

No. 17-35105

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

STATE OF WASHINGTON, et al.,
Plaintiffs-Appellees,

v.

DONALD TRUMP, President of the United States, et al.,
Defendant-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

**MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*
LAW PROFESSORS AND CLINICIANS
IN SUPPORT OF PLAINTIFFS-APPELLEES**

Fatma E. Marouf
Professor of Law
Director, Immigrant Rights Clinic
Texas A&M University School of Law
Telephone: (817) 212-4123
Facsimile: (817) 212-4124
Email: fatma.marouf@law.tamu.edu

Undersigned law professors and law school clinicians respectfully move this Court for permission to file a brief *amici curiae* opposing the motion to stay the Temporary Restraining Order (TRO) issued by the U.S. District Court for the Western District of Washington. In support of this motion, proposed *amici* state as follows:

1. All parties have consented to the filing of this *amici* brief. Under Fed. R. App. P. 29(a)(2), a motion for leave to file an amicus brief is not required when all parties have consent to its filing. However, since that Rule applies to cases being decided on the merits and this case involved an emergency motion to stay a TRO, proposed *amici* file this motion in an abundance of caution.
2. Proposed *amici* are law professors and clinicians at institutions of higher education who have personal, professional, and academic connections to students, researchers, faculty, and staff from all over the world.
3. Law professors and clinicians have had first-hand experience with international students and faculty who have sought their direct assistance with immigration issues resulting from the President's Executive Order 13769 (EO).
4. Law school clinicians, in particular, have worked hard in a climate of sudden chaos and confusion to assist international students and faculty

- detained at airports and stranded abroad after participating in conferences, giving talks, or engaging in research.
5. We have also helped students and faculty navigate concerns about the impact of the revocation of their visas on their studies and employment, including the risk of being placed in removal proceedings.
 6. In addition, we have scrambled to assist numerous noncitizens not affiliated with universities who have similarly been adversely affected by the EO.
 7. Proposed *amici* have first-hand knowledge of the irreparable harm that the EO inflicts on international students and researchers with nonimmigrant visas, which is one of the critical issues before the Court.
 8. Many of proposed *amici* are also immigration scholars and clinicians with deep knowledge of immigration law and have collectively produced extensive scholarship about all aspects of immigration law, including the constitutional and statutory rights of nonimmigrants. They are therefore well-positioned to assess the likelihood of success on the merits, another important issue before the Court.
 9. Proposed *amici* are vitally interested in protecting the rights of their students, colleagues, and clients, whose status in the United States is jeopardized by the EO.

For the foregoing reasons, proposed *amici* respectfully request permission to file the proposed brief *amici curiae* in support of Plaintiffs-Appellees.

DATED: February 5, 2017

Respectfully submitted,

/s/ Fatma E. Marouf

Fatma E. Marouf
Professor of Law
Director of the Immigrant Rights Clinic
Texas A&M University School of Law
Telephone: (817) 212-4123
Facsimile: (817) 212-4124
Email: fatma.marouf@law.tamu.edu

**All affiliations listed for identification purposes only.*

Nancy Abramowitz, American University Washington College of Law

Kathryn Abrams, University of California, Berkeley School of Law

John Acevedo, University of La Verne College of Law

Cynthia Adams, Indiana University McKinney School of Law

Deborah Ahrens, Seattle University School of Law

Raquel Aldana, McGeorge School of Law

Arléne Amarante, Univ. of Nevada, Las Vegas, William S. Boyd School of Law

Farrin Anello, Seton Hall University School of Law

Deborah Anker, Harvard Immigration and Refugee Clinical Program

Susan Appleton, Washington University School of Law

Sabrineh Ardalan, Harvard Immigration and Refugee Clinical Program

Kif Augustine-Adams, J. Reuben Clark Law School, Brigham Young University

Sahar Aziz, Texas A&M University School of Law

Sabrina Balgamwalla, University of North Dakota School of Law

David Baluarte, Washington and Lee University School of Law

Caitlin Barry, Villanova University Charles Widger School of Law

Marsha Baum, University of New Mexico School of Law

Jennifer Baum, St. Vincent de Paul Legal Program, St. John's Univ School of Law,
Child Advocacy Clinic

