

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

~~INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself and its clients, 40 Rector St, 9th Fl New York, NY 10006;~~

~~HIAS, Inc., on behalf of itself and its clients, 1300 Spring Street, Suite 500 Silver Spring, MD 20910;~~

~~MIDDLE EAST STUDIES ASSOCIATION of North America, Inc., on behalf of itself and its members, 3542 N. Geronimo Avenue Tucson, AZ 85705;~~

~~Muhammed Meteab 43 Jefferson Avenue Springfield MA 01107;~~

~~Paul Harrison 1800 Fuller Wisser Road, #717 Euless, TX 76039 4610;~~

~~Ibrahim Ahmed Mohomed 631 Brent Boulevard, Apt. C3 Columbus, OH 43228~~

~~JOHN DOES # 1 & 3;~~

~~JANE DOE #2;~~

_____ *Plaintiffs,*

_____ *v.*

~~DONALD TRUMP, in his official capacity as President of the United States, 1600 Pennsylvania Avenue NW Washington, D.C. 20035;~~

~~DEPARTMENT OF HOMELAND~~

Civil Action No.: 8:17-CV-00361-TDC

FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

SECURITY,

~~Serve on: John F. Kelly,
Secretary of Homeland Security
Washington, D.C. 20528;~~

~~DEPARTMENT OF STATE,
Serve on: Rex W. Tillerson, Secretary
of State
2201 C Street NW
Washington, D.C. 20520;~~

~~OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE,
Serve on: Michael Dempsey,
Acting Director of National
Intelligence
Washington, D.C. 20511;~~

~~JOHN F. KELLY
In his official capacity as Secretary of
Homeland Security
Washington, D.C. 20528;~~

~~REX W. TILLERSON
In his official capacity as Secretary of State
2201 C Street NW
Washington, D.C. 20520;~~

~~MICHAEL DEMPSEY,
In his official capacity as Acting Director of
National Intelligence
Washington, D.C. 20511~~

~~_____ *Defendants.*~~

INTERNATIONAL REFUGEE ASSISTANCE

PROJECT, a project of the Urban Justice Center, Inc.,
on behalf of itself and its clients,
40 Rector St, 9th Fl
New York, NY 10006;
HIAS, Inc., on behalf of itself and its clients,
1300 Spring Street, Suite 500 Silver Spring, MD 20910;

MIDDLE EAST STUDIES ASSOCIATION of North

Civil Action No.: 8:17-cv-361-TDC

America, Inc., on behalf of itself and its members,
3542 N. Geronimo Avenue
Tucson, AZ 85705;

ARAB-AMERICAN ASSOCIATION OF NEW
YORK, on behalf of itself and its clients,
7111 5th Avenue
Brooklyn, NY 11209;

SECOND AMENDED YEMENI-AMERICAN MERCHANTS COMPLAINT FOR

33-42 9st **INJUNCTIVE RELIEF**

DECLARATORY AND

ASSOCIATION, on behalf of itself and its members,
Long Island City, NY 11106;

JOHN DOES # 1, 3 through 5;

JANE DOE #2;

MUHAMMED METEAB;

MOHAMAD MASHTA;

GRANNAZ AMIRJAMSHIDI;

FAKHRI ZIAOLHAGH;

SHAPOUR SHIRANI; and

AFSANEH KHAZAELI,¹

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as President
of the United States,
1600 Pennsylvania Avenue NW
Washington, D.C. 20035;

DEPARTMENT OF HOMELAND SECURITY,
Serve on: Elaine Duke,
Acting Secretary of Homeland Security
Washington, D.C. 20528;

DEPARTMENT OF STATE,
Serve on: Rex W. Tillerson,
Secretary of State
2201 C Street NW
Washington, D.C. 20520;

OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE,
Serve on: Dan Coats,
Director of National
Intelligence
Washington, D.C. 20511;

ELAINE DUKE, in her official capacity as Acting
Secretary of Homeland Security
Washington, D.C. 20528;

REX W. TILLERSON, in his official capacity as
Secretary of State
2201 C Street NW
Washington, D.C. 20520;

DAN COATS, in his official capacity as Acting
Director of National Intelligence

¹ The individual Plaintiffs respectfully request that the Court waive the requirement under Local Rule 102.2(a) to provide addresses. At least one plaintiff in this case has already received harassing phone calls because that plaintiff's address was disclosed in a prior complaint.

Washington , D.C. 20511

Defendants.

INTRODUCTION

~~1. On March 6, 2017, President Trump signed an Executive Order entitled “Protecting the Nation from Terrorist Entry into the United States” (the “March 6 Order” or “Executive Order”). The March 6 Order, which Plaintiffs challenge in its entirety, was intended and designed to target and discriminate against Muslims, and it does just that in operation.~~

~~2. Once effective, the March 6 Order will rescind and replace a similar Executive Order, signed on January 27, 2017 (the “January 27 Order”; together, we refer to the January 27 and March 6 Executive Orders as the “Executive Orders”), that had the same purpose and effect, the implementation of which prompted chaos and widespread civil rights abuses in airports across the country. As a result of legal challenges to the January 27 Order, numerous courts enjoined several key provisions that banned the entry to the United States of both refugees and the nationals of seven predominantly Muslim countries.~~

~~3. The major provisions of the March 6 Order are nearly identical to those of the January 27 Order. The new order bans individuals from six of the seven predominantly Muslim countries identified in the January 27 Order—Yemen, Libya, Somalia, Sudan, Iran, and Syria—from entering the United States for at least 90 days. Like the previous order, the March 6 Order suspends the entire United States Refugee Admissions Program for at least 120 days and reduces the number of refugees allowed into the United States for the current fiscal year from 110,000 to 50,000. The March 6 Order also contains language that associates Muslims with violence, terrorism, bigotry, and hatred, inflicting stigmatic and dignitary harms. As a result, the March 6 Order will have the same discriminatory and stigmatizing impact on Muslims as the January 27 Order, which was itself a product of the President’s clearly expressed intent to prevent Muslims from entering the United States.~~

~~4. While the March 6 Order contains various additions and revisions intended to insulate it from the legal claims that led to the enjoining of the January 27 Order, the Trump Administration has made clear that the March 6 Order is intended to effectuate the same policy outcome as the January 27 Order. The March 6 Order likewise suffers from the same fundamental constitutional and statutory defects as the January 27 Order.~~

~~5. The President has been very clear about his desire to prevent Muslims from entering the United States. He specifically promised to do so as a candidate. Presented with early objections to that proposal, he asked advisors how he could implement a Muslim ban indirectly, and they helped him craft the January 27 Order. President Trump further admitted on national television that through the January 27 Order he intended to favor Christian refugees over Muslim refugees. Rarely in American history has governmental intent to discriminate against a particular faith and its adherents been so plain.~~

~~6. After key provisions of the January 27 Order were preliminarily enjoined, a Trump Administration spokesperson explained that the revised Executive Order (which was ultimately signed on March 6) would have only minor, technical changes from the original Order, and would thus produce the same basic policy outcome. That basic goal and outcome was, and remains, the exclusion of Muslims from the United States.~~

~~7. Like the January 27 Order, the March 6 Order violates two of our most cherished constitutional protections: the guarantee that the government will not establish, favor, discriminate against, or condemn any religion, and the guarantee of equal protection of the laws.~~

~~8. The United States was born in part of an effort to escape religious persecution, and the Religion Clauses of the First Amendment reflect the harrowing history of our Founders. More than two centuries later, our nation is one of the most religiously diverse in the world and has~~

~~become a sanctuary for immigrants and visitors of all faiths and no faith, including refugees fleeing persecution in their homelands.~~

In January of this year, a President was inaugurated who had repeatedly and explicitly promised to ban Muslims from entering the United States based on his view that Muslims hate America and the values it represents. One week later, the President signed an executive order seeking to fulfill that promise. The ban it imposed inflicted widespread harm on individuals here and abroad, and the courts swiftly stepped in to stop the Executive from misappropriating powers that belong to Congress and using them to violate individuals' rights. Undissuaded, the President withdrew that order and issued a new one that did essentially the same thing. It, too, was quickly enjoined.

But just before the Supreme Court was to consider whether that second attempt at a Muslim ban was properly enjoined, the President issued a third. This new order, like the first two, cannot be reconciled with the Immigration and Nationality Act or the Constitution, inflicts severe harms on individuals here and abroad, and proffers essentially the same rationale, albeit with a few more bureaucratic trimmings. But this time its bans are indefinite.

9. Plaintiffs—individuals and organizations injured by the President's attempts to ban Muslims—therefore return to this Court to enforce our constitutional structure and guarantees. Plaintiffs respectfully ask this court to enjoin this latest version of the Muslim ban. ~~Both the January 27 Order and the March 6 Order fly in the face of our historical commitment to welcoming and protecting people of all faiths, and no faith, and it violates the "clearest command of the Establishment Clause"—"one religious denomination cannot be officially preferred over another."~~ *Larson v. Valente*, 456 U.S. 228, 244 (1982).

10. —The United States was likewise founded on the principle that all people—regardless of their faith or where they are born—are created equal. The March 6 Order—which,

like the January 27 Order, was motivated by animus toward Muslims and expressly discriminates on the basis of national origin— runs afoul of this core constitutional value as well.

11. ——— Plaintiffs challenge the March 6 Order under the Establishment Clause; the equal protection guarantee of the Due Process Clause of the Fifth Amendment; the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb *et seq.*; the anti-discrimination provisions of the INA, 8 U.S.C. § 1152(a)(1)(A); the Refugee Act of 1980, as amended; and the Administrative Procedure Act, 5 U.S.C. § 706(2)(A)-(D).

Plaintiffs respectfully request that the Court issue appropriate declaratory relief and preliminarily and permanently enjoin the March 6 Order as a whole.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 over Plaintiffs' claims under the U.S. Constitution and federal statutes. The Court has additional remedial authority under 28 U.S.C. §§ 2201-02.

2. Venue is proper under 28 U.S.C. §1391(e) and Local Rule 501.4.a.ii. Defendants are officers or employees of the United States acting in their official capacities, and agencies of the United States. Plaintiffs HIAS ~~and~~, John Doe #1, Shapour Shirani, and Fakhri Ziaolhagh reside in the Southern Division of this District. No real property is involved in this action.

~~No real property is involved in this action.~~ PARTIES

3. The Plaintiffs in this case are both individuals and organizations. The individual plaintiffs are United States citizens or lawful permanent residents whose efforts to reunite here with relatives abroad have been delayed or indefinitely thwarted by the President's executive order

issued on January 27, 2017 (“EO-1”),² the executive order issued on March 6, 2017 (“EO-2”),³ and/or the proclamation issued on September 24, 2017 (“EO-3”)⁴ (collectively, “the EOs” or “the Orders”). Some individual plaintiffs have approved immigrant visa petitions for their relatives abroad and await the issuance of these visas. Others were forced to endure a prolonged separation from their loved ones because of the EOs.

4. The organizational plaintiffs have members and clients who, like the individual plaintiffs, have relatives abroad who are nationals of a banned country and who are seeking immigrant or nonimmigrant visas. The organizational plaintiffs assert standing on their own behalf and well as on behalf of their clients or members.

3.5. Plaintiff International Refugee Assistance Project (“IRAP”), a project of the Urban Justice Center, Inc., provides and facilitates free legal services for vulnerable populations around the world, including but not limited to refugees, who seek to escape persecution and find safety in the United States and other Western countries. IRAP has clients in the United States and abroad.

15. ——— Founded in 2008 as a student organization at Yale Law School, IRAP initially served

4.6. Iraqi refugees who were victims of the Iraq War. In 2010, IRAP became part of the Urban Justice Center and now has offices in New York as well as the Middle East. IRAP has expanded its client base since its inception to assist ~~refugees~~ displaced persons from

² Exec. Order 13769, *Protecting the Nation From Foreign Terrorist Entry Into the United States*, 82 Fed. Reg. 8977 (Jan. 27, 2017).

³ Exec. Order 13780, *Protecting the Nation From Foreign Terrorist Entry Into the United States*, 82 Fed. Reg. 13209 (Mar. 6, 2017).

⁴ Proc. No. 9645, *Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public Safety Threats*, 82 Fed. Reg. 45161 (Sept. 24, 2017).

Afghanistan, Egypt, Eritrea, Ethiopia, Iran, Jordan, Kuwait, Libya, Pakistan, Palestine, Somalia, Sudan, Syria, Turkey, and Yemen. Through in-house casework, as well as supervision of ~~1,200~~900 students from 29 law schools in the United States and Canada and pro bono attorneys from over 75 international law firms and multinational corporations, IRAP directly assists thousands of ~~refugees~~displaced persons in urgent registration, protection, and resettlement cases every year.

~~5.7.~~ IRAP lawyers provide legal assistance to refugees and other immigrants to the United States throughout ~~the~~their resettlement ~~process~~processes. IRAP lawyers advise their clients on the resettlement process and other avenues to safety, write legal briefs and compile physical evidence in advance of clients' interviews with United States Citizenship and Immigration Services ("USCIS"), prepare them for their oral testimony in their interviews, and ~~then~~ conduct regular ~~follow-up~~followup with USCIS until the clients are safely resettled.

~~6.8.~~ IRAP assists clients include many individuals in the United States who need assistance filing family reunification petitions for family members overseas.

9. IRAP also assists U.S.-based Iraqi and Syrian citizens and lawful permanent residents in filing petitions in order to get their family members overseas into the Direct Access Program of the United States Refugee Admissions Program. ~~Finally,~~ (USRAP).

~~7.10.~~ IRAP also assists countless Iraqi and Afghan citizens who have served the United States government to obtain Special Immigrant Visas, with the support of U.S. citizen veterans of Iraq and Afghanistan.

~~8.11.~~ Since its inception, IRAP has helped to resettle over 3,200 individuals to 55 countries, with the majority resettled to the United States. It has provided legal assistance to nearly 20,000 more individuals.

~~9.12.~~ The overwhelming majority of IRAP's clients, including clients abroad and those within the United States, identify as Muslim.

13. As set forth in greater detail below, implementation of the Executive Orders EOs has caused substantial harm to IRAP and its clients, and will continue to harm them.

10.14. IRAP asserts claims on behalf of itself and its clients in the United States and abroad. The rights of its clients that IRAP seeks to vindicate here are inextricably bound up with its organizational mission and purpose, and its clients face numerous hurdles to bringing this suit in their own namenames.

11.15. Plaintiff HIAS, the world's oldest refugee resettlement agency, is a faith-based organization that aims to rescue people around the world whose lives are in danger. The organization works toward a world in which refugees displaced people find welcome, safety, and freedom.

12.16. Founded in 1881 to assist Jews fleeing pogroms in Russia and Eastern Europe, HIAS now serves refugees and persecuted people of all faiths and nationalities around the globe. Since HIAS's founding, the organization has helped more than 4.5 million refugees start new lives.

13.17. HIAS has offices in twelveeleven countries worldwide, including headquarters in Silver Spring, Maryland, which is its principal place of business, and another domestic office in New York City.

14.18. ~~HIAS also provides resettlement experts in support of the United Nations High Commissioner for Refugees (UNHCR).~~ Refugee resettlement lies at the heart of HIAS's work in the United States. It is one of nine non-profit organizations designated by the federal government to undertake this humanitarian work through contracts with the Department of State and the Department of Health and Human Services. HIAS also provides resettlement experts in support of the United Nations High Commissioner for Refugees (UNHCR).

~~15.19.~~ In 2016, HIAS provided services to more than 350,000 refugees and asylum seekers globally. HIAS's client base includes refugees and other persecuted people abroad and in the United States who are from Syria, Chad, Venezuela, Iraq, Iran, Sudan, Somalia, Yemen, Ukraine, ~~Bhutan, the Democratic Republic of Congo,~~ Bhutan, the Democratic Republic of Congo, Afghanistan, Eritrea, Tanzania, Ethiopia, Burundi, South Sudan, Uganda, Russia, Belarus, and Burma, among other countries. Many of these clients are Muslim.

~~16.20.~~ HIAS provides programs and services to refugees, including employment, psychosocial, and legal services. HIAS has also been approved to refer cases of particularly vulnerable refugees directly for third-country resettlement to the United States and other countries. Around the world, HIAS provides legal services to protect the rights of refugees, and to register, document, and secure the status of refugees.

~~17.21.~~ HIAS is also assigned clients via the State Department's allocation process, which determines which refugee clients will be resettled by HIAS. For clients who have newly arrived in the United States, HIAS either provides direct resettlement services or partners with other organizations across the country to do so. These services include arranging housing and providing essential furnishings, food, clothing, initial cash assistance, initial health screening, cultural and community orientation, and, through case management services, assistance with enrollment in English language classes and employment services, as well as referrals for health and legal services.

22. HIAS, directly and through affiliated agencies, also provides assistance to refugee and asylee clients in the United States who are seeking to gain entry for family members abroad who still face persecution. Such assistance includes (but is not limited to) the preparation and

filing of I-130 and I-730 petitions on behalf of its U.S.-based clients seeking to obtain visas permitting their family members abroad to join them in the United States.

18.23. As set forth in greater detail below, implementation of ~~the January 27 Order~~ EO-1 and EO-2 has caused substantial harm to HIAS and its clients, and ~~the March 6 Order~~ EO-3 will continue to harm them.

19.24. HIAS asserts claims on behalf of itself and its clients. The rights of its clients that HIAS seeks to vindicate here are inextricably bound up with its organizational mission and purpose, and its clients face numerous hurdles to bringing this suit in their own ~~names~~ names.

20.25. Plaintiff Middle East Studies Association (MESA) is a non-profit learned society that brings together scholars, educators, and those interested in the study of the Middle East from all over the world. From its inception in 1966 with 51 founding members, MESA has increased its membership to more than 2,400 and now serves as an umbrella organization for fifty-five institutional members. MESA's membership includes both graduate students and faculty working in the field of Middle East studies, both in the United States and abroad.

26. As set forth in greater detail below, MESA and its members ~~will behave been~~ harmed in a variety of ways by EO-1 and EO-2, and will be harmed by EO-3.

