

**No. 17-35105**

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

STATE OF WASHINGTON, ET AL.,  
PLAINTIFFS-APPELLEES,  
V.  
DONALD J. TRUMP, ET AL.,  
DEFENDANTS-APPELLANTS.

**MOTION FOR LEAVE TO APPEAR AMICI CURIAE**

The National Immigrant Justice Center (“NIJC”) and ASISTA ask leave pursuant to Federal Rule of Appellate Procedure 29 to appear as *amici curiae* in the above-captioned matter. The proposed filing of Amici is attached. In support of its motion, Amici state as follows:

1. This case is proceeding on an exceptionally expedited basis. The Court ordered the appellees to file a brief 24 hours after the filing of an emergency stay motion, and the Defendants to file a reply brief this afternoon.
2. This case presents a question of first impression in the Courts of Appeals. The subject matter is important due to the novel and significant legal issues presented, but also due to the substantial number of families and individuals impacted by the question.

3. It is appropriate for an amicus to attempt to ascertain whether particular arguments are being raised by a party or another amicus before seeking leave to raise those arguments.

4. Having reviewed the party and amicus submissions, Amici believe this case presents important issues which are not adequately addressed by the briefing now before the Court. Specifically, Amici submits that the Executive Order being challenged below violates the statute and regulations as to several visa categories. Amici further submits that the Executive Order is not amenable to severability analysis, and that illegality in the order should result in it being enjoined both temporarily and permanently.

5. The proposed Amici are well-recognized organizations with an expertise in immigration and asylum matters which would be useful to the Court, as documented in the amicus brief itself.

6. Amicus contacted the parties regarding this motion. The Government did not respond to communications regarding this motion. Petitioner consents to the motion.

Date: February 6, 2017

Respectfully submitted,

/s Charles Roth

Charles Roth

National Immigrant Justice Center

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## **PROOF OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on February 6, 2017. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s Charles Roth

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