Galya Ben-Arieh Ruffer, Northwestern University,
Center for Forced Migration Studies

Emily Benfer, Loyola University Chicago School of Law

Susan Bennett, American University Washington College of Law

Lenni Benson, New York Law School

Jacqueline Bhabha, Harvard University

W. Warren H. Binford, Willamette University College of Law

Kaci Bishop, University of North Carolina School of Law

Blaine Bookey, UC Hastings Center for Gender & Refugee Studies

Cynthia Bowman, Cornell Law School

Shawn Marie Boyne, Indiana University Robert H. McKinney School of Law

Susan Brooks, Drexel University Kline School of Law

Melissa Brown, Pacific McGeorge School of Law

Margaret Burnham, Northeastern University School of Law

Naomi Cahn, George Washington University Law School

Charles Calleros, Arizona State University College of Law

Kristina Campbell, Univ. of District of Columbia David A. Clarke School of Law

Nancy Cantalupo, Barry University School of Law

Lauren Carasik, Western New England University School of Law

Elizabeth Carroll, USC Gould School of Law

Benjamin Casper Sanchez, University of Minnesota Law School,
Center for New Americans

Linus Chan, University of Minnesota Law School

Kim D. Chanbonpin, The John Marshall Law School

Marguerite Chapman, University of Tulsa College of Law (Professor Emerita)