27. MESA asserts claims on behalf of itself and its members.

28. Plaintiff Arab-American Association of New York (AAANY) is a social service and advocacy organization based in Brooklyn, New York. AAANY was founded in 2001 by prominent and active members of the Executive Order. MESA Arab-American and Arab immigrant communities to respond to the needs of low-income Arab immigrants in New York City, and has since become the largest legal service organization in southwest Brooklyn. Serving over 5,000 people a year, the majority of whom are women and girls, AAANY works to support and empower the Arab-American and Arab immigrant community by providing legal services

regarding immigration, family, and housing law matters, among others; mental health care; English as a Second Language (ESOL) classes; academic tutoring for children; cultural events; youth mentorship programs; voter registration; and a host of other free services and programs.

29. As set forth in greater detail below, the implementation of EO-1 and EO-2 has caused substantial harm to AAANY and its clients, and EO-3 will continue to harm them.

30. AAANY asserts claims on behalf of itself and its clients. The rights of its clients that AAANY seeks to vindicate here are inextricably bound up with its organizational mission and purpose, and its clients face numerous hurdles to bringing this suit in their own names.

31. Plaintiff Yemeni-American Merchants Association (“YAMA”) is an association of business owners and activists that was founded in response to EO-1 to protect the YemeniAmerican community from harassment and harm and to help Yemeni-American business owners navigate immigration and other issues.

32. YAMA is based in New York and has organized strikes, meetings, educational forums, and other events to protest against Muslim-targeted travel restrictions and also provide information and support for Yemeni business owners and other members of the Yemeni community.

33. YAMA currently has between 200 and 300 members. As set forth in greater detail below, YAMA and its members have been harmed in a variety of ways by EO-1 and EO-2, and will be by EO-3.

21,34. YAMA asserts claims on behalf of itself and its members.

22,35. Plaintiff John Doe #1 is a lawful permanent resident and national of Iran who lives in Montgomery County, Maryland. He is a scientist. He came to the United States in 2014 on an exchange visitor visa. In 2016, he obtained his lawful permanent resident status through the National Interest Waiver program for people with extraordinary abilities. His pioneering

scholarly works are recognized as cutting edge in the sciences. Both John Doe #1 and his wife, who is not a party, are non-practicing Muslims.

23:36. Plaintiff John Doe #3 is a lawful permanent resident and national of Iran who lives in Anne Arundel County, Maryland. He came to the United States in 2011 through the ~~Green Card~~diversity (green card) lottery. John Doe #3 worked as a teacher in Iran, and currently works in the engineering field.

37. Plaintiff John Doe #4 is a U.S. citizen of Iranian origin who lives in Georgia. He moved to the United States in 1977 and became a citizen in 1999. He is a tenured professor with over 80 published scientific articles, which collectively have been cited more than a thousand times. Both John Doe #4 and his wife, who is not a party, are non-practicing Muslims. He has an approved I130 visa petition for his wife, who is a national of Iran, where she still lives.

38. John Doe #5 is a U.S. citizen of Yemeni origin who lives in New York City. He immigrated to the United States in 1994 and now owns a grocery store and several wireless stores. He has an approved I-130 visa petition for his mother, a Yemeni national who fled from her home to Jordan after war broke out in Yemen in 2015.

24:39. Plaintiff Jane Doe #2 is a U.S. citizen of Syrian origin who lives in Mecklenburg County, North Carolina. She is from a Muslim family and is enrolled in college where she is studying to become a healthcare technician. She filed a family-based I-130 visa petition for her sister who is a Syrian refugee currently living in a refugee-designated area in Saudi Arabia with her husband and two young children. That petition has been approved.

25:40. Plaintiff Mohammed Meteab is a lawful permanent resident of the United States who lives in Springfield, Massachusetts. He came to the United States in 2015 as a refugee

along with his wife and two children. He now has a third child, a U.S. citizen born in the United States.

Plaintiff Meteab is one of five brothers; he, his wife, his two elder children, and all five brothers are Iraqi. One brother came to the United States as a refugee. The other three brothers have been approved as refugees by the United Nations High Commission for Refugees and remain in Jordan, awaiting resettlement. Two of the three are approved to come to the United States but do not yet have travel documents. Mr. Meteab is a Sunni Muslim, as are his brothers.

~~16. Plaintiff Paul HarrisonMohamad Mashta is a citizen of the United States by birth who lives in Euless, Texas. In November 2015, he met his partner, an Iranian national who lives in Tehran, Iran. In March 2016, Mr. Harrison petitioned for his partner—now his fiancé—to join him in the United States on a K-1 visa. After his November 2016 interview at the U.S. Embassy in Ankara, Turkey, his application was approved and administrative processing complete on January 17, 2017. A visa has not yet been issued, however.~~

~~41. Plaintiff Ibrahim Ahmed Mohomed is a United States citizen of Somali lawful permanent resident of Syrian origin who lives in ColumbusCelina, Ohio. He came to the United States as a refugee in 2009. In 2013, on a student visa in 2012 and subsequently applied for and was granted asylum. He has a Master's degree in electrical engineering and works as an engineer. His I-130 visa petition for his wife and nine children were approved, a Syrian national who fled to Sudan with her family, has been approved. Both Mr. Mashta and his wife are practicing Muslims.~~

~~42. Plaintiff Grannaz Amirjamshidi is a United States citizen of Iranian origin who lives in Campbell, California. She came to the United States in 2009 as a diversity visa lottery winner and now works as an engineer manager at a manufacturing company. She has a master's degree in Operation Management. Ms. Amirjamshidi's mother is an Iranian citizen who lives~~

in Canada and who has been granted twelve tourist visas in seven years to come to the United States as refugees but they are still in Ethiopia awaiting authorization to travel to visit Ms. Amirjamshidi and her family. Her most recent tourist visa application is pending.

43. Plaintiff Shapour Shirani is U.S. Citizen of Iranian origin who lives in Boyds, Maryland. He moved to the United States to join in 1993. Mr. Mohamed. Mr. Mohamed and his Shirani is a nonpracticing Muslim. He has an approved I-130 visa petition for his wife, who is a national of and still lives in Iran.

44. Plaintiff Fakhri Ziaolhagh is a U.S. Citizen of Iranian origin who lives in Gaithersburg, Maryland. Ms. Ziaolhagh moved to the United States in 2008, on an employer-sponsored visa, together with her husband and her younger son. She is a practicing Muslim. She has an approved I-130 visa petition for her older son, who is a national of and still lives in Iran, separated from the rest of their family.

26.45. Plaintiff Afsaneh Khazaeli is a U.S. Citizen of Iranian origin who lives in Illinois. She came to the United States in 1977 with her husband, who entered on a student visa. Ms. Khazaeli is the sole proprietor of a sewing store. She has an approved visa application for her sister, an Iranian national. Ms. Khazaeli and her family are Muslim, nonpracticing Muslims.

46. As set forth in greater detail below, implementation of all the Executive Orders EOs has caused and will continue to cause harm to Plaintiffs ~~Meteab, Harrison, Mohamed~~ John Doe #1, John Does #3 through #5, Jane Doe #2 and John Does #1 and #3, Mateab, Mashta, Amirjamshidi, Shirani, Ziaolhagh, and Khazaeli (collectively, the “Individual Plaintiffs”).

27.47. Defendant Donald Trump is the President of the United States. He is sued in his official capacity. In that capacity, he issued the Executive Orders challenged in this suit EOs.

28.48. Defendant U.S. Department of Homeland Security (“DHS”) is a cabinet-level department of the United States federal government. Its components include U.S. Citizenship and Immigration Services (“USCIS”), Customs and Border Protection (“CBP”), and Immigration and Customs Enforcement (“ICE”). CBP’s responsibilities include inspecting and admitting immigrants and nonimmigrants arriving with U.S. visas at international points of entry, including airports and land borders. USCIS’s responsibilities include adjudicating requests for immigration benefits for individuals located within the United States. ICE’s responsibilities include enforcing federal immigration law within the interior of the United States. ~~The Executive Orders~~ Both EO-2 and EO-3 assign DHS a variety of responsibilities regarding their enforcement.

29.49. Defendant U.S. Department of State (“DOS”) is a cabinet-level department of the United States federal government. DOS is responsible for the issuance of immigrant and nonimmigrant visas abroad. ~~The Executive Orders~~ Both EO-2 and EO-3 assign DOS a variety of responsibilities regarding their enforcement.

30.50. Defendant Office of the Director of National Intelligence (“ODNI”) is an independent agency of the United States federal government. The ODNI has specific responsibilities and obligations with respect to implementation of ~~the Executive Orders~~ EO-2 and EO-3.

31.51. Defendant Rex Tillerson is the Secretary of State and has responsibility for overseeing enforcement and implementation of ~~the Executive Orders~~ EO-2 and EO-3 by all DOS staff. He is sued in his official capacity.

52. Defendant ~~John Kelly~~ Elaine Duke is the Acting Secretary of Homeland Security. Acting Secretary KellyDuke has responsibility for overseeing enforcement and implementation of ~~the Executive Orders~~ EO-2 and EO-3 by all DHS staff. ~~He~~ She is sued in his her official capacity.

~~32-53.~~ Defendant ~~Michael Dempsey~~Dan Coats is the ~~Acting~~ Director of National Intelligence, and has responsibility for overseeing enforcement and implementation of ~~the Executive Orders~~EO-2 and EO-3 by all ODNI staff. He is sued in his official capacity.

**FACTUAL ALLEGATIONS President Trump’s Expressed Intent To Target
Muslims and
To Favor Christians Seeking to Enter the Country**

54. President Trump has repeatedly made clear his intent to enact policies that exclude ~~Muslims from entering the United States and favor Christians seeking to enter the United States.~~
Muslims from entering the United States and to favor Christians seeking to enter the United States.

55. On December 7, 2015, then-Presidential candidate Trump issued a statement on his campaign website. Entitled, “DONALD J. TRUMP STATEMENT ON PREVENTING MUSLIM IMMIGRATION,” the statement declared that “Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country’s representatives can figure out what is going on.”

56. The statement, which ~~remains~~remained on President Trump’s campaign website ~~to~~until it was selectively removed on May 8, 2017—the day this day, invokesCourt’s preliminary injunction of Section 2(c) of EO-2 was argued before the Fourth Circuit, sitting en banc—invoked stereotypes of Muslims, falsely suggesting that all Muslims believe in “murder against non-believers who won’t convert” and “unthinkable acts” against women.

57. Defending his proposed Muslim ban the next day, candidate Trump told Good Morning America, “What I’m doing is I’m calling very simply for a shutdown of Muslims entering the United States—and here’s a key—until our country’s representatives can figure out what is going on.”

58. When asked the same day on MSNBC how his Muslim ban would be applied by customs officials, candidate Trump said, “That would be probably—they would say, are you

Muslim?” A reporter followed up by asking, “And if they said yes, they would not be allowed in the country[?]” Candidate Trump responded, “That’s correct.”

59. Candidate Trump repeatedly reiterated his support for targeting Muslims seeking to enter the United States.

60. On March 9, 2016, candidate Trump stated, “I think Islam hates us. There’s . . . a tremendous hatred there . . . There’s an unbelievable hatred of us . . . We can’t allow people coming into this country who have this hatred of the United States . . . and [of] people that are not Muslim . . .”

61. The next day, during a debate, candidate Trump said he would “stick with exactly” what he had said the night before. When asked if he was referring to all 1.6 billion Muslims worldwide, he explained, “I mean a lot of them.” Candidate Trump stated later in the same debate, “There is tremendous hate. There is tremendous hate. Where large portions of a group of people, Islam, large portions want to use very, very harsh means.”

62. On March 22, 2016, candidate Trump stated that “we’re having problems with the Muslims, and we’re having problems with Muslims coming into the country,” adding, “You need surveillance. You have to deal with the mosques whether we like it or not . . . These attacks aren’t . . . done by Swedish people. That I can tell you.”

63. The same day, candidate Trump stated on Twitter that a Democratic candidate for President, Hillary Clinton, wanted to “let the Muslims flow in.”

64. ~~On June 13, 2016, candidate Trump stated~~ On May 11, 2016, candidate Trump announced that he was putting together an “immigration commission,” to be headed by Rudy Giuliani, that would “look at the ‘Muslim ban,’ or ‘temporary ban’ as we call it.”

65. As Mr. Giuliani corroborated two days after EO-1 was issued, that commission was tasked with coming up with a way to “legally” implement a “Muslim ban,” and it recommended using territory as a proxy for religion.

66. In the months after announcing creation of the “immigration commission,” candidate Trump heavily foreshadowed the contours of the EOs to come. He explained, for example, that he would impose the ban pursuant to the president’s authority under 8 U.S.C. § 1182(f), and that it would operate on the basis of geography. When pressed to name the countries that would be affected, candidate Trump demurred, but stated that his ban would incorporate a pre-existing list of what he called “terror nations.” This list, as it turned out, was the list of countries exempted from the Visa Waiver Program, which allows the nationals of participating countries to enter the United States for certain purposes for 90 days without first obtaining a visa.

67. Lest there be any doubt about what he was proposing, however, candidate Trump repeatedly rejected the notion that he was backing away from the promised Muslim ban—which he continued to defend as a good idea—and instead emphasized that he was using territory as a proxy for religion.

68. On June 13, 2016, for example, candidate Trump stated in a major speech on national security, “I called for a ban after San Bernardino and was met with great scorn and anger. But now many . . . are saying that I was right to do so.” In the same prepared speech, he promised to use the president’s authority under 8 U.S.C. § 1182(f) to “suspend immigration from [certain] areas of the world.”

69. Later that same day, candidate Trump tweeted: “In my speech on protecting America I spoke about a temporary ban, which includes suspending immigration from nations tied to Islamic terror.”

70. Two days later, on June 15, candidate Trump explained that “it’s a temporary ban, in particular for certain people coming from certain horrible—where you have tremendous terrorism in the world. You know what those places are.”

71. On June 25, 2016, candidate Trump stated that he “do[esn’t] want people coming in from certain countries.” When asked which countries, candidate Trump explained to one media outlet that “they’re pretty well decided. All you have to do is look!,” and to another, “I want people that have bad thoughts out. I would limit specific terrorist countries and we know who those countries are.”

64.72. When pressed once more, two days later, to identify the countries he would target for his ban, candidate Trump stated that he would focus on “terror nations”: “Look it up. They have a list of terror nations.”

65.73. In an interview aired on 60 Minutes on July 17, 2016, when asked about the proposed Muslim ban, candidate Trump replied: “Call it whatever you want. We’ll call it territories, ok?” Asked again whether Muslims would be banned, candidate Trump said that “there’s nothing like” the Constitution “[b]ut it doesn’t necessarily give us the right to commit suicide, as a country, okay?” He again reiterated: “Call it whatever you want.”

66.74. In a July 24, 2016 interview on Meet the Press, candidate Trump was asked if a plan similar to the ~~now-enacted Executive Order~~ EOs he eventually signed was a “rollback” from “[t]he Muslim Ban.” Candidate Trump responded: “I don’t think so. I actually don’t think it’s a rollback. In fact, you could say it’s an expansion. I’m looking now at territories.”

67.75. Candidate Trump continued: “People were so upset when I used the word Muslim. Oh, you can’t use the word Muslim. Remember this. And I’m okay with that, because I’m talking territory instead of Muslim.”

76. This explanation that the Muslim ban would use nationality as a proxy was later confirmed by Rudolph Giuliani, an advisorWhen speaking to Sean Hannity of Fox News the next day, candidate Trump and later an advisor to him as President. After again rejected the Executive Order was signed, Mr. Giulianiidea that he was retreating from his proposed Muslim ban, stating that his “position’s gotten bigger now” because he is “talking about territories now.”Candidate Trump explained that “when [
“we’re talking about territories” because “[p]eople don’t want me to say Muslim.”

77. In a major prepared speech on immigration on August 15, 2016, candidate Trumpfirst announced it, he said, ‘Muslim ban.’ He called me up. He said, ‘Put a commission together. Show me the right way to do it legally.’”In response to this edict, according to Mr. Giuliani, the commission decided to focus on territories, rather than explicitly naming again invoked false stereotypes of Muslims—as.He explained that his immigration policy—which he called “extreme, extreme vetting”—would ensure that those we admit “share our values,” which means screening out those who support “honor killings,” or “who believe Sharia law should supplant American law.”

78. Candidate Trump continued and outlined a plan to ask the Departments of State and Homeland Security to identify “a list of regions where inadequate screening cannot take place” so that the United States could “stop processing visas from those areas until such time as it is deemed safe to resume based on new circumstances or new procedures.”Although he then claimed that “[t]he size of current immigration flows are too large to perform adequate screening,” the subjects of only
“immigration flow” he expressed concern about was that from the Middle East: “We admit about 100,000 permanent immigrants from the Middle East every year. Beyond that, we admit

hundreds of thousands of temporary workers and visitors from the same regions. Hundreds of thousands. If we don't control the numbers, we can't perform adequate screening."

79. In a speech on September 1, 2016, candidate Trump reiterated that he would task federal agencies with "develop[ing] a list of regions and countries from which immigration must be suspended until proven and effective vetting mechanisms can be put in place. I call it extreme vetting right? Extreme vetting. I want extreme."

80. This "extreme vetting," candidate Trump explained, would include asking immigrant applicants "their views about honor killings, about respect for women and gays and minorities," and their "[a]ttitudes on radical Islam."

81. During a nationally-televised presidential debate on October 9, 2016, candidate Trump was asked again about his proposed Muslim ban. He answered that "[t]he Muslim ban is something that in some form has morphed into extreme vetting for certain areas of the world." When pressed to "please explain whether the Muslim ban still stands," candidate Trump replied: "It is called extreme vetting. We are going to areas like Syria."

~~68:82.~~ On December 21, 2016, president-elect Trump was asked whether he "had cause to rethink or reevaluate [his] plans to create a Muslim register or ban Muslim immigration to the United States." He replied: "You know my plans all along, and I've been proven to be right, 100 percent correct."

