

ACLU of Hawai'i Foundation

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(See Next Page for Additional Counsel)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

STATE OF HAWAII and ISMAIL
ELSHIKH,

Plaintiffs,

v.

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
Secretary of State; and the UNITED
STATES OF AMERICA,

Defendants.

Civil Action No. 1:17-cv-00050-DKW-
KSC

**MOTION FOR LEAVE TO FILE
BRIEF OF INTERNATIONAL
REFUGEE ASSISTANCE
PROJECT AND HIAS AS *AMICI
CURIAE* IN SUPPORT OF
PLAINTIFFS' MOTION TO
CLARIFY SCOPE OF
PRELIMINARY INJUNCTION**

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INTEREST OF *AMICI CURIAE* AND REASONS WHY THE MOTION SHOULD BE GRANTED

The International Refugee Assistance Project (“IRAP”) and HIAS (formerly known as the Hebrew Immigrant Aid Society) respectfully move for leave to file an *amici curiae* brief in support of Plaintiffs’ Motion to Clarify Scope of Preliminary Injunction.

A “district court has broad discretion to appoint amici curiae.” *Hotowitz v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *abrogated on other grounds by Sandin v. Conner*, 515 U.S. 472 (1995). “An amicus brief should normally be allowed when . . . the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Cty. Ass’n for Restoration of the Env. (CARE) v. DeRuyter Bros. Dairy*, 54 Supp. 2d 974, 975 (E.D. Wash. 1999) (citing *N. Sec. Co. U.S.*, 191 U.S. 555, 556 (1902)); *see also In re Roxford Foods Litig.*, 790 F. Supp. 987, 997 (N.D. Cal. 1991) (stating that courts generally “have exercised great liberality in permitting an amicus curiae to file a brief in a pending case”). Here, IRAP and HIAS fulfill “the classic role of amicus curiae by assisting in a case of general public interest, supplementing the efforts of counsel, and drawing the court’s attention to law that escaped consideration.” *Miller-Wohl Co. v. Comm’r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982).

Both IRAP and HIAS are intimately involved in the refugee resettlement process and have in-depth knowledge of the United States Resettlement Assistance Program (“USRAP”). Founded in 2008, IRAP’s mission is to provide and facilitate free legal services for vulnerable populations around the world, including refugees, who seek to escape persecution and find safety in the United States and other Western countries. IRAP lawyers provide legal assistance to refugees and other immigrants to the United States throughout the resettlement process, an effort that typically requires hundreds of hours of legal representation over the course of many years navigating USRAP. IRAP’s client base includes refugees from Iraq, Afghanistan, Egypt, Eritrea, Ethiopia, Iran, Jordan, Kuwait, Libya, Pakistan, Palestine, Somalia, Sudan, Syria, Turkey, and Yemen.

HIAS was founded in 1881 as the Hebrew Immigrant Aid Society to assist Jews fleeing pogroms in Russia and Eastern Europe. It is the world’s oldest—and only Jewish—refugee resettlement agency, designated by the federal government to undertake this humanitarian work through cooperative agreements with the U.S. Department of State (“DOS”) and the U.S. Department of Health and Human Services (“DHHS”). HIAS is assigned clients via the Department of State’s allocation process, which determines which refugee clients will be resettled by HIAS. Through its contracts with DOS and DHHS, HIAS is obligated to ensure that each refugee family is placed in a safe and stable environment and receives

training and support to integrate into U.S. society and become financially self-sufficient. These obligations range from ensuring that each refugee family is picked up at the airport upon arrival with appropriate language interpretation to making sure the refugee knows his or her address and how to make a phone call.

Both IRAP and HIAS are plaintiffs in the related litigation challenging the Executive Order at issue here and consolidated with this case for oral argument before the Supreme Court. *See Trump v. Int’l Refugee Assistance Project (“IRAP”)*, Nos. 16-1436 et al., ___ S. Ct. ___, 2017 WL 2722580 (June 26, 2017). IRAP and HIAS are intimately familiar with the consequences that the Executive Order and its predecessor have had and continue to have on USRAP, their clients, and the many of thousands of refugees seeking to enter the United States. IRAP and HIAS’ *amici* brief, attached hereto, highlights the inadequacies of the government’s interpretation of the scope of the stay ordered by the Supreme Court on June 26, 2017.

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CONCLUSION

For the foregoing reasons, IRAP and HIAS respectfully request that the Court grant its motion for leave to file the *amici curiae* brief attached hereto.

DATED: Honolulu, Hawai`i, June 30, 2017.

/s/ Mateo Caballero
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