Matthew Charity, Western New England University School of Law

Carol Chomsky, University of Minnesota Law School

Eric Christiansen, Golden Gate University School of Law

Janie Chuang, American University Washington College of Law

Beth Cohen, Western New England University School of Law

Donna Coker, University of Miami School of Law

Ruth Colker, Ohio State University Moritz College of Law

Holly Cooper, UC Davis School of Law Immigration Law Clinic

Avidan Cover, Case Western Reserve University School of Law

Rachel Croskery-Roberts, University of California - Irvine School of Law

Rose Cuison-Villazor, UC Davis School of Law

Alina Das, New York University School of Law Immigrant Rights Clinic

Julie Davies, University of the Pacific, McGeorge School of Law

Angela Davis, American University Washington College of Law

Amy Dillard, University of Baltimore School of Law

Victoria Dodd, Suffolk University Law School

Jennifer Drobac, Indiana University Robert H. McKinney School of Law

Moira Duvernay, UC Hastings Center for Gender & Refugee Studies

Maurice Dyson, Thomas Jefferson School of Law

Ingrid Eagly, UCLA School of Law

Pamela Edwards, CUNY School of Law

Nancy Ehrenreich, University of Denver Sturm College of Law

Floralynn Einesman, California Western School of Law

Kathleen Engel-Rebitzer, Suffolk University Law School

Kate Evans, University of Idaho College of Law

Jessica Feinberg, Mercer Law School

Zanita Fenton, University Miami School of Law

Paul Finkelman, University of Pittsburgh School of Law

Angelina Fisher, NYU School of Law

Barbara Flagg, Washington University Law

Laurel Fletcher, Berkeley Law

Taylor Flynn, Western New England School of Law

Caroline Forell, University of Oregon Law

Jacqueline Fox, University of South Carolina School of Law

Eric Franklin, William S. Boyd School of Law, UNLV

Ann Freedman, Rutgers Law School

Niels Frenzen, University of Southern California Gould School of Law

Maryellen Fullerton, Brooklyn Law School

Paula Galowitz, New York University School of Law

Susan Gary, University of Oregon School of Law

Lauren Gilbert, St. Thomas University School of Law

Jason Gillmer, Gonzaga School of Law

Denise Gilman, University of Texas School of Law, Immigration Clinic

Barbara Glesner Fines, University of Missouri Kansas City School of Law

Phyllis Goldfarb, George Washington University Law School

Ezra Goldschlager, University of La Verne College of Law

Naomi Goodno, Pepperdine University School of Law

Joanne Gottesman, Rutgers Law School

Tiffany Graham, University of South Dakota School of Law

Ariela Gross, University of Southern California, Gould School of Law

Aya Gruber, University of Colorado Law School

Anju Gupta, Rutgers Law School Immigrant Rights Clinic

Egon Guttman, American University, Washington College of Law

Gillian Hadfield, University of Southern California, Gould School of Law

Rebecca Hamilton, American University, Washington College of Law

Gail Hammer, Gonzaga University School of Law, University Legal Assistance

Anna Han, Santa Clara Law School

Jean Han, American University, Washington College of Law

Jacqueline Hand, University of Detroit Mercy Law School

Lindsay Harris, University of D.C. - David A. Clarke School of Law

Keith M. Harrison, Savannah Law School

Danielle Hart, Southwestern Law School

Bruce Hay, Harvard Law School

Dina Haynes, New England Law|Boston

Geoffrey Heeren, Valparaiso University Law School

Jennifer Hendricks, University of Colorado

Laura A. Hernandez, Baylor Law School

Luz Herrera, Texas A&M University School of Law

Kathy Hessler, Lewis & Clark Law School

Richard Hildreth, University of Oregon Law

Bill Hing, Univ. of San Francisco, Immigration and Deportation Defense Clinic

Cynthia Ho, Loyola University of Chicago School of Law

Sharona Hoffman, Case Western Reserve University School of Law

Brooks Holland, Gonzaga University School of Law

Mary Holper, Boston College Immigration Clinic

Kari Hong, Boston College Law School, Ninth Circuit Appellate Program

C. Quince Hopkins, Florida Coastal School of Law

Emily Houh, University of Cincinnati College of Law

Alan Hyde, Rutgers Law School

Lisa Ikemoto, University of California, Davis School of Law

Erin Jacobsen, Vermont Law School

Sam Jacobson, Willamette University College of Law

Regina Jefferies, University of Minnesota Law School

Jamila Jefferson-Jones, University of Missouri - Kansas City

Dalie Jimenez, University of Connecticut School of Law

Paula Johnson, Syracuse University College of Law

José (Beto) Juárez, University of Denver Sturm College of Law

Doron Kalir, Civil Litigation Clinic, Cleveland Marshall College of Law

Mary Kate Kearney, Widener Commonwealth Law School

Christine Kellett, Dickinson Law/Penn State

Kathryn Kelly, The Catholic University of America

Laura Kessler, University of Utah, S.J. Quinney College of Law

Elizabeth Keyes, University of Baltimore School of Law

Kathleen Kim, Loyola Law School

Catherine Kim, University of North Carolina School of Law

Andrew Kim, Syracuse University College of Law

Diane Klein, University of La Verne College of Law

Eunice Lee, UC Hastings Center for Gender & Refugee Studies

Jennifer Lee Koh, Western State College of Law

Daniel M. Kowalski, Bender's Immigration Bulletin (LexisNexis)

Annie Lai, UC Irvine School of Law

Prerna Lal, East Bay Community Law Center, Berkeley Law

Laurie Leader Chicago-Kent College of Law, IIT

Terri LeClercq, School of Law, Univeristy of Texas

Evelyn Lewis, UCD Law

Joellen Lind, Valparaiso University Law School

Jeffrey Lubbers, American University, Washington College of Law

Beth Lyon, Cornell Law School

Elizabeth MacDowell, William S. Boyd School of Law, UNLV

Luis Mancheno, Kathryn O. Greenberg Immigration Justice Clinic,
Benjamin N. Cardozo School of Law

Randi Mandelbaum, Rutgers Law School

Susan Mandiberg, Lewis & Clark Law School

Genevieve Mann, Gonzaga University School of Law

Lynn Marcus, Immigration Law Clinic, University of Arizona
James E. Rogers College of Law