The January 27 Order/EO-1

83. After conducting a campaign in which a ban on Muslim admissions was a key promise, President Trump took action to carry out that promise by issuing ~~the~~EO-1 on January 27-Order, one week after being inaugurated.

84. Statements made by President Trump and his advisors around the time of the signing of ~~the January 27 Order~~EO-1 confirm President Trump's intent to discriminate against

Muslims. In an interview with the Christian Broadcasting Network released the same day that he signed ~~the January 27 Order~~EO-1, President Trump stated that ~~the Order~~it was designed to give Christians priority when applying for refugee status. “If you were a Muslim you could come in [to the United States], but if you were a Christian, it was almost impossible,” he said. “[T]hey were chopping off the heads of everybody but more so the Christians. And I thought it was very, very unfair. So we are going to help them.”

85. Consistent with this expressed religious animus towards Muslims and preference for Christians, ~~the January 27 Order disfavors~~EO-1 disfavored Muslims while giving special treatment to ~~non-Muslims~~non-Muslims.

86. Section 3 of EO-1, for example, ~~bans~~banned any entry for 90 days for individuals from seven countries, each of which is more than ninety percent Muslim: Syria, Sudan, Iraq, Iran, Libya, Somalia, and Yemen. The combined population of those countries is more than 97% Muslim.

59. ~~The January 27 Order does not single out any countries for disfavored treatment that are not majority-Muslim.~~

87. ~~The January 27 Order provides~~As promised on the campaign trail, EO-1 provided a mechanism for the government to extend and/or expand the 90-day ban at the end of the 90 day period. ~~Sections~~ Section 3 of ~~the Order directs~~EO-1 directed the Secretary of Homeland Security to “immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat,” and to “submit to the President a report on the results of the review ~~...~~ within 30 days of the date of this order.” At that point, the “Secretary of State shall request all foreign governments that do not supply such information to start providing such

information,” and 60 days after that—precisely at the end of the initial 90 day ban period—~~the January 27 Order provides~~EO-1 provided for the President to issue a proclamation indefinitely banning travelers from a list of countries deemed to be non-compliant “until compliance occurs.” ~~On information and belief, the 30-day review to be conducted by the Secretary of Homeland Security has not yet resulted in a report to the President.~~

~~88.~~ 88. Although this review provision remained in effect for 48 days, the 30-day review to be conducted by the Secretary of Homeland Security pursuant to EO-1 was never completed.

~~88.89.~~ 88.89. Section 5 of ~~the January 27 Order prohibits~~EO-1 prohibited refugee admissions for 120 days, except for Syrian refugees, who ~~are~~were banned indefinitely.

~~89.90.~~ 89.90. ~~The January 27 Order discriminates~~EO-1 discriminated between persons of majority and minority faiths in their country of origin. Section 5(b) ~~requires~~required the government to “prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual’s country of nationality” once the 120-day ban on refugee admissions is complete.

~~90.91.~~ 90.91. During those 120 days, moreover, Section 5(e) ~~allows~~allowed the admission of certain refugees on a discretionary case-by-case basis, “only so long as [the Secretaries of State and Homeland Security] determine that the admission of such individuals as refugees is in the national interest—including when the person is a religious minority in his country of nationality facing religious persecution.”

~~91.92.~~ 91.92. As the President conceded, these provisions ~~are~~were intended to allow Christian refugees to enter the United States, even while Muslim refugees from the same countries ~~are~~were prohibited from doing so. And indeed, Muslims would ~~be~~have been severely disadvantaged under the ~~minority faith~~minority faith preferences set forth in Sections 5(b) and 5(e). During the

past three fiscal years, only 12% of Muslim refugees hailed from a country where Islam is a minority faith.

~~92.93.~~ There is no statutory, regulatory, or constitutional basis for favoring refugees from minority faiths over refugees from majority faiths. There is no basis in the Refugee Act of 1980, as amended—which governs the admission of refugees to the United States and their resettlement herein—to prioritize refugees fleeing persecution on the basis of religion, as opposed to the other congressionally-recognized bases. *See* 8 U.S.C. § 1101(a)(42) (defining “refugee”).

~~93.94.~~ Section 5(d) ~~reduces of EO-1 reduced~~, by more than half, the annual refugee admissions allotment that was set prior to the current fiscal year by President Obama (~~reducing~~ from 110,000 to 50,000).

~~94.95.~~ ~~Upon information and belief, as~~As of February 2017, approximately 41,000 refugees had already been resettled in the United States. ~~Upon information and belief, the number, and there were tens of thousands more~~ refugees already somewhere in the U.S. Refugee Admissions Program USRAP pipeline—well over 50,000—would put the U.S. refugee resettlement total above Section 5(d)’s reduced admissions allotment of 50,000.

~~60.~~ As a result, upon information and belief, Defendants have already undertaken various actions to bring to a halt the U.S. refugee resettlement process as a result of Section 5(d)’s reduction in this fiscal year’s figure.

~~95.96.~~ For example, upon information and belief, shortly Shortly after the January 27 Order EO-1 was signed, USCIS, a component of Defendant Department of Homeland Security, cancelled nearly all refugee processing interviews abroad.

96:97. Additionally, ~~upon information and belief, Defendant Department of State~~ has DOS suspended security checks for refugees, a process that typically takes between 18-24 months.

97:98. ~~Upon information and belief,~~ Section 5(d)'s reduction in the annual refugee admissions allotment ~~has all but ground to a halt~~ essentially halted the United States' refugee resettlement process.

98:99. ~~Furthermore,~~ Section 5(g) ~~seeks of EO-1, meanwhile, sought~~ to expand the limited role State and local governments have in the refugee resettlement process ~~beyond that envisioned by Congress~~ in order to ~~authorize and~~ facilitate the recently-stated desire and intent of some states and localities ~~in the United States~~ to discriminate against ~~lawfully admitted~~ refugees on the basis of their nationality and/or religion. *See, e.g., Exodus Refugee Immigration, Inc. v. Pence*, 838 F.3d 902 (7th Cir. 2016) (affirming preliminary injunction on equal protection grounds of state executive order issued by ~~then Governor~~ then-Governor of Indiana, Mike Pence, that sought to prevent the resettlement in the State of refugees from Syria).

99:100. In addition to Sections 3 and 5, other sections of ~~the January 27 Order~~ ~~reinforce~~ EO-1 reinforced stereotypes about Muslims and ~~discriminated~~ discriminated against them. Multiple sections, for example, ~~associate~~ associated Muslims with violence, bigotry, and hatred, inflicting stigmatic and dignitary harms, among other types of injury. These ~~include~~ included Sections 1 and 2, which ~~portray the ban~~ portrayed EO-1 as protecting citizens from foreign nationals “who would place violent ideologies over American law” and “who intend to commit terrorist attacks in the United States”; and Section 10, which ~~requires~~ required the Secretary of Homeland Security to periodically publish information about the number of “foreign nationals” involved in, among other things, terrorism-related activities, radicalization,

and “gender-based violence against women, including honor killings”—direct echoes of ~~the candidate candidate~~ Trump’s broad statements denigrating Islam and Muslims.

~~100.101.~~ Further, on information and belief, since ~~the January 27 Order~~EO-1 was signed, CBP has questioned foreign nationals entering from certain countries about their religious beliefs to determine whether or not they are Muslim, and has subjected Muslim travelers from countries other than the seven designation nations to disproportionate and unwarranted scrutiny and interrogation.

~~101.102.~~ There is no sound basis for concluding that Muslims generally, or Muslims from particular countries, are more likely to commit violent acts of terror.

~~102.103.~~ A previous program to track certain foreign nationals predominantly from Muslimmajority countries, the National Security Entry-Exit Registration System (“NSEERS”), did not lead to the conviction or even identification of a single terrorist, even though it subjected tens of thousands of people to additional screening and investigation.

~~61. — Many alternatives exist that do not involve targeting individuals based on their faith or using nationality as a proxy for faith, are less restrictive than the January 27 Order, and are more closely tailored to legitimate national security concerns.~~

~~103.104.~~ ~~The January 27 Order remains~~EO-1 remained in effect until March 16, 2017, when ~~the EO-2, signed on March 6 Order becomes, became~~ effective and ~~reseinds~~rescinded and ~~replaces the January 27 Order~~replaced EO-1.

The Chaotic and Irregular Implementation of ~~the January 27 Order~~EO-1

~~105.~~ The preparation and implementation of ~~the January 27 Order~~EO-1 were extremely unusual and chaotic. ~~Upon information and belief, the, at least in part because President Trump~~ issued it without consulting the federal agencies tasked with protecting the national security.

~~105.106.~~ The White House bypassed regular channels for input and cooperation with other components of the Executive Branch, including the Secretaries of Homeland Security, Defense, and State. ~~Moreover, upon information and belief, CBP was not given clear operational guidance during critical times in the implementation of the January 27 Order., as well as the~~ Department of Justice.

~~107.~~ The January 27 Order Moreover, CBP was not given clear operational guidance during critical times in the implementation of EO-1.

~~106.108.~~ EO-1 was signed without final review or legal analysis from DHS, which—along with the DOS—iswas principally charged with implementing ~~the Order~~ it.

~~107.109.~~ Then-Secretary of Homeland Security Kelly was reportedly in the midst of a conference call to discuss ~~the January 27 Order~~ EO-1 when someone on the call learned from watching television that the ~~Order~~ order they were discussing had already been signed.

~~108.110.~~ Similarly, Secretary of Defense Mattis, who had publicly criticized President Trump’s proposal to ban Muslims from the United States, reportedly did not see a final version of ~~the January 27 Order~~ EO-1 until the day it was signed, and was not consulted during its preparation.

~~109.111.~~ The January 27 Order EO-1 did not arise out of the usual process of consulting with the relevant cabinet-level officials and agencies before issuing an ~~Executive Order.~~ executive order. Instead, ~~the January 27 Order~~ EO-1 was primarily drafted by a small team of Presidential aides, overseen by then-chief White House strategist Stephen K. Bannon.

~~110.112.~~ Mr. Bannon has previously made anti-Muslim comments. He criticized former President George W. Bush for referring to Islam as “a religion of peace,” calling President Bush “one of the dumbest presidents in the history of these United States.”

~~111.113.~~ Congressional staff who worked on ~~the January 27 Order~~EO-1 reportedly were required to sign nondisclosure agreements, and not even the members of Congress they served were allowed to know of their work on ~~the January 27 Order~~EO-1. On information and belief, this arrangement was also highly unusual.

~~112.114.~~ During the days leading up to and following the signing of ~~the January 27 Order~~EO-1, its scope and provisions were changed without any rational relationship to ~~theits~~ purported ~~reasons for the January Order~~justifications.

~~113.115.~~ For example, the night ~~before the January 27 Order~~after EO-1 was signed, ~~the Department of Homeland Security~~DHS issued guidance interpreting § 3(c) ~~of the January 27 Order~~ as not applying to lawful permanent residents. Overnight, the White House overruled that guidance, applying ~~the January 27 Order~~EO-1 to lawful permanent residents subject to a case-by-case exception process, in a decision closely associated with Mr. Bannon.

~~114.116.~~ After the detention at airports of many individuals, including lawful permanent residents, led to chaos nationwide, ~~then-DHS~~ Secretary Kelly issued a statement “deem[ing] the entry of lawful permanent residents to be in the national interest.” Secretary Kelly’s statement was made pursuant to Section 3(g) of the order, which requires such a decision to be made ~~jointly with the Secretary of State and~~ “on a case-by-case basis.”

~~115.117.~~ Finally, on February 1, the Counsel to the President purported to interpret ~~the January 27 Order~~EO-1 as exempting lawful permanent residents from the ban entirely.

~~116.118.~~ Similarly, initial guidance from ~~the Department of State~~DOS indicated that individuals with dual citizenship, with one country of citizenship subject to the ban, would be banned from entering the United States. Word of a change in that policy spread irregularly, with notice being given to airlines and foreign nations but contradicted in official U.S. government communications.

~~117.119.~~ Finally, CBP announced a changed policy, explaining, in response to the question “Does ‘from one of the seven countries’ mean citizen, national or born in?” that “Travelers are being treated according to the travel document they present.” According to this policy, ~~currently in place~~, the ~~very~~ same individual both ~~is was~~ and ~~is was~~ not subject to the travel ban depending only on the travel document she ~~presents~~presented.

~~118.120.~~ The government also reversed itself on its policy toward holders of Special Immigrant Visas from Iraq. Holders of these visas ~~are were~~ clearly banned under the terms of ~~the January 27 Order~~EO-1, and they were refused entry when it went into effect. However, on February 2, 2017, ~~the government changed course and allowed~~they were granted a categorical waiver allowing them to enter the United States ~~despite~~notwithstanding the ~~January 27 Order~~ban.

121. Nationals of the seven banned countries who had immigrated to (but were not yet citizens of) Canada, meanwhile, were inexplicably allowed to enter the United States, even without a waiver—unless they had emigrated to Canada as refugees, in which case they remained banned.

83.——Still other aspects of ~~the January 27 Order~~EO-1 and its implementation ~~demonstrated~~demonstrated utter disregard for the individuals affected by it. For example, the Administration knew that ~~the January~~

~~119.122.~~ ~~27 Order~~EO-1 would bar the entry of individuals who were literally mid-air when the order was issued. Nonetheless, and absent any exigency that would justify it, the order was signed late on a Friday afternoon. That decision had a number of predictable consequences, including: making it more difficult for the federal employees tasked with enforcing the order to obtain instruction on how to interpret and enforce the order’s sloppily-written provisions; ~~prolonging the~~causing prolonged detentions at airports ~~of those affected~~and land borders, and

leading many to be wrongfully deported; and increasing the difficulty advocates had in accessing their clients and the courts.

~~120.~~123. In a tweet on January 30, 2017, President Trump appeared to justify the rushed implementation of ~~the January 27 Order~~EO-1 by claiming that “[i]f the ban were announced with a one week notice, the ‘bad’ would rush into our country during that week. A lot of bad ‘dudes’ out there!”

124. In another tweet the same day, and again in seeming response to criticism about the rollout of EO-1 President Trump stated that, “This was a big part of my campaign.”

~~124.~~125. Even once advocates were able to access the courts and obtain temporary injunctive relief against aspects of ~~the Executive Order~~EO-1, DHS officials frequently refused or otherwise failed to comply with the court orders, undermining bedrock constitutional principles and inflicting further unlawful injury on the affected individuals.

~~122.~~126. Other actions taken by DHS and DOS to enforce ~~the January 27 Order~~EO-1 ~~exhibit~~1 exhibited a zealous desire to go beyond even the draconian measures the order actually ~~requires~~required.

~~123.~~127. Notwithstanding that Section 3 of ~~the January 27 Order~~EO-1 only ~~bans~~barred “entry into the United States of aliens from” one of the aforementioned seven Muslim-majority countries, DHS interpreted it to prohibit the granting of *any* immigration-related benefit to anyone from those countries—including to individuals who are already in the United States. That decision would have had wide-ranging consequences, including: delaying naturalization of lawful permanent residents (~~“LPRs”~~) from those countries who wish to become U.S. citizens; rendering asylees from those countries unable to be lawfully employed once their Employment Authorization Documents expire; and either expelling or making undocumented any individuals

here on nonimmigrant visas (including student, employment, and tourist) that otherwise would have been renewed.

~~124.128.~~ DOS, at the request of DHS, issued a letter purporting to provisionally revoke *all* immigrant and nonimmigrant visas of nationals of the seven designated countries on a categorical basis— affecting at least 60,000 people—including of all such individuals already in the United States. The letter is dated January 27, 2017, but only came to light on January 31, 2017, when Department of Justice lawyers filed it in pending litigation. DOS has stated that this action was taken to “implement[]” ~~the Executive Order EO-1.~~

~~129.~~ Upon information and belief, DOS has never before revoked a broad swath of valid visas in this manner.

~~125.130.~~ Nor, on information and belief, is visa revocation ordinarily undertaken in secret, with no notice to the visa holder and no individualized consideration of whether any particular visa should be revoked.

~~126.131.~~ Still further evidence of discriminatory intent and effect is reflected in the statements by President Trump and his Administration seeking to defend and justify ~~the January 27 Order EO-1~~ after it was issued.

~~127.132.~~ President Trump, for example, falsely stated that only 109 people were detained over the weekend following the issuance of ~~the January 27 Order EO-1~~, even though he knew or should have known that the number was far higher.

~~128.133.~~ Indeed, ~~pursuant to a federal district court order,~~ the federal government has since revealed that at least ~~746 individuals~~ 2,000 people were detained ~~over a period of just 27 hours during at airports and land borders while the weekend after the January 27 Order was signed.~~ This 27-hour period did not begin until a day after the January 27 Order went into effect. an portions of EO-1 were in effect.

~~129,134.~~ These chaotic, irregular, and irrational policies, policy changes, and statements indicate that the purported justifications for ~~the January 27 Order~~ are EO-1 were pretextual and that it was at least substantially motivated by an intent to discriminate against Muslims.

The Nationwide Preliminary Injunction Enjoining the January 27 Order of EO-1

135. A February 3, 2017, order issued by the District Court for the Western District of Washington ~~currently prohibits~~ prohibited the government from enforcing Sections §§ 3(c), 5(a), 5(b), and 5(e) of the January 27 Order, EO-1. Upon issuance of ~~this Order, which the District Court described as a temporary restraining order~~ that injunction, the government appealed to the Ninth Circuit and sought a stay pending appeal.

136. After hearing oral argument, the Ninth Circuit declined to stay the ~~Order~~ injunction, noting that “although courts owe considerable deference with respect to immigration and national security, it is beyond question that the federal judiciary retains the authority to adjudicate constitutional challenges to executive action.” *Washington v. Trump*, 847 F.3d 1151, 1164 (9th Cir. 2017).

137. In reaching its holding, the Court noted that “[t]he government has pointed to no evidence that any alien from any of the countries named in the order has perpetrated a terrorist attack in the United States.” *Id.* at 1168.

