasonable accommodation. People with mental illness or intellectual disability commonly face discrimination based on myths and stereotypes, and the eradication of such discrimination is among the Bazelon Center's primary goals.

6. Lambda Legal Defense and Education Fund is a national impact-litigation, public-policy, and advocacy organization committed to achieving full recognition of the civil rights of those who are lesbian, gay, bisexual, or transgender or living with HIV—including many who are Muslim and face increased discrimination because of the challenged Executive Order. Through its decades of work on behalf of historically persecuted people, Lambda Legal has deep knowledge of the corrosive effect of government measures that single out marginalized groups for mistreatment. Lambda Legal has also worked to vindicate protections afforded by the Establishment Clause to those treated unequally based on religious beliefs and affiliations, and has a long-standing interest in access to immigration and asylum for individuals who are LGBT or living with HIV.

Lambda Legal has participated as counsel or amicus curiae in the Supreme Court and lower courts in numerous cases addressing First Amendment, Equal Protection, and other civil-rights bulwarks for LGBT people, and has had a long-standing interest in immigration and asylum matters. For example, Lambda Legal has served as party counsel in *Romer v. Evans*, 517 U.S. 620 (1996); *Lawrence v. Texas*, 539 U.S. 558 (2003); and *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), and participated as an amicus in asylum cases such as *Hernandez-Montiel v. INS*, 225 F.3d 1084 (9th Cir. 2000), and *Velasquez-Banegas v. Lynch*, 846 F.3d 258 (7th Cir. 2017).

7. The Mississippi Center for Justice is a nonprofit public interest law organization founded in 2003 in Jackson, Mississippi and committed to advancing racial and economic justice. Supported and staffed by attorneys and other professionals, the Center develops and pursues strategies to combat discrimination and poverty statewide. One of amicus' original areas of interest involved predatory loan practices directed at migrant poultry workers, and MCJ has remained concerned about the plight of Mississippi's growing immigrant population for the last decade, particularly in the areas of access to healthcare, education, housing, and fair lending.

8. The National Center for Lesbian Rights (NCLR) is a national non-profit legal organization dedicated to protecting and advancing the civil rights of

lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. Since its founding in 1977, NCLR has played a leading role in combating discrimination and securing fair and equal treatment for LGBT people and their families in cases across the country involving constitutional and civil rights. NCLR has a particular interest in protecting the rights of LGBT immigrants and other immigrants to this country. Since 1994, NCLR's Immigration Project has provided free legal assistance to thousands of LGBT immigrants nationwide through, among other services, direct representation of immigrants in impact cases and individual asylum cases and advocacy for immigration and asylum policy reform.

9. The National Urban League is a civil rights organization dedicated to the empowerment of African Americans to achieve economic parity and racial equality. Founded in 1910 and headquartered in New York City, the League improves the lives of more than two million people annually across the nation through direct service programs, including education, employment training and placement, housing, and health. The Urban League seeks to ensure our civil rights by actively working to eradicate all barriers to equal participation in all aspects of American society, whether political, economic, social, educational, or cultural.

10. People For the American Way Foundation (PFAWF) is a nonpartisan civic organization established to promote and protect civil and constitutional rights,



including religious liberty and freedom from discrimination. Founded in 1981 by a group of civic, educational, and religious leaders, PFAWF now has hundreds of thousands of members nationwide. Over its history, PFAWF has conducted extensive education, outreach, litigation, and other activities to promote these values. PFAWF strongly supports the principles that it violates the First Amendment and civil rights principles for government to take action that, effectively or on its face, harms one particular religious group. This is especially important because of the additional harm such government opprobrium can and has caused, and with respect to particularly vulnerable populations like immigrants, as in this case.

11. The Southern Coalition for Social Justice is a nonprofit public interest law organization founded in 2007 in Durham, North Carolina. SCSJ partners with communities of color and economically disadvantaged communities in the south to advance their political, social, and economic rights through the combination of legal advocacy, research, organizing, and communications. Originally, one of amicus' primary practice areas was immigrants' rights, which remains important to its mission. SCSJ frequently advocates on behalf of immigrants who have been subject to racially-discriminatory governmental practices, and promotes the application of basic human rights principles to policies affecting migrant communities.

12. The Washington Lawyers' Committee for Civil Rights and Urban Affairs is a non-profit civil rights organization established to eradicate discrimination and poverty by enforcing civil rights laws through litigation. In furtherance of this mission, the Washington Lawyers' Committee has a dedicated Immigrant Rights Project, which has served as a critical resource for some of the most vulnerable populations in the Washington, D.C. area: newcomers and non-English speakers, who are often discriminated against on the basis of their religious background or national origin, and who are often unaware of their legal rights and protections.

This case, and several other related cases that seek to enjoin President Trump's September 24, 2017 Executive Order, "Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats" are important, and the participation of Civil Rights Organizations is desirable. The *Amici* are national and regional civil rights groups interested in the promotion of civil liberties throughout the country, and elimination of discrimination in whatever form. *Amici's* proposed brief argues that the public interest weighs heavily in favor of enjoining President Trump's Executive Order, as the Order improperly promotes social categorization and stereotyping that endangers the lives and well-being of individuals of the Muslim faith.

The attached proposed *amici* brief complies with the type-volume limitation for an *amicus* brief on the merits, because it contains less than half of the 13,000 words allotted for Appellants' opening brief.

All parties consent to filing of the proposed *amicus* brief.

DATED: November 17, 2017

Respectfully submitted,

/s/ Lynne Bernabei

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## **CERTIFICATE OF COMPLIANCE**

This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it uses a proportionally spaced typeface (Times New Roman) in 14-point.

*/s/ Alan R. Kabat*

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Alan R. Kabat

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 17, 2017, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

*/s/ Alan R. Kabat*

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Alan R. Kabat