

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I

STATE OF HAWAI'I 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

**[PROPOSED] ORDER MODIFYING PRELIMINARY INJUNCTION**

This matter came before the Court on Plaintiffs' Emergency Motion To Enforce Or, In The Alternative, To Modify Preliminary Injunction (the "Motion"). Having considered the foregoing, the Court hereby GRANTS Plaintiffs' Motion. The Court MODIFIES the preliminary injunction entered on March 29, 2017 (Dkt. No. 270), amended on June 19, 2017 (Dkt. No. 291), and partially stayed by subsequent decision of the United States Supreme Court, to provide as follows:

Defendants JOHN F. KELLY, in his official capacity as Secretary of Homeland Security; REX W. TILLERSON, in his official capacity as Secretary of State; and all their respective officers, agents, servants, employees, and attorneys, and persons in active concert or participation with them, are hereby enjoined from enforcing or implementing Sections 2 and 6 of Executive Order No. 13780 across the Nation—except for those portions of Sections 2 and 6 providing for internal review procedures that do not burden individuals outside of the executive branch of the federal government. Enforcement of the enjoined provisions in all places, including the United States, at all United States borders and ports of entry, and in the issuance of visas is prohibited, pending further orders from this Court.

Defendants and all their respective officers, agents, servants, employees, and attorneys, and persons in active concert or participation with them who receive actual notice of this Order, hereby are enjoined fully from the following:

1. Applying section 2(c), 6(a) and 6(b) of Executive Order 13780 to exclude grandparents, grandchildren, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and cousins of persons in the United States.
2. Applying sections 6(a) and 6(b) to exclude refugees who: (i) have a formal assurance from an agency within the United States that the agency will provide, or ensure the provision of, reception and placement services

to that refugee; (ii) have a bona fide client relationship with a U.S. legal services organization; or (iii) are in the U.S. Refugee Admissions Program (“USRAP”) through the Iraqi Direct Access Program for “U.S.-affiliated Iraqis,” the Central American Minors Program, or the Lautenberg Program.

3. Suspending any part of the refugee admission process, including any part of the “Advanced Booking” process, for individuals with a bona fide relationship with a U.S. person or entity.
4. Applying a presumption that an applicant lacks “a bona fide relationship with a person or entity in the United States.”

DATED: Honolulu, Hawai‘i, \_\_\_\_\_.

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Derrick K. Watson  
U.S. District Judge