138. The Court also acknowledged “evidence of numerous statements by the President about his intent to implement a ‘Muslim ban’” and observed that “[i]t is well established that evidence of purpose beyond the face of the challenged law may be considered in evaluating Establishment and Equal Protection Clause claims.” *Id.* at 1167.

~~108.~~ ~~The Court also found that the February 3 Order, although styled a TRO, should be treated as a preliminary injunction.~~

139. Shortly after the Ninth Circuit’s opinion issued, President Trump tweeted, “SEE YOU IN COURT, THE SECURITY OF OUR NATION IS AT STAKE!” He subsequently denounced the opinion as “a political decision” and stated, “[W]e’re going to see them in court, and I look forward to doing that. It’s a decision that we’ll win, in my opinion, very easily.”

140. On March 7, 2017, the government withdrew its appeal of the ~~February 3 Order,~~ leaving in place the preliminary injunction of ~~Sections 3(c), 5(a), 5(b), and 5(e) of the January 27 Order~~ EO-1.

The March 6 Order/EO-2

141. In the weeks preceding the issuance of EO-2, the ~~March 6 Order~~, President and his closest advisors assured the public that the executive order to come would achieve the same goals as the original, and would have only minor differences.

142. At a press conference on February 16, President Trump defended EO-1 as a “lawful” and “decisive action to keep radical Islamic terrorists out of country,” but nonetheless promised a new order would be issued the following week, “tailored to what [he] considered to be a very bad decision” from the Ninth Circuit. President Trump explained that “we can tailor the order [to the Ninth Circuit] decision and get just about everything, in some ways, more.”

143. In explaining why he was pressing on with a new travel ban, President Trump explained: “I got elected on defense of our country. I keep my campaign promises, and our citizens will be very happy when they see the result.”

~~141.~~144. In the days that followed, senior White House officials reiterated the President’s view that EO-1 was fully lawful, and that the new order would be “tailored” to address “minor” and “very technical issues” they claimed troubled the courts with regard to EO-1. Press Secretary Sean Spicer affirmed that “[t]he principles of the executive order remain the same.”

Stephen Miller, a senior advisor to President Trump, explained that ~~the administration was~~

~~preparing a new executive order “to be responsive to the judicial ruling” of the Ninth Circuit. He explained that the changes would be “mostly minor, technical differences. Fundamentally, you are still going to have EO-2 would constitute “the same, basic policy outcome for the country.”~~

~~142.145.~~ Consistent with ~~Mr. Miller’s statement, the March 6 Order~~these statements, EO-2, explicitly referring to the Ninth Circuit’s ruling, exempts from the ban certain categories of noncitizens that ~~have~~ “prompted judicial concerns” ~~from the ban,,”~~ and alters the original order’s “approach to certain other issues or categories of affected aliens” ~~“in order so as “to avoid spending additional time pursuing litigation” over the constitutionality of the January 27 Order~~EO-1.

~~143.146.~~ Indeed, notwithstanding an expanded “Policy and Purpose” section and certain other

~~145.~~ ——— changes discussed more fully below, ~~the March 6 Order~~EO-2 is extremely similar to ~~the January 27 Order~~EO-1 in most ~~important~~material respects.

~~Like the January 27 Order, the March 6 Order bans~~147. Like its predecessor, EO-2 banned entry for a new 90 day period for individuals from the six of the same seven predominantly Muslim countries identified in ~~the January 27 Order~~EO-1: Syria, Sudan, Iran, Libya, Somalia, and Yemen ~~(Section. EO-2 § 2(c)).~~

~~148.~~ Like EO-1, and as promised on the January 27 Order, the March 6 Ordercampaign, EO-2 also ~~provides~~provided a mechanism for the government to extend and/or expand the 90-day ban at the end of the 90 day period. Section 2 of ~~the Order directs~~ EO-2 directed the Secretary of Homeland Security to “conduct a worldwide review to identify whether, and if so what, additional information will be needed from each foreign country to adjudicate an application by a national of that country for a visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual is not a security or public-safety threat.”

~~148.149.~~ In addition, ~~the March 6 Order EO-2~~ explicitly ~~provides~~provided that the review need not be conducted in a consistent matter between countries: “The Secretary of Homeland Security may conclude that certain information is needed from particular countries even if it is not needed from every country.” Again, the order provides for the submission of a report on this review within 30 days of the date of the order, a period (50 days rather than 60) for countries to respond to the order, and a provision for the President to thereafter issue a proclamation indefinitely banning travelers from a list of countries deemed to be non-compliant.

~~116. — The corresponding provisions of the January 27 Order were never suspended and remain in effect.~~

~~117. — The country by country report required by the January 27, 2017 Order was due on February 26, 2017, eight days before the March 6 Order was issued. On information and belief, this report was not produced.~~

~~150. — The March 6 Order EO-2~~ states that “Iraq presents a special case” because of the “close cooperative relationship between the United States and the democratically elected Iraqi government” and because the ~~“Iraqi government latter~~ “has expressly undertaken steps to enhance travel documentation, information sharing, and the return of Iraqi nationals subject to final orders of removal” ~~(Section. EO-2 § 4).~~

~~149.151.~~ With this justification, ~~the March 6 Order EO-2~~ exempts foreign nationals of Iraq from the categorical ban on entry applicable to other countries originally targeted by ~~the January 27 Order EO-1~~. Instead, Iraqis are subject to “thorough review” and “consideration of whether the applicant has connections with ISIS or other terrorist organizations.”

~~150.152.~~ Like ~~the January 27 Order, the March 6 Order EO-1, EO-2~~ allows for waivers to this ban on a discretionary case-by-case basis ~~(Section. EO-2 § 3(c)).~~ In contrast to ~~the January 27 Order EO-1~~, which simply stated that visas and other immigration benefits may be issued

“when in the national interest,” ~~the March 6 Order~~EO-2 provides nine examples of situations in which a waiver would be appropriate, such as when “the foreign national is an infant, a young child or adoptee” or “an individual needing urgent medical care” ~~(Sections 3(c)(i)-(ix)). These and other similar circumstances enumerated in the March 6 Order reflect specific examples of individuals whose denial of entry pursuant to the January 27 Order resulted in the filing of lawsuits and widespread public outcry.~~” EO-2 § 3(c)(i)-(ix).

153. ~~The March 6 Order~~These and other similar circumstances enumerated in EO-2 reflect specific examples of individuals whose denial of entry pursuant to EO-1 resulted in the filing of lawsuits and widespread public outcry.

~~151,~~154. EO-2 also contains exceptions to this ban for, among others, lawful permanent residents and dual nationals traveling on passports issued by a non-designated country ~~(Section, EO-2 § 3(b)).~~

~~152,~~155. Like ~~the January 27 Order, the March 6 Order cuts~~EO-1, EO-2 cut the number of refugees ~~admissible~~who could be admitted to the United States for fiscal year 2017 from 110,000 to 50,000, and prohibits refugee admissions for 120 days, with an exception for discretionary case-by-case admissions ~~(Sections, EO-2 §§ 6(a), 6(b)).~~ ~~The March 6 Order.~~ EO-2 also expressly ~~suspends~~suspended decisions on applications for refugee status for 120 days ~~(Section, EO-2 § 6(a)).~~

~~118.~~ Defendant Department of State has informed Plaintiff HIAS that only refugees who are already booked for travel to the United States arriving at their port of entry through the end of March 15, 2017, i.e., before the March 6 Order’s effective date of March 16, 2017 at 12:01 am, will be permitted to enter the United States. Defendant Department of State has indicated that no further bookings may be made.

~~119. Defendant Department of State has informed Plaintiff HIAS that all DHS screening interviews will continue to be suspended until further notice, unless exceptions are arranged on an individual basis.~~

~~120. Defendant Department of State has informed Plaintiff HIAS that no new Interagency Checks (IAC) and Security Advisory Opinion (SAO) security checks may be requested. Upon information and belief, all refugees must undergo both IAC and SAO security checks before traveling and being admitted to the US.~~

~~156. In addition to the provisions discussed above, the March 6 Order~~After EO-2 was issued, but before it went into effect, Defendants began enforcing its provisions regarding refugee resettlement, notwithstanding the fact that the corresponding sections of EO-1 remained enjoined.

~~153,157.~~ In addition to the provisions discussed above, EO-2 contains nearverbatimnear-verbatim reproductions of all the other substantive provisions of the January 27 OrderEO-1, including:

- Former Section 4(a), now Section 5(a), which requires the Secretaries of State and Homeland Security, the Attorney General, and the Director of National Intelligence to implement uniform screening standards to identify individuals “who seek to enter the United States on a fraudulent basis, who support terrorism, violent extremism, acts of violence toward any group or class of people within the United States, or who present a risk of causing harm subsequent to their entry.”
- Former Section 5(g), now Section 6(d), which seeks to expand the limited role State and local governments have in the refugee resettlement process, potentially facilitating the stated desire and intent of some states and localities in the United States to

discriminate against lawfully-admitted refugees on the basis of their nationality and/or religion. *See, e.g., Exodus Refugee Immigration*, 838 F.3d 902.

- Former Section 6, now Section 7, which directs the Secretaries of State and Homeland Security to consider rescinding certain waivers of terrorism-related inadmissibility grounds (“TRIG waivers”) authorized by previous administrations. TRIG waivers have historically been used to facilitate the admission to the United States of certain individuals or groups of individuals—often refugees fleeing persecution—who have been forced to give aid to terrorist organizations under duress.
- Former Section 8, now Section 9, which suspends the Visa Interview Waiver Program.
- Former Section 10, now Section 11, which requires the Secretary of Homeland Security to periodically publish information about the number of “foreign nationals” involved in, among other things, terrorism-related activities, radicalization, and “gender-based violence against women, including so-called ‘honor killings.’”

~~154.158.~~ The signing and implementation of ~~the March 6 Order~~EO-2 was reportedly delayed because of the positive media reviews President Trump received after his address to a joint session of Congress on February 28, 2017. Although the Trump Administration had previously intended on releasing the revised executive order the following day, on March 1, 2017, White House officials stated that they delayed the release of the revised Executive Order so that President Trump’s speech could continue to receive positive press attention.

~~155.159. Upon information and belief, the~~The delay following President Trump’s congressional address marked the third time the administration put off the issuance of the revised Executive Order.

~~156.160. Before signing the March 6 Order~~After EO-1 was enjoined but before EO-2 was issued, President Trump ordered the Department of Homeland Security and the Department of

Justice to produce an intelligence report to demonstrate that the seven Muslim-majority countries originally identified in ~~the January 27 Order~~EO-1 present a substantial security threat and have exported terrorism to the United States.

~~157.161.~~ 161. ~~Upon information and belief, such~~Such an attempt to reverse-engineer a national security justification for an executive action is not common practice.

~~158.162.~~ 162. In response, analysts at ~~the Department of Homeland Security~~DHS prepared a draft report, released to the press on February 24, 2017, indicating that there was insufficient evidence that ~~the~~ nationals of the seven ~~Muslim-majority~~Muslimmajority countries included in ~~in the January 27 Order~~EO-1 pose a terror threat to the United States.

~~159.163.~~ 163. The draft report found that citizenship is an “unlikely indicator” of terrorism threats to the United States, and that few people from the countries identified in ~~the January 27 Order~~EO-1 have carried out attacks or been involved in terrorism-related activities in the United States since Syria’s civil war started in 2011.

~~160.164.~~ 164. A second ~~Department of Homeland Security~~DHS report, dated March 1, 2017, found that of the limited number of the foreign-born, U.S.-based violent extremists, most become radicalized after living in the U.S. for a number of years.

~~165.~~ 165. ~~The Executive Order~~EO-2 does not acknowledge or rely on either of these recent, specific security appraisals from ~~the Department of Homeland Security.~~ DHS.

~~161.166.~~ 166. Instead, ~~#~~EO-2 relies on the State Department’s Country Reports on Terrorism describing conditions in 2015 (and published in June 2016).

~~162.167.~~ 167. In relying on those reports, however, ~~the Order~~EO-2 disregards other countries that the State Department describes as safe havens for terrorists, and that pose a similar if not larger threat.

~~163.168.~~ For example, the State Department noted in its 2015 chapter on Terrorist Safe Havens that Venezuela has become a haven for terrorist groups, explaining that the country’s “porous border with Colombia has made [it] attractive to the Revolutionary Armed Forces of Colombia and the National Liberation Army.”

~~164.169.~~ Similarly, the State Department concluded that “[t]here are ungoverned, ~~under-governed~~undergoverned, and ill-governed areas of Mali that terrorist groups have used to organize, plan, raise funds, communicate, recruit, train and operative in relative security.”

~~165.170.~~ The same day EO-2 was signed, then-Secretary of Homeland Security ~~also~~John Kelly said in an interview that many other countries not banned in ~~the Executive Order~~EO-2 raise similar security concerns. “There’s probably thirteen or fourteen other countries—not all of them Muslim countries, not all of them in the Middle East—that have very questionable vetting procedures that we can rely on.” 171. Secretary Kelly’s statements were similar to those of then-White House Chief of Staff Reince Priebus, who stated in January that “[y]ou can point to other countries that have similar problems” as those banned by EO-1.

172. ~~The Order~~EO-2 also states that “more than 300 persons who entered the United States as refugees are currently subjects of counterterrorism investigations by the Federal Bureau of Investigation.” ~~The Order~~EO-2 does not note that very few F.B.I. initial assessments of terrorism threats become intensive investigations: for example, in the four months from December 2008 to March 2009, the F.B.I. began 11,667 “assessments” related to terrorism, only 427 of which—less than 4%—led to more intensive investigations.

173. ~~Over 970,000~~Approximately one million individuals have been admitted to the United States as refugees ~~betweensince~~since 2001 ~~and the present.~~

174. ~~The March 6 Order~~EO-2 was motivated by the same anti-Muslim purpose that motivated ~~the January 27 Order~~EO-1. In replicating much of the substance of ~~the January 27~~

~~Order, the March 6 Order~~EO-1, EO-2 seeks to prevent the entry of Muslims into the United States and reinforces stereotypes about Muslims by associating them with terrorism, violence, bigotry, and hatred. -

~~White House spokesperson Sean Spicer echoed these comments on~~ The Nationwide Preliminary Injunctions of EO-2

175. On March 6, explaining, after 16, 2017, this Court granted in part Plaintiffs' motion for a preliminary injunction and issued a nationwide preliminary injunction of § 2(c) of EO-2, the 90-day nationality ban.

176. This Court held that "[i]n this highly unique case," the record establishes that any national security justification for EO-2, even if legitimate, is secondary to its primary religious purpose. Accordingly, this Court held that Plaintiffs are likely to succeed on their claim that § 2(c) of EO-2 violates the Establishment Clause.

177. Sitting en banc, the Fourth Circuit affirmed in relevant part by a 10-3 vote. The majority opinion, joined in full by seven judges and in substantial part by two more, applied the "facially legitimate and bona fide" standard of *Kleindienst v. Mandel*, 408 U.S. 753, 770 (1972), as refined by Justice Kennedy's controlling concurrence (joined by Justice Alito) in *Kerry v. Din*, 135 S. Ct. 2128, 2141 (2015) (Kennedy, J., concurring in the judgment).

178. The majority held that, "in this highly unique set of circumstances," Plaintiffs had presented "ample evidence" that the "the 'facially legitimate' reason proffered by the government is not 'bona fide.'" It therefore "no longer defer[red] to that reason and instead . . . 'look[ed] behind'" EO-2 by examining it under the Establishment Clause.

179. In a parallel proceeding, on March 15, 2016, the U.S. District Court for the District of Hawai'i issued a nationwide preliminary injunction of §§ 2 and 6 of EO-2, which, in addition to the 90-day nationality ban, included the 120-day refugee ban, the cut in refugee admissions from 110,000 to 50,000 for fiscal year 2018, and various reporting requirements. The District

Court of Hawai'i held that the plaintiffs are likely to prevail on their claims that these sections violate the Establishment Clause.

180. On appeal, a panel of the Ninth Circuit affirmed the Hawai'i district court's preliminary injunction as to § 2(c) and the refugee-related provisions of §6. The Ninth Circuit held, in relevant part, that §2(c) violates the Immigration and Nationality Act ("INA"); the panel did not reach the plaintiffs' constitutional claims. The Ninth Circuit vacated portions of the Hawai'i preliminary injunction that had halted the review procedures set forth in other parts of §§ 2 and 6 of EO-2.

181. The government petitioned for certiorari in both cases and moved for a stay of the preliminary injunctions.

182. After Plaintiffs pointed out in their opposition to certiorari that the appeal would be moot on June 14—90 days from the "effective date" of the order, EO-2 § 14—President Trump signed the revised Order, "The principles of the executive order" a memorandum to the Secretary of State, the Attorney General, the Secretary of Homeland Security, and the Director of National Intelligence in which he "declare[d]" that "the effective date of each enjoined provision" of EO-2 would "be the date and time at which the referenced injunctions are lifted or stayed with respect to that provision." 82 Fed. Reg. 27965. The memorandum provided further that, "[t]o the extent it is necessary," it "should be construed to amend" EO-2. *Id.*

183. On June 26, 2017, the Supreme Court granted certiorari in both this and the Hawai'i case, consolidated them, and partially stayed both preliminary injunctions. The Court held that the injunctions appropriately "covered not just respondents, but parties similarly situated to them," and stayed the injunctions only to the extent they applied to "foreign nationals abroad who have no connection to the United States at all." *Trump v. Int'l Refugee Assistance Project*, 137 S. Ct.

2080, 2087-88 (2017).

184. Pursuant to President Trump’s June 14 memorandum, see 82 Fed. Reg. at 27966, the government began implementing § 2(c)’s nationality ban 72 hours later. The 90-day period expired on September 24, 2017.

The September 24 Presidential Proclamation/EO-3

185. In the months preceding the issuance of EO-3, President Trump has repeatedly made clear that he considers EO-2 to be a “watered down” and “politically correct” version of EO-1 that he only reluctantly signed at the best of “the lawyers” who told him to “tailor it,” and that his ideal travel ban would be far harsher.

