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HIAS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

STATE OF HAWAI'I and ISMAIL
ELSHIKH,

Plaintiffs,

vs.

DONALD J. TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; JOHN F.
KELLY, in his official capacity as
Secretary of Homeland Security; U.S.
DEPARTMENT OF STATE; REX
TILLERSON, in his official capacity as

CV. NO. 1:17-cv-00050 DKW-KJM

MOTION FOR LEAVE TO FILE
BRIEF OF HIAS AS AMICUS
CURIAE IN SUPPORT OF
PLAINTIFFS' MOTION TO
CONVERT TEMPORARY
RESTRAINING ORDER TO A
PRELIMINARY INJUNCTION;
ATTACHMENT; CERTIFICATE OF
SERVICE

Related Dkt. No. 238

Secretary of State; and the UNITED
STATES OF AMERICA,

Defendants.

HEARING

Date: March 29, 2017

Time: 9:30 a.m.

Judge: Hon. Derrick Watson

**MOTION FOR LEAVE TO FILE BRIEF OF HIAS AS *AMICUS CURIAE*
IN SUPPORT OF PLAINTIFFS' MOTION TO CONVERT TEMPORARY
RESTRAINING ORDER TO A PRELIMINARY INJUNCTION**

HIAS hereby submits this motion for leave to file the attached *amicus curiae* brief in support of Plaintiffs' Motion to Convert Temporary Restraining Order to a Preliminary Injunction (the "Motion") in the above-captioned matter.

1. HIAS is a non-profit refugee resettlement agency and one of nine federally designated organizations that resettles refugees in collaboration with the Department of State and Department of Health and Human Services. HIAS is the oldest refugee resettlement agency in the world and the only Jewish refugee resettlement agency. Founded in 1881 to protect Jewish people fleeing pogroms in Russia and Eastern Europe, HIAS's mission today is to protect people of all backgrounds who are persecuted on the basis of who they are or what they believe. HIAS has helped over 4.5 million people worldwide escape persecution.

2. HIAS has a substantial interest in the outcome of this case. President Donald J. Trump's Executive Order No. 13780, entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" (the "Executive Order"), raises issues that go to the heart of HIAS's mission and values. Bearing a

disturbing resemblance to the government-endorsed acts once taken against the Jewish people, the Executive Order effectively heightens stigma and polarization against one religious group, and communicates to the world that the United States government supports the religious discrimination of Muslims. As an organization with a longstanding mission to protect individuals and families against the dangerous consequences of religious discrimination, HIAS has a strong interest in curtailing any government undertaking that institutionalizes such discrimination under the guise of public safety. More importantly, HIAS fears for the safety of its clients, whose lives literally depend on their resettlement in the United States. As a result of the Executive Order's ban on immigration, thousands of refugees would be unable to obtain the safety and freedom that was promised to them and that every human being deserves if the order goes into effect. HIAS has a strong interest in ensuring that the government does not preclude refugees from attaining lives free of persecution, and that the individual voices of these men, women, and children are heard amidst any and all rhetoric or policy that encourages the public to categorically disregard them.

3. HIAS believes that it is in a special position to inform the Court about the unique struggles of refugees and the harm that they suffer as a consequence of the Executive Order. Unless stayed, the harm that would be imposed by the Executive Order on certain groups of people is a central issue in this litigation and

at the heart of this controversy. Plaintiffs' Motion and the previous Motion for Temporary Restraining Order (Doc. No. 65) focus on the impact that the Executive Order has on the State of Hawaii and its residents, but the order's impact on refugees is much broader and deserving of attention. HIAS offers this brief to give the Court a comprehensive understanding of the unique and immediate harm that would be suffered by refugees from around the globe due to the Executive Order if the order goes into effect.

4. HIAS files this motion as a precaution, as neither the Federal Rules of Civil Procedure nor this Court's local rules expressly address the procedure for filing an *amicus curiae* brief.

5. Plaintiffs have consented to the filing of this *amicus curiae* brief.

6. Defendants take no position on the filing of this *amicus curiae* brief.

7. HIAS previously joined an earlier *amicus curiae* brief addressed to different issues in this case.

8. HIAS has been granted leave to file an *amicus curiae* brief substantially similar to the one offered here in other litigation involving the Executive Order.

CONCLUSION

For the foregoing reasons, HIAS hereby requests that the Court grant leave to file an *amicus curiae* brief in support of Plaintiffs' Motion.

Dated: Honolulu, Hawai‘i, March 28, 2017.

/s/ Lisa Woods Munger

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HIAS