Jennifer Martin, St. Thomas University School of Law

Elena Marty-Nelson, NSU College of Law

Julie Marzouk, Chapman University, Fowler School of Law

Dayna Matthew, University of Colorado School of Law

Elizabeth McCormick, University of Tulsa College of Law

Kris McDaniek-Miccio, University of Denver Sturm College of Law

Janis McDonald, Professor of Law & Co-Director Cold Case Justice Initiative

Amelia McGowan, Catholic Charities of Jackson, Mississippi

Brian McGowan, Grambling State University

Karla McKanders, University of Tennessee, College of Law

Fiona McKenna, Golden Gate University School of Law

Michelle McKinley, University of Oregon School of Law

Mary Brigid McManamon, Delaware Law School

Judith McMorrow, Boston College Law School

Stephen Meili, University of Minnesota Law School

Chi Mgbako, Fordham University School of Law

Binny Miller, American University, Washington College of Law

Elliott Milstein, American University, Washington College of Law

Sherizaan Minwalla, American University, Washington College of Law

Behzad Mirhashem, UNH School of Law

Jennifer Moore, University of New Mexico School of Law

Nancy Morawetz, NYU School of Law

Kathleen Morris, Golden Gate Law School

Angela Morrison, Texas A&M University School of Law

Hiroshi Motomura, UCLA School of Law

Mary-Beth Moylan, University of the Pacific, McGeorge School of Law

Professor Ann Murphy, Gonzaga University School of Law

Yxta Maya, Murray Loyola Law School

Karen Musalo, UC Hastings Center for Gender & Refugee Studies

Natalie Nanasi, SMU Dedman School of Law

Ranjana Natarajan, University of Texas School of Law, Civil Rights Clinic

Jason Neidleman, University of La Verne

Nise Nekheba, Florida A&M University College Of Law

Lori Nessel, Seton Hall University School of Law

Xuan-Thao Nguyen, Indiana University McKinney School of Law

Fionnuala Ni Aolain, University of Minnesota, Human Rights Center

Blake Nordahl, McGeorge Law School Immigration Law Clinic

Tracy Norton, Touro College Jacob F. Fuchsberg School of Law

Kenneth Nunn, University of Florida College of Law

Udoka Nwanna Southwestern Law School

Mariela Olivares, Howard University School of Law

Michael A. Olivas, University of Houston Law Center

Laura Oren, University of Houston Law Center

Maria Pabon, Loyola New Orleans College of Law

Victoria Palacios, SMU Dedman Law School

Sunita Patel, American University Washington College of Law

Carole Petersen, William S. Richardson School of Law

Huyen Pham, Texas A&M University School of Law

Teresa Phelps, American University Washington College of Law

Karen Pita Loor, Boston University Law School

Nancy Polikoff, American University Washington College of Law

Andrew Pollis, Case Western Reserve University School of Law

Deborah Post, Touro Law Center

Ana Pottratz Acosta, Mitchell Hamline School of Law

Cynthia Prado-Guyer, University of Southern California

Srividhya Ragavan, Texas A&M University School of Law

Lynne Rambo Texas A&M University School of Law

Jaya Ramji-Nogales, Temple University Beasley School of Law

Andrea Ramos Southwestern Law School Immigration Law Clinic

Vernellia Randall, The University of Dayton School of Law

Renee Redman, University of Connecticut School of LAW

Nikki Reisch, NYU School of Law

Paula R. Rhodes, University of Denver Sturm College of Law

Ira Robbins, American University Washington College of Law

Kalyani Robbins, FIU College of Law

Jenny Roberts, American University, Washington College of Law

Cassandra Burke Robertson, Case Western Reserve Univ. School of Law

Eloisa Rodriguez-Dod, FIU College of Law

Sarah Rogerson, Albany Law School

Michael Rooke-Ley, Nova Southeastern University College of Law

Leslie Rose, Golden Gate University School of Law

Rand Rosenblatt, Rutgers University Law School