186. Indeed, at a rally on the same day this Court issued its injunction of § 2(c), President Trump claimed that EO-2 was a “new order [that] was tailored to the dictates of the Ninth Circuit, in my opinion, flawed ruling,” and as such “was a watered down version of the first order that . . . should have never been blocked to start with.”

187. President Trump emphasized that “[t]he best way to keep foreign terrorists or, as some people would say in certain instances, radical Islamic terrorists from attacking our country is to stop them from entering our country in the first place.” Accordingly, he claimed that he agreed to “tailor” EO-2 to resist legal challenge at the urging of his lawyers, but that he thought “we ought to go back to the first one and go all the way, which is what I wanted to do in the first place.”

188. President Trump repeated these sentiments on June 3, two days after the government filed its petition for certiorari of this Court’s preliminary injunction. “We need to be smart, vigilant, and tough,” he tweeted. “We need the courts to give us back our rights. We need the Travel Ban as an extra level of safety!”

189. President Trump subsequently issued multiple tweets criticizing EO-2 and the litigation

surrounding it, and calling for a return to his original “Travel Ban.”

190. On June 5, in a series of tweets, he said, “People, the lawyers and the courts can call it whatever they want, but I am calling it what we need and what it is, a TRAVEL BAN! / The Justice Dept. should have stayed with the original Travel Ban, not the watered down, politically correct version they submitted to S.C. / The Justice Dept. should ask for an expedited hearing of the watered down Travel Ban before the Supreme Court - & seek [a] much tougher version!”

191. After the Ninth Circuit largely upheld the Hawai’i district court’s injunction of § 2 and 6 on June 12, President Trump criticized the court for “[r]ul[ing] against the TRAVEL BAN at such a dangerous time in the history of our country.”

192. This statement echoed a criticism President Trump had leveled against the district judge that enjoined parts of EO-1 in *Washington v. Trump*: “The opinion of this so-called judge, which essentially takes law-enforcement away from our country, is ridiculous and will be overturned!”

193. Other subsequent tweets reiterate the same anti-Muslim animus that President Trump has expressed since he first proposed a Muslim ban.

194. On August 17, following a terrorist attack in Barcelona, President Trump tweeted, “Study what General Pershing of the United States did to terrorists when caught. There was no more Radical Islamic Terror for 35 years!”

195. This statement refers to the apocryphal story of General Pershing executing 49 out of 50 terrorists with bullets dipped in pigs’ blood, leaving the fiftieth person alive to tell the tale. While this is not the first time President Trump has referred to this story, it has been routinely debunked by historians and the press.

196. The next day, President Trump declared that “Radical Islamic Terrorism must be stopped by whatever means necessary! The courts must give us back our protective rights. Have to be tough!”

197. President Trump issued EO-3 on Sunday, September 24, 2017, the day the 90-day nationality ban of EO-2 expired.

198. EO-3 achieves largely the same policy outcomes as both EO-2 and EO-1.

199. Like its predecessors, EO-3’s bans are based on nationality. EO-3 applies to five of the same seven predominantly Muslim countries identified in EO-1—Iran, Libya, Somalia, Syria, and Yemen—and bans most, if not all, of their nationals indefinitely.

200. Syrian nationals, for example, are categorically banned, regardless of whether they seek to enter as immigrants or nonimmigrants.

201. For the other four countries, all immigrants are banned, while the permitted entry of nonimmigrants varies based on the type of visa, and will be subjected to “additional scrutiny” or “enhanced screening and vetting requirements.”

202. For Iran, Libya, and Yemen, EO-3 bans entry based on visitor and business visas (B-1, B-2, or B-1/B-2 visas)—by far the most commonly used nonimmigrant visa for nationals from these countries.

203. EO-3 also requires “additional scrutiny” for Iraqi nationals and adds bans for the nationals of Chad, North Korea and Venezuela. The severity and impact of the bans placed on each of these countries, however, varies significantly.

204. EO-3 bans only certain Venezuelan government officials and their immediate relatives who seek to enter the United States on non-immigrant visitor and business visas. All

other Venezuelan nationals remain the same.”free to travel and emigrate to the United States. Estimates suggest that at most a few hundred Venezuelans will be affected by EO-3 each year.

205. EO-3 categorically bans all nationals of North Korea from entering the United States, either as immigrants or nonimmigrants. But the number of entries to the United States by North Koreans has been so low historically that fewer than 100 North Koreans on average will be affected by EO-3 per year.

206. In contrast, EO-3 bans all nationals of Chad, a Muslim-majority country, who seek to enter either as immigrants or as nonimmigrants on visitor or business visas. EO-3 effectively blocks travel for most nationals from Chad.

207. The following table summarizes and compares the impact of EO-1, EO-2, and EO-3 on non-refugee populations:

<u>Non-refugee populations banned by EO-1, EO-2 and EO-3</u>				
	<u>EO-1 § 3(c)</u>	<u>EO-2 § 2(c)</u>	<u>EO-3</u>	
			<u>Immigrants</u>	<u>Nonimmigrants</u>
<u>Iraq</u>	<u>All for 90 days</u>	<u>None, but subject to additional scrutiny</u>	<u>None, but subject to additional scrutiny</u>	<u>None, but subject to additional scrutiny</u>
<u>Sudan</u>	<u>All for 90 days</u>	<u>All for 90 days</u>	<u>None</u>	<u>None</u>
<u>Iran</u>	<u>All for 90 days</u>	<u>All for 90 days</u>	<u>All indefinitely</u>	<u>All types of visas indefinitely, except for F, M, and J visas</u>
<u>Libya</u>	<u>All for 90 days</u>	<u>All for 90 days</u>	<u>All indefinitely</u>	<u>All B-1, B-2, and B-1/B-2 visas indefinitely</u>
<u>Somalia</u>	<u>All for 90 days</u>	<u>All for 90 days</u>	<u>All indefinitely</u>	<u>None, but subject to additional scrutiny</u>
<u>Syria</u>	<u>All for 90 days</u>	<u>All for 90 days</u>	<u>All indefinitely</u>	<u>All indefinitely</u>
<u>Yemen</u>	<u>All for 90 days</u>	<u>All for 90 days</u>	<u>All indefinitely</u>	<u>All B-1, B-2, and B-1/B-2 visas indefinitely</u>
<u>Chad</u>	<u>None</u>	<u>None</u>	<u>All indefinitely</u>	<u>All B-1, B-2, and B-1/B-2 visas indefinitely</u>
<u>North Korea</u>	<u>None</u>	<u>None</u>	<u>All indefinitely</u>	<u>All indefinitely</u>
<u>Venezuela</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>B-1, B-2, and B-1/B-2 visas for certain government officials indefinitely</u>

208. Like EO-1 and EO-2, EO-3 allows for waivers to its entry bans on a discretionary caseby-case basis. EO-3 § 3(c). EO-3’s waiver provision is nearly identical to that of EO-2. It requires applicants to establish that their exclusion would impose “undue hardship” and not be in the “national interest,” in addition to satisfying the statutory requirement to show that they are not inadmissible for any security reasons. The waiver provision also provides nine examples of situations in which a waiver might be appropriate, such as when “the foreign national is an infant, a young child or adoptee” or “an individual needing urgent medical care.” EO-3 § 3(c)(iv)(A)-(J).

209. These and other similar circumstances enumerated in EO-2, now replicated in EO-3, reflect specific examples of individuals whose denial of entry pursuant to EO-1 resulted in the filing of lawsuits and widespread public outcry.

210. Like EO-2, EO-3 also contains exceptions to its bans for, among others, lawful permanent residents and dual nationals traveling on passports issued by a non-designated country. EO-3 § 3(b). These exceptions also reflect specific examples of individuals whose denial of entry pursuant to EO-1 resulted in legal challenges and public condemnation.

211. EO-3 went into effect immediately for individuals already banned from entering the United States by EO-2, as narrowed in the Supreme Court’s stay order. EO-3 § 7(a). It will go into effect in full, even for individuals who can claim a bona fide relationship with an individual or entity in the United States, on October 18, 2017. EO-3 §7(b).

212. Like EO-2, EO-3 makes no mention of the DHS reports issued earlier this year, which found that citizenship is an “unlikely indicator” of terrorism threats to the United States, and that of the limited number of the foreign-born, U.S.-based violent extremists, most become radicalized after living in the U.S. for a number of years.

213. Like its predecessors, EO-3 does not identify any visa vetting failures or otherwise explain how the President concluded that existing vetting procedures were or might be inadequate.

214. To support its nation-based bans on the issuance of immigrant and nonimmigrant visas, EO-3 states that it is based on a country-by-country review performed by DHS, as ordered by EO2, to assess whether DHS requires additional information from other countries “to determine that [an] individual is not a security or public-safety threat.” EO-2 §2(a). In performing this review, DHS adopted “baseline criteria,” §1(c), that closely match the

statutory requirements for participating in the congressionally established Visa Waiver Program, 8 U.S.C. § 1187(a)(3), (c)(2)(B)-(G), (c)(5)(B).

215. EO-3 claims that “out of nearly 200 evaluated” countries, 16 countries were deemed to be “‘inadequate’ based on an analysis of their identity-management protocols, information-sharing practices, and risk factors.” EO-3 §1(e).

216. Thirty-one other countries were deemed to be “‘at risk’ of becoming ‘inadequate.’” *Id.* 217. EO-3 does not identify which countries were classified as “‘inadequate’ or “‘at risk.’”

218. EO-3 further asserts that, as required by the reporting requirement of EO-2 §2(e), the Secretary of DHS submitted a report to President Trump on September 15, 2017, recommending certain “‘inadequate’” countries to be included in a new presidential proclamation that would impose new travel and visa restrictions.

219. EO-3 does not explain why, among the 16 “‘inadequate’” countries and the 31 “‘at risk countries,” only Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen are singled out for new or renewed travel and visa restrictions.

220. EO-3 does not assert that it is impossible to verify the identity or assess the risk of all— or even most—visa applicants from “‘inadequate’” or “‘at risk’” countries.

221. EO-3 acknowledges that information is available from sources other than homecountry governments that can facilitate such assessments. EO-3 § 2(f)(i).

222. The government routinely requires and collects such non-governmental vetting information for use in its vetting processes. To take just one example, visa applicants’ identity and relation to family sponsors in the United States can be proven with a DNA or blood test, as provided for by regulation, and which a consular officer may suggest at any time. *See* 8 C.F.R. §204.2(d)(2)(v).

223. Nor does EO-3 explain why other countries who refuse to share identity and other visa screening information with the United States, like Belgium, are not included in EO-3's travel and visa restrictions.

224. Indeed, a report issued by the General Accounting Office in May 2016 noted that at that time, more than a third of countries participating in the Visa Waiver Program—which enables the nationals of the 38 participating countries to enter the United States for business or tourist purposes for up to 90 days without a visa—refused to share terrorist identity or criminal history information. None of these countries, which are predominantly European, Western, and non-Muslim-majority, are included in EO-3.

225. EO-3 likewise does not explain why different categories of non-immigrant visas are banned for different countries.

226. Nor does EO-3 explain why individuals seeking to enter on the banned categories of non-immigrant visas present a greater security threat than any other individual entering on a nonbanned category of non-immigrant visa.

227. EO-3 will have a disproportionate and disparate impact on Muslims. The affected populations from Venezuela and North Korea, the only non-Muslim-majority countries targeted by EO-3, are so small as to be relatively negligible, especially when compared to the affected populations from the Muslim-majority countries targeted by EO-3.

~~218;228.~~ The same anti-Muslim purpose that motivated EO-1 and EO-2 animates EO-3. In replicating, extending, and expanding its predecessor bans, EO-3 seeks to prevent the entry of Muslims into the United States and reinforces stereotypes about Muslims by associating them with terrorism, violence, and threats to public safety.

The Grave Harm to Plaintiffs and Their Clients & Members

229. Implementation and enforcement of ~~the January 27 Order~~ both EO-1 and EO-2 has already caused Plaintiffs and their members and clients substantial, concrete, and particularized injury. Implementation of ~~the March 6 Order~~ EO-3 threatens them with continued irreparable harm if not permanently enjoined.

230. Both ~~Executive Orders suspend~~ EO-1 and EO-2 suspended refugee resettlement, barred entry of non-refugees from designated countries, and intentionally ~~discriminated~~ discriminated against Muslims. Both ~~Executive Orders~~ EO-1 and EO-2 have therefore ~~frustrate~~ frustrated IRAP's mission and ~~impose~~ imposed a significant burden on IRAP's work. As a direct result of the imposition and enforcement of ~~the January 27 Order~~ EO-1 and EO-2, IRAP and its clients have suffered substantial, concrete injuries. ~~Because the March 6 Order is substantively the same, these injuries, and those~~ will continue once the March 6 Order takes effect under EO-3.

231. IRAP serves ~~refugees and~~ displaced persons of all faiths, but the vast majority of its clients, both in the United States and abroad, are Muslim.

~~231,232.~~ IRAP counsels persecuted individuals on various legal avenues to safe countries and represents them throughout these processes, with a majority of its clients resettling in the United States.

233. ~~The January 27 Order has already~~ IRAP has clients in the United States who seek to be reunited with family members who remain abroad. IRAP assists those clients in filing visa petitions or other family reunification applications.

~~232,234.~~ EO-1 severely restricted IRAP's ability to carry out its work and mission. In the ten days immediately following the issuance of ~~the January 27 Order~~ EO-1, IRAP provided assistance to more than forty individuals from Iraq, Iran, Sudan, Libya, Syria, Somalia, and

Yemen who, despite being vetted and given permission to enter the United States, had been prevented by ~~the Order~~ EO-1 from doing so.

~~235.~~ Of IRAP's 599 open cases, 402 families IRAP has existing and prospective clients who will be harmed by EO-3.

~~236.~~ IRAP represents U.S.-based clients who have filed I-130 petitions to be reunited with family members abroad who are from Syria, Iran, Sudan, Somalia, Libya, or Yemen or are refugees from other nationals of the countries and therefore potentially affected by the new March 6 Order. banned by EO-3.

~~237.~~ IRAP represents thousands more individuals seeking resettlement through USRAP.

~~233-238.~~ IRAP has already used a significant portion of its financial resources and time to represent these 402 families its clients through legal adjudications and to provide counseling through the demanding vetting process. Restricting issuance of visas and refugee resettlement wastes that investment of resources and time.

~~234-239.~~ Furthermore, The EOs have restricted IRAP's ability to carry out its work and mission. The reduction in refugee admissions and the March 6 Order will create a significant backlog in the U.S. Refugee Admissions Program, delaying entry bans, for example, have delayed the processing of many of IRAP's clients' cases. This delay, which forces IRAP to exhaust more of its resources, as the average lifespan of a case now grows significantly.

~~235-240.~~ IRAP attorneys are not now providing only limited representation in certain new cases, which, prior to the Executive Order orders, would have received full representation, as a result of the exorbitant delays in USRAP processing that the Executive Order the orders have caused and will continue to cause.

~~236-241.~~ IRAP relies on volunteers from its law school chapters and pro bono firms to meet the needs of their its vast client base. With the increased demands of their its caseload resulting

from the ~~Executive Order~~EOs, IRAP now has very limited capacity to open new law school chapters or begin new relationships with law firms to place cases for direct representation.

~~237;242.~~ During EO-2's partially implemented suspension of theUSRAP, IRAP ~~may also be unable to place~~placed significantly fewer new cases with ~~existing law firms and student chapters or law firms because there is no movement due to EO-2's delays and impact on any refugee cases, as well as the increased demands on IRAP's staff due to the EOs.~~ Under a full freeze, IRAP risks losing hundreds of volunteers, and relationships with numerous law firms, because they are unable to provide them with a way to partner with them on cases.

~~238;243.~~ IRAP's law firm partners also provide financial support to IRAP. If IRAP no longer has cases to place at law firms, and thus have to decrease our number of law firm partners, it will significantly cut into the corporate funding IRAP receives.

~~239;244.~~ As a result of the Executive Order, IRAP'sIRAP's Resettlement Deployment Scheme with UNHCR, which ~~allows~~allowed IRAP resettlement experts since early 2016 to be deployed to UNHCR for assisting with their resettlement operations, ~~may be~~has been terminated due at least in part to the ~~drastic decrease in resettlement slots available in the United States and worldwide.~~EOs. This ~~would~~has lead to ~~the termination of three IRAP staff as well as a~~ significant revenue loss ~~of approximately \$260,000~~to IRAP.

~~240;245.~~ The delay alsoDelays caused by the EOs endangers the lives of IRAP's clients abroad, because the longer it takes for their cases to be decided, the longer they are in life-threatening environments.

~~241;246.~~ In addition, some of the IRAP clients abroad have family ties to IRAP clients already in the United States, and those U.S. clients are suffering harm as a result of the ongoing

delay in reunification with their family members, as well as the risk that their family members may suffer persecution or death in the meantime.

~~242.247.~~ ~~Both the January 27 Order and the March 6 Order~~The EOs, moreover, ~~marginalize~~have marginalized IRAP's Muslim clients, ~~subjects~~subjected them to suspicion, scrutiny, and social isolation on the basis of religion and national origin, and ~~inflict~~inflicted stigmatic and dignitary injuries.

248. IRAP clients who are already inside the U.S. are afraid and fear they are not welcome. ~~Some~~

~~243.249.~~ ~~Since EO-1's issuance,~~ IRAP clients have been subjected to harassment by law enforcement agencies ~~allegedly~~ conducting "new" security checks. Others have been detained at airports, or rejected from flights multiple times even though they are presenting valid visas.

250. Both ~~the January 27 Order~~EO-1 and ~~the March 6 Order~~EO-2, furthermore, have forced IRAP to devote substantial resources to addressing the order's effects on IRAP's clients and those similarly situated. ~~Following,~~ and the same will be true of EO-3.

251. For example, following the signing of ~~the January 27 Order~~EO-1 on January 27, 2017 at 4:42 P.M. EST, two IRAP clients, Mr. Hameed Khalid Darweesh and Mr. Haider Sameer Abdulkhaleq Alshawi, were detained at John F. Kennedy Airport ("JFK") despite having valid entry documents. As a result, IRAP attorneys were present at JFK from 2 am to 6:30 pm on January 28, 2017 attempting to secure their lawful release. ~~Furthermore, together~~Together with co-counsel, IRAP filed a habeas petition on behalf of those two clients, together with a motion for class certification (*Darweesh et al. v. Trump et al.*, No. 1:17-cv-480 (E.D.N.Y. filed Jan. 28, 2017)). That litigation ~~is ongoing.~~ recently settled.

~~244.252.~~ These actions are not in the scope of normal IRAP legal assistance, as previous IRAP clients were allowed to enter at U.S. ~~Ports~~ports of ~~Entry~~entry after receiving final approval to travel.

253. ~~Both the January 27 Order and the March 6 Order~~ The EOs have further caused IRAP to divert its resources, as IRAP has become the focal point organization for volunteer attorneys all across the country who have ~~gone to airports to attempt to secure the release of individuals detained pursuant to both Executive Orders.~~ sought information on how to assist in responding to the orders.

~~143.~~ In addition to being the first organization to put out a call to volunteer attorneys, IRAP created and maintains a unique hotline email address

~~245:254.~~ (airport@refugeerights.org) to advise attorneys and affected individuals. Since the creation of this email address on January 28, 2017, IRAP has received and responded to over a thousand email messages.

~~246:255.~~ IRAP has also developed templates and informational materials for attorneys, affected family members in the United States, and individuals overseas who have been or could be denied travel pursuant to any of the Order ~~three orders.~~

~~247:256.~~ IRAP also ~~provides~~ secures and pays for safe housing for clients whose lives are in immediate danger while they await the outcomes of USRAP; and other efforts to get them to safety. Clients in urgent situations who face additional ~~four-month~~ delays on their applications ~~(at a minimum)~~ will require IRAP to expend significant funding to ensure continued safe housing.

257. IRAP also has at least one current employee who is a national of a country banned by the EOs. EO-3 will prevent this employee from traveling to the United States for IRAP's annual staff retreat, where the organization provides training for its employees and engages in strategic planning for the following year. This employee's absence from the retreat adversely affects IRAP's mission.

~~258.~~ HIAS and its clients have likewise been significantly harmed by ~~the January 27 EO-1 and March 6 Orders.~~ EO-2, and will be by EO-3.

~~248;~~259. HIAS's ~~refugee resettlement~~humanitarian work is grounded in, and an expression of, the organization's sincere Jewish beliefs. The Torah, Judaism's central and most holy text, commands followers to welcome, love, and protect the stranger. The Jewish obligation to the stranger is repeated throughout the Torah, more than any other teaching or commandment. HIAS believes that this religious commandment demands concern for and protection of persecuted people of all faiths. The Torah also teaches that the Jewish people are to welcome, protect, and love the stranger because "we were strangers in the land of Egypt" (Leviticus 19:34). Throughout their history, violence and persecution have made the Jewish people a refugee people. Thus, both history and values lead HIAS to welcome ~~refugees~~displaced people in need of protection. A refusal to aid persecuted people of any one faith, because of stigma attached to that faith, violates HIAS's deeply held religious convictions.

~~249;~~260. Like ~~the January 27 Order, the March 6 Order~~EO-1, EO-2 has severely ~~impedes~~impeded HIAS's religious mission and work by intentionally discriminating against Muslims and prohibiting the entry of all refugees into the United States for 120 days—and nationals of the designated countries for 90 days.

~~250;~~261. Before ~~the January 27 and March 6 Orders were~~EO-1 was signed, arrangements had been made for many of HIAS's refugee clients to arrive in the United State in January, February, and the ~~coming~~to follow months. Despite having been previously vetted and granted refugee status, however, clients from Iran, Sudan, Somalia, Ukraine, Bhutan, the Democratic Republic of Congo, Afghanistan, Eritrea, Tanzania, Ethiopia, Uganda, Russia, Belarus, and Burma were delayed in or prevented from entering the country because of ~~the January 27 Order.~~ ~~If the Temporary Restraining Order barring enforcement of the January 27 Order is lifted, or if~~

~~the March 6 Order goes into effect, HIAS's clients will continue to face significant delays or be denied entry into the United States altogether. EO-1.~~

~~262. _____ Specifically, HIAS The partial impelentation of EO-2 has identified nearly inflicted significant injuries on HIAS and its clients.~~

~~251,263. At the time of EO-2's issuance, HIAS had approximtely 1,400 clients worldwide who were allocated through the Department of State process, havehad been vetted, and havehad been approved for refugee status. These refugees havehad already been allocated and assured to one of HIAS's resettlement sites. Of these clients, less than 60 have been scheduled for travel following the signing of the March 6 Order. That means that any travel for the remaining approved refugees will be significantly delayed, and many will be unable to come at all in this Fiscal Year.~~

~~264. _____ Under the Executive Order, the earliest that refugee resettlement could resume would be early July 2017. This would leave Resettlement Agencies, at most, with only two and a half months before the end of the fiscal year to resettle hundreds or thousands of refugees who were supposed to be resettled over a much longer period of time. Refugee processing would be impacted by the 120 day ban since security checks and processing would be suspended during that time. A significant number of HIAS's clients who have been vetted and approved as refugees were prevented from entering the United States during fiscal year 2017 because of the first two EOs.~~

~~265. _____ Because security and medical clearances have expiration dates, it is likely that some refugees would losemany of HIAS' clients lost their readiness for travel during the suspension periodbecause of delays in resettlement caused by EO-1 and~~

~~EO-2. These medical and lengthysecurity checks would need to now must be repeated, which can take months to years.~~

~~144. _____ In addition, after the January 27 Order was issued, the U.S. Department of State notified HIAS that its resettlement commitment will be cut by 39 percent for the remainder of FFY~~

2017 due to the Order's drastic reduction in the planned level of refugee admission from 110,000 to 50,000. Thus, some of HIAS's clients who have been vetted and approved as refugees will simply not be able to enter the country in FFY 2017.

252-266. Of the ~~nearly~~approximately 1,400 HIAS clients worldwide who ~~were~~, at the time EO-2 was issued, had been allocated through the Department of State process, ~~have been~~ vetted, and ~~have been~~ approved for refugee status, some 500 ~~are~~were nationals of one of the six ~~banned~~ countries banned by EO-2. The overwhelmingly majority of these individuals are Muslim. ~~Because they are national of the six banned countries, they will likely be ineligible for the case-by-case exception to the 120-day ban on for refugee applicants set forth in Section 6(e) of the March 6 Executive Order.~~

253-267. Every day that HIAS clients' entry is delayed, they remain in precarious situations.

254-268. Many of HIAS's clients abroad, ~~whose refugee status has been approved but have yet to be scheduled for travel~~, including clients from the six ~~banned~~ countries banned by EO2, have family members in the United States, also HIAS clients, who will suffer as a result of the delay in reuniting with their family members. Some of these U.S. ties are, in fact, individuals who petitioned ~~for refugee status~~ (often through HIAS) ~~for~~ to be reunited with their family members, be it through an I-130 immediate relative visa petition, an I-730 petition for a follow-to-join visa, or some other application.

269. In addition, at the time of EO-2's issuance more than 1,300 refugee applications initiated through HIAS by family members residing in the United States ~~remain~~were pending for HIAS clients abroad. The adjudication of these applications has been ~~or will be~~ substantially delayed because of ~~the March 6 Order.~~ EO-2.

255-270. In fact, since ~~the Orders were~~ EO-1 was signed, consideration of most refugee applicant cases in need of security checks ~~have~~has been suspended. This means that, for many

refugees in the pipeline, security checks that typically lasted 18-24 months will now be paused and restarted, potentially adding years to their wait for stable resettlement.

~~256:271.~~ The delay in processing of these applications will subject these clients to further risk of persecution and abuse in their current situations, and their family members who petitioned for them to come to the United States will remain in limbo as to whether they will ever be reunited.

~~257:272.~~ ~~The Executive Orders~~ All three EOs convey an official message of disapproval and hostility toward HIAS's Muslim clients, making clear that the government deems them outsiders, and not full members of the political community.

~~258:273.~~ HIAS's Muslim clients in the United States have been marginalized as a result of this anti-Muslim message, have been subjected to baseless suspicion, scrutiny, and social and political isolation on the basis of religion and national origin, and have suffered other dignitary and stigmatic injuries.

~~259:274.~~ Additionally, as a result of ~~the January 27 Order~~ EO-1, at least one of HIAS's Muslim clients in the United States was detained at an airport for an extended period, handcuffed and separated from his family, and many other clients have otherwise had their travel significantly delayed.

~~260:275.~~ Because HIAS is a non-profit resettlement organization that has a cooperative agreement with the federal government on a per-capita basis for each refugee served, and because the Department of State asked HIAS to increase its capacity from the 3,884 refugees resettled in federal fiscal year ("FFY") 2016 to 4,794 refugees in FFY 2017, HIAS ~~would be denied crucial funding as a result of the March 6 Order, which bans all refugees for 120 days, bars all entry for the six Muslim majority countries for 90 days, and limits the number of refugees to be admitted in the current fiscal year at 50,000, which is less than half the number~~

~~the Department of State told the resettlement agencies to collectively plan to resettle~~was denied crucial funding as a result of EO-2.

276. After ~~the January 27 Order~~EO-1 was issued, the U.S. State Department notified HIAS that its resettlement obligation for ~~FFYFY~~ 2017 would be slashed from nearly 4,800 to just over ~~2900~~2,900 refugees. ~~The, e~~presenting potentially crippling financial ~~losses to HIAS and its affiliate network~~ up to \$2.2 million ~~will be crippling~~losses, especially for many of HIAS's affiliates, which are heavily dependent on funding that flows through HIAS. ~~These losses will~~

277. Losses of this nature translate to irreparable harm to HIAS, its affiliates, and its clients because they will cause (and have already caused) a substantial reduction in program services and closure of resettlement sites. When this happens, the local expertise, relationships, and good will—developed by affiliate staff, often over years and years—are lost entirely or substantially diminished.

~~261:~~278. Building a new resettlement site can take months or years of relationship-building, including cooperation with local government and elected officials, businesses who would be potential employers, landlords, volunteers, and the refugee communities themselves. In addition, fewer resettlement sites may limit the type of specialized assistance and services (e.g., for LGBT refugees) that clients can receive.

~~262:~~279. ~~The January 27 and March 6 Orders would~~The EOs will also result in the waste of HIAS resources. For example, in the past year, HIAS has devoted substantial private resources to developing a program with several congregations in Westchester, New York, to welcome Syrian refugee families. Because of the ~~90-day and 120-day~~ bans, as well as the unexpected and dramatic lowering of the refugee admissions level, ~~both the January 27 Order and the March 6 Order would~~the EOs have put those resources to waste. Congregations and family members of

HIAS clients have expended resources to prepare for anticipated refugees, by renting apartments and purchasing furnishings. In addition, some refugees who were anticipating resettlement through HIAS left jobs or travelled through other countries and now face precarious situations as a direct result of the ~~January 27 Order and March 6 Order~~EOs.

~~263.~~280. In the weeks and months prior to ~~the order~~EO-1, HIAS concluded a formal plan with the Department of State to increase HIAS's national resettlement capacity by 23.4% from 3,884 refugees in ~~federal fiscal year~~FFY 2016 to 4,794 refugees in ~~federal fiscal year~~FFY 2017. This plan caused HIAS to invest substantial resources into expanding existing resettlement sites and opening new refugee resettlement sites in Wisconsin, Delaware, New York, Illinois, and Massachusetts, as approved by the Department of State. These resources have been and will continue be wasted, at least in part, because of ~~the January 27 Order and the March 6 Order~~EO-1 and EO-2.

~~264.~~281. In addition, HIAS has been forced to divert substantial resources, and will continue to do so, to dealing with the fallout from ~~both~~all three executive orders and their effect on HIAS's clients, including devoting staff time to working with clients, ~~and their families~~ in the United States, ~~who were denied entry and face precarious situations overseas~~ and abroad.

282. Plaintiff MESA and its members have also been harmed by EO-1 and EO-2 and will also be harmed by the March 6 Order. ~~EO-3.~~

283. MESA has members from the ~~six designated~~ countries banned by all three EOs who are outside the United States and lack U.S. visas.

284. MESA also has members who are United States citizens or lawful permanent residents petitioning for visas for family members abroad.

285. Because of ~~the March 6 Order, these~~EO-2, MESA's members ~~will~~were not be able to travel to the United States to attend academic conferences, ~~including or to engage in other~~collobarative work with MESA members and others in the United States.

286. MESA's members will be similarly affected by EO-3.

~~265;~~287. MESA's members will be prohibited or prevented by EO-3 from attending an annual ~~meeting~~conference sponsored by MESA. Participation in academic conferences is crucial to the professional success of ~~both~~ graduate students and professors, and to their ability to fully engage with the ideas and scholarship of the broader Middle Eastern studies community. Many important conferences, including the MESA annual meeting, take place in the United States.

288. Graduate students who are MESA members or are studying under MESA members in the United States, often leave the country to complete field work for advanced degrees. Because of the ~~Executive Order~~EOs, many such students from the six designated countries fear exclusion from the United States if they leave the country. The inability to leave the United States with an assurance they will be permitted to reenter will impair their ability to engage in research and participate in academic conferences.

~~266;~~289. Such students will also lose their ability to visit family and friends abroad with an assurance they will be permitted to reenter. For example, Iranian students affiliated with MESA ~~have~~ cancelled plans to return home for Persian New Year, an important holiday that ~~will~~occurred on March 21, 2017, because of ~~the Executive Order~~EO-1 and EO-2.

~~267;~~290. MESA members who are U.S.-based faculty have been impacted by EO-1 and EO-2 and will be impacted by ~~the Executive Order~~EO-3 because potential students from the designated countries have been or will be unable to obtain visas to study with them in the United States.

~~268;~~291. Similarly, ~~their~~MESA's current U.S.-based students from the ~~designated~~banned countries will not be able to travel abroad for field work with an assurance they will be permitted to reenter, impacting faculty members' ability to facilitate quality research and educational opportunities.

~~269;~~292. Likewise, U.S.-based MESA faculty members will forego opportunities to travel abroad for research and academic conferences for fear that they will not be readmitted, or will be subjected to harassment or discrimination upon application for reentry to the United States.

~~270;~~293. MESA members will also be precluded from traveling to the designated countries for research or academic conferences when those countries institute reciprocal actions in response to the ~~Executive Order~~executive orders, as Iran has done.

294. A large number of MESA members are Muslim or are institutional members whose officers, employees, or members are Muslim. ~~The Executive Orders~~

~~271;~~295. ~~All three EOs~~ convey an official message of disapproval and hostility toward these Muslim members, making clear that the government deems them outsiders, not full members of the political community. This marginalizes them, subjects them to suspicion, scrutiny, and social and political isolation on the basis of religion and national origin, and inflicts other stigmatic and dignitary injuries.

296. MESA itself has been and will ~~also~~ be harmed by the ~~Executive Order~~EOs. As part of its goal to advance learning, facilitate communication, and promote cooperation, MESA sponsors an annual meeting that is a leading international forum for scholarship, intellectual exchange, and pedagogical innovation. Approximately thirty percent of MESA members are based outside of the United States and must travel to the United States to attend MESA's annual conference. ~~At least 46 citizens of the six designated countries traveled to the United States to attend the last annual meeting.~~—MESA expects that a substantial number of scholars will be

unable to attend this year's meeting because of the restrictions imposed by ~~the Executive Order~~. EO-2 and EO-3. They will be similarly prevented from attending meetings in future years because of EO-3.

272-297. Moreover, in part because of the stigmatic message of the ~~Executive Order~~EOs, many members based in Europe and the Middle East are likely to heed international calls to boycott academic conferences in the United States in protest of the ~~Executive Order~~orders, including the MESA annual conference. The absence of these scholars, attributable to the ~~Executive Order~~Orders, will have a substantial negative effect on the meeting.

273-298. These and other impacts of the ~~Executive Order~~all three EOs will negatively impact MESA's mission of fostering the study and public understanding of the Middle East.

274-299. In addition, ~~the Executive Order~~EO-2 has caused and EO-3 will cause serious financial harms to MESA.

A large portion of MESA's annual budget is funded through annual membership dues and registration fees to attend the annual meeting. For each individual who cannot or will not attend the annual meeting, MESA will lose \$90-250 in registration fees.

300. MESA will also suffer other financial injuries related to its annual meeting as a result of the executive order. Some individuals who cannot or will not attend the meeting will allow their MESA membership to lapse as a result. For each such lapsed membership, MESA will lose \$25-300 in membership dues.

301. Plaintiff AAANY has likewise suffered harm due to EO-1 and EO-2 and will continue to be harmed by EO-3.

302. AAANY's mission is to support and empower the Arab-American and Arab immigrant community by providing the tools its members need to achieve independence, productivity, and stability. This includes providing immigration services—which amount to one-third of AAANY's annual budget—ranging from assistance with asylum applications to

preparation for the naturalization exam. EO-2 and EO-3 undermine AAANY's mission of helping its clients reunite with their families and build independent and stable lives in the United States.

303. Approximately 20% of AAANY's immigration clients in 2017 are from countries affected by EO-2 and EO-3. Many of AAANY's clients have friends and relatives who have been unable to travel to the United States this year.

304. More critically, EO-2 and now EO-3 threaten the visa petitions of multiple AAANY clients who have relatives abroad in difficult or life-threatening situations. At least 20 AAANY clients have pending visa petitions and therefore will be immediately injured by EO-3, and many more will be affected as their friends and more distant relatives are unable to come to this country.

305. These cases, in which AAANY has spent significant resources helping clients petition for visas for family members, are now in limbo because of EO-3's indefinite bans.

306. In addition, AAANY's clients and staff understand the EOs as official decisions to impugn Islam. This message has a frightening effect for AAANY's clients and staff: anti-Muslim hate crimes have increased and affected many AAANY clients.