Florence Rousman, Indiana U. Robert H. McKinney School of Law

Judith Royster, University of Tulsa College of Law

Kevin Ruser, University of Nebraska College of Law

Margaret Russell, Santa Clara University

C. Mario Russell, Catholic Charities NY, St. John's Law School

Emily Ryo, USC Gould School of Law

Jendayi Saada, University of La Verne College of Law

Laura Sager, New York University School of Law

Richard Sander, UCLA School of Law

Margaret Satterthwaite, NYU School of Law

Irene Scharf, University of Massachusetts School of Law

Erica Schommer, St. Mary's University School of Law

Sean Scott, Loyola Law School

Kim Thuy Seelinger, Human Rights Center, University of California, Berkeley

Rachel Settlage, Wayne State Law School

Sudha Setty, Western New England University School of Law

Ragini Shah, Suffolk University Law School, Immigration Clinic

Rebecca Sharpless, University of Miami School of Law, Immigration Clinic

Anette Sikka, University of Illinois Springfield

Marjorie Silver, Touro Law Center

Anita Sinha, American University Washington College of Law

Matiangai Sirleaf, University of Pittsburgh Law School

Gwynne Skinner, Willamette University College of Law

Catherine Smith, University of Denver, Sturm College of Law

William Snape, American University, Washington college of law

Gemma Solimene, Fordham University School of Law

Mary Spector, SMU Dedman School of Law

Jane Spinak, Columbia Law School

Elissa Steglich, University of Texas School of Law, Immigration Clinic

Nomi Stolzenberg, University of Southern California Law School

Christopher Strawn, Univ. of Washington School of Law, Immigration Law Clinic

Jayashri Srikantiah, Stanford Law School Immigrants' Rights Clinic

S.I. Strong, University of Missouri School of Law

Ellen Suni, UMKC School of Law

Maureen Sweeney, University of Maryland Carey School of Law

Chantal Thomas, Cornell University Law School

Claire Thomas, Safe Passage Project Immigration Clinic at New York Law School

Michael Tigar, Washington College of Law

Karen Tokarz, Washington University Civil Rights & Community Justice Clinic

Mary Pat Treuhart, Gonzaga University School of Law

Enid Trucios-Haynes, Brandeis School of Law, University of Louisville

Tracy Turner, Southwestern Law School

Diane Uchimiya, University of La Verne College of Law,
Justice and Immigration Clinic

Gloria Valencia-Weber, University of New Mexico School of Law

Rachel Van Cleave, Golden Gate University School of Law

Anthony Varona, American University Washington College of Law

Lea B. Vaughn, University of Washington School of Law

Kyle Velte, Texas Tech University School of Law

Leti Volpp, University of California, Berkeley School of Law

Julie Waterstone, Southwestern Law School

Susan C. Wawrose, University of Dayton School of Law

Jonathan Weinberg, Wayne State University Law School

Marley Weiss, University of Maryland Carey School of Law

Marley Weiss, University of Maryland Carey School of Law

Deborah Weissman, University of North Carolina School of Law

Anna Welch, University of Maine School of Law

Verna Williams, University of Cincinnati College of Law

Wendy Williams, Georgetown University Law Center

Abby Wood, University of Southern California Gould School of Law

Barbara Woodhouse, Emory Law School

Karen Woody, Indiana University, Kelley School of Business

Marcia Zug, University of South Carolina School of Law

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2017, I electronically filed the foregoing with the Clerk of the court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

DATED: February 5, 2017

Respectfully submitted,

/s/ Fatma E. Marouf

Fatma E. Marouf
Professor of Law
Director of the Immigrant Rights Clinic
Texas A&M University School of Law
Telephone: (817) 212-4123
Facsimile: (817) 212-4124
Email: fatma.marouf@law.tamu.edu