307. Indeed, over the past year, AAANY and its Arab and Muslim clients have had to adapt to respond to increasingly mainstream Islamophobia. Hate crimes against Muslims in New York City, particularly against women, have become significantly more common since the federal government has attempted to ban Muslims and suggested that Muslims are a national problem and existential threat.

308. EO-3 will cause serious financial harm to AAANY. The indefinite bans of EO-3 mean that AAANY will either no longer be able to provide assistance with immigration petitions for clients from the banned countries (and thus will no longer receive grant support for those

legal service activities), or must expend more resources in each case to file a separate request for a waiver of the ban.

309. EO-3 thus puts at risk the DOJ Accredited navigators whom AAANY employs to assist its clients in filing immigration applications, and who refer clients with complex cases to immigration attorneys for consultation and further aid.

310. YAMA and its members have likewise been significantly harmed by EO-1 and EO-2, and will be by EO-3.

311. YAMA members experienced harassment following candidate Trump's anti-Muslim statements. The harassment and become worse after EO-1 was issued and many members reported being victims of almost daily anti-Islamic slurs and comments.

312. YAMA members were also separated from close family members because of EO-1 and EO-2. Now, as a result of EO-3, some YAMA members who have filed visa petitions and are awaiting the arrival of close family members will now have to wait indefinitely.

313. Many YAMA members fear that their close family members are in danger—and will be in indefinite danger if they are barred from reuniting with family the U.S.—because Yemen is presently in the midst of war.

314. YAMA's mission of helping Yemeni-American business owners with immigrationrelated issues will also be harmed by a ban that prevents its members from pursuing visa petitions to reunite with family members.

145.——Plaintiff John Doe #1, a lawful permanent resident, has suffered and will continue to suffer harm because of the ~~Executive Order~~.EOs. In August 2016, while John Doe #1's application to become a lawful permanent resident was pending, he married an Iranian national who lives in Iran.

~~301.315.~~ She/He applied for a visa ~~as John Doe #1's dependent on her behalf,~~ and her application was approved on November 3, 2016. ~~As of January 9, 2017 John Doe #1 and his wife had submitted all of the requisite documentation and paid immigrant visa processing fees, and were waiting for notification that an interview was scheduled.~~ At the time ~~the Executive Order~~ EO-1 went into effect, John Doe #1 expected his wife's interview to be scheduled within no more than six weeks based on information published by the National Visa Center. ~~Under the Executive Order, It took until June for John Doe #1's wife will not be interviewed or granted to receive her visa;~~ she traveled to the United States to reunite with John Doe #1 in July.

~~316.~~ The Executive Order's travel ban on Iranian nationals has EO-1 and EO-2 created significant fear, anxiety and insecurity for John Doe #1 and his wife regarding their future. ~~After her mother's unexpected death in 2013, John Doe #1's wife has been alone in Tehran. The Executive Order's ban forces John Doe #1 felt like he was being forced to choose between his career and being together with his wife, who remains in Tehran was banned from entering the country.~~

~~302.317.~~ EO-3 likewise demonizes John Doe #1 and his family for coming from a Muslim country. EO-3 makes John Doe #1 feel unwelcome and sends a clear message that the U.S. government does not want him here.

~~303.318.~~ Plaintiff John Doe #3, a lawful permanent resident, has suffered and will continue to suffer harm because of the ~~Executive Order~~ EOs. John Doe #3 recently applied to become a naturalized citizen, and that petition remains pending with USCIS.

~~304.319.~~ In the summer of 2014, John Doe #3 married a national of Iran. In October 2014, John Doe #3 applied for an immigration visa on her behalf. Approximately 19 months later, in May 2016, she had her interview at the U.S. Embassy. At that time, she was informed that her documentation was complete and she needed to wait for administrative processing, but that she

should be able to join her husband in two to three months. ~~She therefore resigned from her job and began preparing to join her husband in the United States. The Executive Order, however, puts the couple's plans in peril, as it has at least delayed, and could prevent, John Doe #3's wife from obtaining her visa and joining her husband in United States. Because of the issuance of EO-1 and EO-2, she did not receive her visa until May 2017. John Doe #3's wife has since moved to the United States to join him, and they have not traveled since because they are afraid, in light of the EOs, that if they leave the country, they might not be let back in.~~

146. ~~Since moving to the United States, John Doe #3 has returned to Iran on several occasions to visit his wife, but is now fearful of leaving the United States. He had planned to visit her in February 2017, but put his plans on hold in light of the Executive Order. John Doe #3 is afraid that if he leaves the United States to see his wife, he will not be permitted to reenter the United States or could be detained by immigration officials at the airport upon his return. As a result, if John Doe #3 must leave the United States to visit Iran for an urgent family member, he feels he must make plans for his apartment, car, savings account, and other aspects of his personal life in the United States in order to prepare for the possibility that he may not be allowed to return.~~

147. ~~Their continued separation has placed extraordinary stress on John Doe #3 and his wife, and their relationship. John Doe #3 and his wife are young and feel as though they've been unable to start their lives together because of the delays and uncertainty caused by the Executive Order.~~

320. EO-2 and EO-3 make John Doe #3 feel like the U.S. government does not welcome Muslims in this country (or people President Trump thinks are Muslim) under the assumption that everyone who comes from Iran is an Islamic terrorist.

321. Because of EO-3, if he and his wife start a family, none of his family members, like his parents, who are Iranian citizens, will be able to travel here to visit and see the new life John Doe #3 is making here in the United State.

322. All three orders contribute to his fear of attacks like the shooting in Kansas, where two Indian immigrants were shot and one was killed by a white man motivated by hate.

323. John Doe #4, a U.S. citizen, has suffered and will continue to suffer harm because of the EOs. In December 2015, John Doe married an Iranian citizen. He filed an I-130 petition on her behalf in March 2016, and in May 2017, she had her visa interview at the U.S. Embassy. At the interview, the consular officer assured that everything was fine and that she should check a specific website in about a month for her case number. It has now been months since her interview date, her case number has not appeared on the website, and her visa has not been issued.

324. John Doe #4 does not know what he will do once his wife is subject to EO-3. Being apart from his wife is excruciatingly difficult for him and affects his ability to focus and concentrate for his job. He and his wife want to start a family, and he feels like the government is forcing him to choose between the United States, where he has built his entire life, and his wife and the family they would like to have.

325. John Doe #4 thought he had escaped government sponsorship of religion once he left Iran. He felt insulted by EO-1, which he understood as an attempt to ban Muslims. Ever since EO-1 was issued, he has noticed that he gets more suspicious looks from people and he has been labeled as a Muslim more often.

326. John Doe #4 continues to feel demeaned by EO-3, the latest version of the government's Muslim ban, because it is still about keeping people out of the United States because of their religion.

327. John Doe #5, a U.S. citizen, has suffered and will continue to suffer harm because of all three orders. When war broke out in Yemen in 2015, his mother and grandmother, who has Alzheimer's Disease, fled from Yemen to Jordan. Shortly thereafter, John Doe #5 filed an I-130 petition on his mother's behalf, and his uncle, who is also a U.S. citizen, did the same for John Doe #5's grandmother. Both I-130 petitions for John Doe #5's mother and grandmother are approved and they are waiting for interviews at the U.S. Embassy in Amman, Jordan.

328. When EO-1 issued, John Doe #5 was reminded of what he had left behind in Yemen. He came to the United States to search for freedom, justice, and opportunity, but the EOs violate those principles.

329. Since EO-1 was issued, John Doe #5 has heard anti-Islamic comments more frequently, and he or someone he knows is exposed to anti-Islamic harassment almost weekly. He feels that EO-3 exacerbates this problem because it normalizes Islamophobia and legitimizes the bad things that people say about Muslims, as well as anti-Muslim violence, and even encourages such statements and acts. He considers EO-3 to be even worse than EO-1 because it has no end date and he has no way of knowing when the government will stop targeting him and his family.

~~305-330.~~ Plaintiff Jane Doe #2, a U.S. citizen, has suffered and will continue to suffer harm because of the Executive Order. She is enrolled in a local college where she is studying to become a healthcare technician. She filed a orders. Her family-based visa petition for her sister, who is a Syrian refugee currently living ~~in~~ on the Saudi Arabia ~~on the~~ Yemen border ~~with Yemen.~~ The petition is currently pending a decision. Approval of the petition would allow, has been approved, meaning that Jane Doe #2's sister can either wait for a visa to access ~~become~~ available or seek resettlement through the U.S.

Refugee Admissions Program (USRAP).

331. If EO-3 goes fully into effect, Jane Doe #2's sister will be barred from obtaining a visa. As Syrian refugees, Jane Doe #2's sister and her family are eligible and qualify for the Priority-2 Direct Access Program for Iraqi and Syrian Beneficiaries of Form I-130 Petition for Alien Relatives. But she will have little chance of traveling to the United States as a refugee given EO2's suspension of USRAP and the high likelihood that Syrian refugees will continued to be barred from entry to the United States.

148. Jane Doe #2's sister, who is Muslim, was born in Damascus, internally displaced within Syria, where she grew up and spent most of her life. She worked as a French teacher and her husband was a sales manager at a local business. They have two young children. In 2012, in 2012, when continuous bombing of her neighborhood forced her and her family to move to her parent inparentin-laws with nothing more than their passports and the clothes on their backs. The bombing of her neighborhood continued and she was never able to re-enter her home.

306.332. While internally displaced in Syria, Jane Doe #2's sister and husband learned They subsequently fled to Yemen after learning that the Syrian government's selective service might would be expanded to include men over the age of 30, which would include her husband. After some of her husband's friends were conscripted for the selective service, they determined that he should flee immediately to Yemen. Because Jane Doe #2's sister was a government employee, she was required to apply for government approval before stopping work and could not flee with him immediately. As a result, she and her oldest child remained in Syria at the time she was pregnant with their youngst child. When, in 2013, she finally received government approval to discontinue work, she and her child fled to join her husband in Yemen. In Yemen, she registered with the U.N High Commissioner for Refugees, which provided her with a

~~temporary protection certificate explaining that she should be protected from forcible return to Syria.~~

149. —As a result of the war in Yemen, Jane Doe #2's sister and her family had to flee again, this time to Saudi Arabia, where they now live in a refugee hotel close to the border of Yemen. ~~They remain under constant threat from nearby rocket fire and military conflict. The shelling where they currently live is so constant that the local school is only open one to two days per week, if at all. Jane Doe #2's children are unable to go to school and are receiving no formal education.~~

150. —~~The building where Jane Doe #2's family is living~~Because the hotel is infested with bugs and human refuse from the bathroom in the unit above theirs leaks into their room. Jane Doe #2's sister and her family, are constantly sick and her children regularly vomit. ~~The Saudi Arabian government is also regularly turning off the power~~Jane Doe #2's brother-in-law is often away trying to the building there they live with other refugees in order to make life so intolerable that they will leave.

307.333. ~~Jane Doe #2's sister and her family also face sever discrimination in Saudi Arabia on account of their status as Syrian refugees. Her husband has had a very difficult time findingfind work and even when he can workearn money because, as a refugee, he is often cheated out of hisbenefits or wages and otherwise exploited. he has no recourse. While he is gone,~~ Jane Doe #2's sister is unable to leave the apartment where they are staying in the daytime ~~because without being accompanied by her husband, the risk that she would be abducted as a Syrian refugee woman is too high.~~ As a result, her children did not believe that the sun rose and set in Saudi Arabia because the room that they are staying in does not have any windows and they only ~~left the room at night when Jane Doe #2's husband could accompany them.~~leave the

room at night on the few occasions when their father is home. They remain under constant threat from nearby rocket fire and military conflict; they hear shelling every day.

151. As Syrian refugees, Jane Doe #2's sister and her family are eligible and qualify for the

334. Priority 2-Jane Doe #2's sister is running out of options if she is indefinitely banned from the United States by EO-3. The Saudi Arabian government regularly turns off the power to the building there they live with other refugees in order to make life so intolerable that they will leave. Jane Doe #2's sister constantly fears that the government will evict the refugees in her building, as they have done elsewhere, or else so increase the visa fees charged to refugees that she will need to lose her legal status. If she is evicted or loses her status and remains banned from the United States by EO-3, her only option is to go to Mecca and become homeless with her children.

335. Given the terrible living conditions in which her sister's family lives, Jane Doe #2 was devastated when she learned about EO-3. She understands all three EOs as fulfilling the promises President Trump made when he was a candidate to condemn her religion. Ever since the first ban was issued, she has been bullied because of her hijab and she continually doubts that she and her family will have equal opportunities because of their religion. The bans remind her of things the Syrian government would do when they wanted to strip away your rights; these kinds of actions are why she fled Syria. She and her husband question whether they should remain in the United States or pursue other options because they do not want their children to be discriminated against or to think that they are wrong because of the way everyone looks at them.

Plaintiff Meteab, a lawful permanent resident, has also suffered and will continue to suffer harm because of the EOs. ~~Direct Access Program for Iraqi and Syrian Beneficiaries of Form I-130 Petition for Alien Relatives.~~ If the Executive Order remains in effect, Jane Doe #2's sister will

~~not be interviewed or granted a visa. Moreover, she will have little chance of traveling to the United States as a refugee given the suspension of USRAP, the high likelihood that Syrian refugees will continued to be barred from entry to the United States, and the lowered refugee admissions cap of 50,000.~~

~~308:336.~~ Plaintiff Meteab, a lawful permanent resident, has also suffered and will continue to suffer harm because of the Executive Order. After the U.S. invasion of Iraq in 2003, Mr. Meteab and his four brothers all cooperated with the U.S. military in helping to establish the transitional government, in the wake of the conflict in Najaf, Iraq. Because of their cooperation with the U.S. government, they were targeted and threatened by armed militia groups in Iraq.

~~309:337.~~ Mr. Meteab is a Sunni Muslim, as are his brothers. In Iraq, they lived together in a Shi'a neighborhood. In 2013, Mr. Meteab and his family were warned by neighbors and community members that if they failed to leave the area, their family would be killed. In 2013, Mr. Meteab's nephew Mosad was shot in the leg. After this, on December 25, 2013, Plaintiff Mr. Meteab's older brother fled to Jordan with his children and two of his nephews, including Mosad. Plaintiff Mr. Meteab and his wife and children joined them in Jordan on January 5, 2014. Plaintiff Mr. Meteab's three other brothers also fled to Jordan in 2014. All of them applied for and received recognition as refugees from the United Nations High Commission for Refugees.

~~310:338.~~ In August 2015, after being approved as a refugee, Plaintiff Mr. Meteab came to the United States with his wife and children. His three other brothers, Ali, Abdulateef, and Ahmed, have been approved as refugees but remain in Jordan awaiting resettlement. Abdulateef was approved for resettlement in Canada but is awaiting final clearance. Mr. Meteab's brothers Ali and Ahmed, were approved for resettlement in the United States.

~~311:339.~~ In November 2016, Plaintiff Mr. Meteab's brothers Ali and Ahmed were told by the International Organization for Migration that while their refugee applications had been

approved, they still did not have travel documents to come to the United States. Jewish Family Services notified Plaintiff Meteab's family of this update at the same time. When Mr. Meteab's brothers learned about ~~the Executive Order from the news in January 2017~~EO-1, they realized ~~the travel ban~~it would prevent them from joining him in the United States.

340. Since ~~the January 27th Executive Order~~EO-1 was ~~released~~issued, Mr. Meteab and his wife ~~family~~have experienced anti-felt afraid because they are ~~Muslim sentiment and felt very uncomfortable and insecure in their community, causing them acute mental stress. They feel like the EOs have experienced hostility in public, with encouraged other people staring at Mr. Meteab's to discriminate against Muslims. His wife, who wears a hijab, does not like to go out in public alone, and his children's teachers have expressed concern for how his children are treated at school because they are Muslim. Mr. and refusing to stop for them at crosswalks. Their nieces, who also came to the United States as refugees, have~~Meteab has noticed that he and his family get more suspicious looks from people in public since EO-1 was issued, and his wife has been harassed so many times taking their children to school that he is considering moving his family to another area.

342-341. Mr. Meteab feels that EO-3, like its predecessor orders, is a tool for discrimination against Muslims, and he continues to feel personally targeted in school this way.

152. Plaintiff ~~Harrison has~~Mashta, a United States lawful permanent resident, has also suffered and will continue to suffer harm ~~as a result~~because of the ~~Executive Order. Mr. Harrison is a citizen of~~EOs. Although the United States and lives in Euless, Texas. His fiancé is a citizen and resident of Iran and is Muslim. They have been together since November 2015.

153. In March 2016, Plaintiff ~~Harrison~~petitioned for a K-1 (fiancé)immigrant visa for his partner (now fiancé). ~~After the petition was approved, Plaintiff Harrison's partner was interviewed at the~~

~~U.S. Embassy in Ankara, Turkey~~ he filed on November 7, 2016. His K-1 visa application was ~~behalf of his Syrian wife~~ has been approved and administrative processings ~~she~~ completed on January 17, 2017. The U.S. Embassy in Ankara informed ~~her~~ interview in July this year, she ~~Mr.~~ Harrison's partner that he needed to submit his passport for the visa to be issued. 202. On January 30, 2017, after the January 27 Order was signed, the U.S. Embassy in Turkey emailed Plaintiff Harrison's fiancé and explained that his visa process was on hold and that he should contact them again when the travel ban had been lifted to continue the processing of his visa.

203. ~~Subsequently on~~ February 7, 2017, the U.S. Embassy in Turkey sent a follow-up email to Plaintiff Harrison's fiancé, stating that the embassy had been informed of the ruling in *Washington v. Trump* and that he should send in his passport to the U.S. Embassy in Ankara, Turkey.

204. ~~On March 3, 2017, Plaintiff Harrison and his fiancé traveled again to Turkey to submit the passport and to see one another. On March 6, 2017, the new executive order was announced. As the embassy has not provided additional information or told Plaintiff Harrison's fiancé that they are no longer processing visas, they submitted his passport on March 8, 2017. They fear the U.S. Embassy in Ankara will not issue the visa before March 16. Even if there is a waiver process might apply to his fiancé, yet received her visa. According to the State Department's monthly visa bulletin, a visa is~~ Mr. Harrison is concerned he may not receive the waiver and/or that his fiancé may be required to start the entire process over, resulting in prolonged separation and anxiety for both of them.

342. ~~If the Executive Order remains in effect, Plaintiff Harrison and his partner will remain separated. Mr. Harrison cannot currently travel to Iran, which has put in place a reciprocal ban on U.S. citizen visitors, and the travel to Turkey to see one another is a significant financial burden for Mr. Harrison. Moreover, Plaintiff Harrison's partner has had some negative~~

interactions available for her, but Mr. Mashta fears she is being unfairly processed because she is a practicing Muslim, as is he. Now she is indefinitely banned from entering the country to reunite with the morality police in Iran, leading to harassment and, in one instance, an assault on him by EO-3.

343. Being separated from his wife is depressing and painful for Mr. Mashta. He has struggled during the two years that they have been apart, and sometimes he loses hope that they will ever be together. He feels like the ban is making him choose between the country that is his home and being with his wife.

344. The announcement of EO-1 in January devastated Mr. Mashta. He could not sleep and could not work. Now he will always remember the date EO-3 was signed, September 24, because it was so painful to learn that his wife will be banned indefinitely. He continues to have trouble sleeping because of EO-3 and has had to take time off work. He constantly worries about what will happen to him and his wife, and the ban has left him feeling scared, depressed, and anxious.

He fears his wife may never get her visa.

345. To Mr. Mashta, the President's bans say that Muslims are not welcome in the country, and that the government does not want Muslims here. He feels like he and his wife are being accused of being terrorists for no reason, and that Muslims like him cannot get along with other people in America. These accusations are wrong and hurtful. This message of the ban—that Muslims like Mr. Mashta are bad people unless proven otherwise—affects conversations he has all the time. He feels a lot of pressure to defend himself and other Muslims, to prove to people that he is not bad. He never felt that way before EO-1 was issued.

205. ——— Plaintiff Amirjamshidi, ~~Mr. Harrison's~~ partner.

346. Plaintiff Ibrahim Ahmed Mohameda United States citizen, has also suffered and will continue to suffer harm because of the EOs. For the past seven years, her mother has been able to apply for and receive twelve visitor visas to come to the United States from Canada to visit Ms. Amirjamshidi's family. The most recent visa petition, however, has been pending for over a year. Now, if EO-3 goes into effect, it will indefinitely ban Ms. Amirjamshidi's mother from coming to the United States to see her family.

347. Although Ms. Amirjamshidi and her family speak with her mother on the phone every day, that is no substitute for being in the same place and spending time together, especially not for Ms. Amirjamshidi's young son. Ms. Amirjamshidi thinks it is unfair and cruel to keep a child and his grandmother apart like this.

348. In addition, Ms. Amirjamshidi is now pregnant with her second child, which makes the separation from her mother even worse. She cannot stand the idea of her mother not being able to visit while she is pregnant, for the birth, or to meet her new grandchild. Nor will she be able to rely on support and help from her mother after the new baby comes, like so many new mothers do. Every day Ms. Amirjamshidi and her mother are kept apart is painful and unfair.

349. In addition, the EOs make Ms. Amirjamshidi feel singled and condemned just because of who she is. She understands the EOs as an attempt to put in place at least part of the Muslim ban he promised when he was a candidate. The EOs send the message that Muslims like Ms. Amirjamshidi are not welcome in this country and that Muslim communities are bad or dangerous.

EO-3 means the same thing to her as the earlier orders: it is another attempt to make sure that Muslims such as she are viewed as different from other Americans, and sends the message that Muslims should be singled out for worse treatment.

350. Mr. Shirani, a U.S. citizen, has suffered and will continue to suffer harm because of the EOs.

351. In 2004, Mr. Shirani moved back to Iran to marry and live with his wife, an Iranian national. In 2016, Mr. Shirani became more sick following complications from a tumor in his inner ear and moved back to the United States to seek medical treatment. Mr. Shirani filed an I130 petition for his wife to join him here. The petition was approved, and his wife had her visa interview in February 2017. Mr. Shirani knows of no reason why his wife would not be eligible for a visa. Her visa application is currently in administrative processing.

~~343-352.~~ Mr. Shirani suffers severe emotional injury as a result of the Executive Order. Mr. Mohomed is a United States citizen of Somali origin who lives in Columbus, Ohio, forced separation from his wife of over 13 years. He came to the United States as a refugee in 2009, is seriously ill and needs her to care for him. He is Muslim also sad and frustrated to be apart from her while dealing with his medical condition.

206. Mr. Mr. Mohomed's wife and nine children have been approved to come to the United States as refugees. They are all in Ethiopia waiting for authorization to travel to the United States.

207. Plaintiff Mohomed is a member of a minority clan in Somalia. When he and his family were living in Mogadishu, Mr. Mohomed was targeted and threatened by members of the majority clans in Mogadishu, who knew he did not have protection. He came to the United States as a refugee in March 2009.

208. With the rise of insurgents from al-Shabaab and increased fighting in Mogadishu, after Mr. Mohomed's departure, his wife and children fled first to Yemen and then, in 2011, to Ethiopia, where Mr. Mohomed was able to visit them. He applied for them to join him in the

~~United States, and in 2013, they were approved for resettlement in the United States. However, they were still waiting for travel documents when the January 27 order was issued.~~

~~209. After the January 27 order was signed, Mr. Mohomed and his family learned from the news that under the new Executive Order, his family would not be able to come to the United States. They remain in Ethiopia waiting to join Mr. Mohomed.~~

~~353. The Executive Orders Shirmi believes he has been treated with more suspicion and discriminated against as a Muslim because of the EOs. EO-3 makes him feel even worse because the travel ban is now indefinite.~~

~~354. Ms. Ziaolhagh, a U.S. citizen, has suffered and will continue to suffer harm because of the EOs. Ms. Ziaolhagh moved from Iran to the U.S. in 2008 on an employer-sponsored visa with her husband and younger son. She was unable to bring her older sons to the U.S. at the time because they were over 21. One of her sons later came to the United States on a visa, but the older one has remained alone in Iran. She filed an I-130 petition for him in 2009.~~

~~355. Ms. Ziaolhagh's I-130 petition was approved, but she and her family knew there would be a long wait for his priority date to become current. The family decided it was worth the wait, and during the waiting period, Ms. Ziaolhagh's older son decided not to get married and not to travel because the family feared that it could delay or hurt his visa application.~~

~~356. Ms. Ziaolhagh's older son's priority date became current in December 2016, and he had his visa interview in May 2017. His visa is now in administrative processing. Ms. Ziaolhagh knows of no reason why his visa should not be issued, and she expects it to issue soon if EO-3 does not go into effect.~~

~~357. The continued, and now potentially indefinite separation, from her son is devastating for Ms. Ziaolhagh. Her older son now lives alone in Iran. All of his immediate family members are in the United States. As a mother, Ms. Ziaolhagh constantly thinks of her son, and~~

the pain of separation is especially unbearable at holidays when the entire family should be together.

358. Ms. Ziaolhagh is also injured by the EOs' message to Muslims. She wears a head scarf and notices that people have given her more looks since EO-1; she feels that EO-3 sends the same message, but is even worse because it imposes an indefinite ban.

359. Ms. Khazaeli, a U.S. citizen, has suffered and will continue to suffer harm because of the EOs. Ms. Khazaeli moved to the United States in 1977 with her husband, who entered on a student visa. In 2014, Ms. Khazaeli's husband was diagnosed with liposarcoma, a rare form of cancer. In December 2016, Ms. Khazaeli received the devastating news that her husband's prognosis was terminal.

360. Ms. Khazaeli's sister, an Iranian national, had previously visited the United States. In January 2017, Ms. Khazaeli's sister's visa application to visit the United States for a second time was approved. Because of EO-1, Ms. Khazaeli's sister was not able to secure a visa appointment at an embassy. Since EO-1 went into effect, the availability of visa interview slots has virtually disappeared. Ms. Khazaeli's sister has made active efforts to secure a visa appointment, including by hiring a travel agent to go to embassies in different countries to apply for a new visa on her behalf. These efforts have been unsuccessful, and now because of EO-3, it is unlikely that Ms.

Khazaeli's sister will be able to obtain a visa.

361. Without a visa, Ms. Khazaeli's sister will be unable to say goodbye to her brother-in-law or see him before he dies. Ms. Khazaeli will also be deprived of her sister's support and assistance as she deals with her husband's terminal illness.

362. Ms. Khazaeli feels like a second-class citizen as a result of the EOs. Her family has done everything it can to support the United States. Ms. Khazaeli's son has served for over

a decade as a federal counter-terrorism prosecutor, holding positions with both the Department of Justice and the Department of Homeland Security. Ms. Khazaeli's daughter currently serves as a state prosecutor, prosecuting felony cases with child victims. Ms. Khazaeli's husband has been a professor for over 30 years at Southern Illinois University at Edwardsville. In 2017, her husband was awarded the Martin Luther King Jr. Faculty Humanitarian award. Ms. Khazaeli believes her family has been betrayed by the EOs, which have effectively legalized discrimination against Muslims.

363. Ms. Khazaeli has owned a sewing store for 30 years. She was accosted by a customer because of her religion for the first time after EO-1 was issued.

314.364. The EOs conveys an official message of disapproval and hostility toward the individual Muslim Individual Plaintiffs and their families, making clear that the government deems them outsiders or second-class citizens who are not full members of the political community. This marginalizes them, subjects them to suspicion, scrutiny, and social and political isolation on the basis of religion and national origin, and inflicts other stigmatic and dignitary injuries.

Class Allegations

365. ~~Individual~~ Plaintiffs bring this action as a class action pursuant to Federal Rule of Civil Procedure 23(b) (1) and (b) (2), on behalf of themselves and all other persons in the United States for whom ~~the Executive Order~~ EO-2 or EO-3 either interferes with family reunification or the ability to travel internationally and return to the United States. This class includes:

- a. Individuals in the United States who currently have an approved or pending petition to the United States government to be reunited with family members who are nationals of ~~Iran, Libya, Somalia, Sudan, Syria or Yemen~~ (the "Designated Countries"), ~~banned countries~~, or who will soon file such petition;

- b. Refugees in the United States who have currently pending, or will soon file, a petition to the United States government to be reunited with family members; and
- c. Nationals of ~~the Designated Countries~~banned countries who reside in the United States and who wish to travel abroad and return to United States or who, prior to issuance of ~~the Executive Order~~EO-3, did travel abroad with the intent to return and are currently abroad.

366. Separate Subclasses may be appropriate for the Class defined in the preceding paragraph for individuals affected by EO-2 and EO-3.

366.367. The Plaintiff Class, including potential Subclasses, is so numerous that joinder is impracticable.

367.368. According to the Annual Report of the Visa Office, in 2015, the last year for which data are available, the United States issued approximately ~~7080~~7080,000 immigrant and non-immigrant visas to nationals from the six countries banned by EO-2.

368.369. ~~Designated Countries.~~ The U.S. government previously estimated that between 60,000 and 100,000 people were affected by Section 3(c) of ~~the January 27 Order~~EO-1 while it was in effect.

369.370. The claims of the Plaintiff Class and Subclass members share common issues of law, including but not limited to whether the ~~Executive Order violates~~EOs violate their associational, religious exercise and due process rights under the First and Fifth Amendments, the Religious Freedom Restoration Act, the Immigration and Nationality Act and the Administrative Procedure Act.

370.371. The claims of the Plaintiff Class and Subclass members share common issues of fact, including but not limited to whether the ~~Executive Order is~~EOs are being or will be enforced so as to prevent them or their family members from entering the United States from abroad or

from re-entering the United States should they choose to leave the United States briefly, even though they would otherwise be admissible.

~~371.372.~~ The claims or defenses of the named Plaintiffs are typical of the claims or defenses of members of the Plaintiff Class and Subclasses.

~~372.373.~~ The named Plaintiffs will fairly and adequately protect the interests of the Plaintiff ~~class~~Class and Subclasses. The named Plaintiffs have no interest that is now or may be potentially antagonistic to the interests of the Plaintiff ~~class~~Class and Subclasses. The attorneys representing the named Plaintiffs include experienced civil rights attorneys who are considered able practitioners in federal constitutional litigation. These attorneys should be appointed as class counsel.

~~373.374. These attorneys should be appointed as class counsel.~~ Defendants have acted, have threatened to act, and will act on grounds generally applicable to the Plaintiff Class and Subclasses, thereby making final injunctive and declaratory relief appropriate to the class as a whole. The Plaintiff Class and potential Subclasses may therefore be properly certified under Federal Rule of Civil Procedure 23(b)-(1)(2).

~~374.375.~~ Prosecution of separate actions by individual members of the Plaintiff Class and Subclasses would create the risk of inconsistent or varying adjudications and would establish incompatible standards of conduct for individual members of the Plaintiff Class. The Plaintiff Class and Subclasses may therefore be properly certified under Federal Rule of Civil Procedure 23(b)(1).

CLAIMS FOR RELIEF FIRST CLAIM FOR RELIEF

(Establishment Clause, First Amendment to the U.S. Constitution)

~~220.~~~~376.~~ The foregoing allegations are repeated and incorporated as though fully set forth herein.

~~The Executive Order violates~~377. ~~Both EO-2 and EO-3 violate~~ the Establishment Clause by singling out Muslims for disfavored treatment. ~~It has~~Both orders have the purpose and effect of inhibiting religion, and ~~it is~~neither is justified by, nor closely fitted to, any compelling governmental interest.

SECOND CLAIM FOR RELIEF
(Equal Protection, Fifth Amendment to the U.S. Constitution)

378. The foregoing allegations are repeated and incorporated as though fully set forth herein.

379. The Due Process Clause of the Fifth Amendment to the U.S. Constitution provides that

“No person shall . . . be deprived of life, liberty, or property, without due process of law.” ~~“No person shall . . . be deprived of life, liberty, or property, without due process of law.”~~ The Clause contains an equal protection component.

379:380. ~~The Executive Order discriminates~~ EO-2 and EO-3 discriminate on the basis of religion ~~and~~, national origin, and race—each a suspect classification,—~~and is~~are not narrowly tailored to serve a compelling governmental interest, and thereby ~~violates~~violate the equal protection component of the Due Process Clause.

380:381. Additionally, ~~the Executive Order was~~EO-2 and EO-3 were substantially motivated by an intent to discriminate against Muslims, on whom ~~it has~~the orders have a disparate effect, in further violation of the equal protection component of the Due Process Clause.

THIRD CLAIM FOR RELIEF
(Procedural Due Process, Fifth Amendment to the U.S. Constitution)

382. The foregoing allegations are repeated and incorporated as though fully set forth herein.

383. The Due Process Clause of the Fifth Amendment to the U.S. Constitution provides that “No person shall . . . be deprived of life, liberty, or property, without due process of law.”

384. Congress has created statutory rights related to the petitioning for and issuance of visas and other immigration benefits.

385. Federal agencies have created regulatory rights related to the petitioning for and issuance of visas and other immigration benefits.

386. Individuals must be given due process prior to any deprivation of these statutory and regulatory rights.

387. Additionally, United States citizens and lawful permanent residents have cognizable liberty interests in family reunification and in the ability of their family members to travel to the United States.

388. Individuals must be given due process prior to any deprivation of these liberty interests.

389. EO-2 and EO-3 deprive affected individuals, including Plaintiffs and their members or clients, of the aforementioned statutory and regulatory rights, and of the aforementioned liberty interests, and without due process.

390. EO-2 and EO-3 thus violate the procedural due process guarantee of the Due Process Clause of the Fifth Amendment.

FOURTH CLAIM FOR RELIEF
(Immigration and Nationality Act & Administrative Procedure Act)

391. The foregoing allegations are repeated and incorporated as though fully set forth herein.

392. The Immigration and Nationality Act provides, with certain exceptions not applicable here, that “no person shall receive any preference or priority or be discriminated

against in the issuance of an immigrant visa because of the person's race, sex, nationality, place of birth, or place of residence." 8 U.S.C. § 1152(a)(1)(A).

393. ~~Several clients of IRAP are otherwise eligible and approved for refugee status, but pursuant to the Executive Order, their entry to the United States will be denied or delayed. The Executive Order on its face purports to deny entry to these clients of IRAP EO-2 and EO-3 on their face purport to delay and/or deny entry and/or visas to the family members of Individual Plaintiffs and the members, clients, and employees of the organizational Plaintiffs~~ because of their nationality, place of birth, and/or place of residence, in violation of § 1152(a)(1)(A).

394. ~~Plaintiffs Harrison, Mohamed, Jane Doe #2 and John Does #1 and #3 have filed petitions for immigrant visas for members of their families, some of whom have subsequently received visas. Plaintiff Mohamed's wife and nine children's refugee visa applications have been approved, but they have not received travel documents or had their travel scheduled. Plaintiff Harrison's fiancé's visa has been approved and the processing complete but he still does not have a visa issued. Pursuant to the Executive Order, the processing of those petitions and/or the subsequent issuance of visas and travel documents will be delayed or denied, and/or their family members will be denied entry. The Executive Order on its face purports EO-2 and EO-3 on their face purport~~ to deny or delay applications because Plaintiffs' family members' nationality, place of birth, and/or place of residence, in violation of § 1152(a)(1)(A).

395. ~~The Executive Order~~ EO-2 and EO-3 on ~~its~~ their face ~~mandates~~ mandate discrimination against those who apply for and/or hold immigrant visas on the basis of their nationality, place of birth, and/or place of residence, in violation of § 1152(a)(1)(A).

396. The actions of Defendants, as set forth above, constitute final agency action and are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction,

authority, or limitations, or short of statutory right; and without observance of procedure required by law, in violation of the Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A)-(D).

FOURTHFIFTH CLAIM FOR RELIEF
(Immigration and Nationality Act & Administrative Procedure Act)

397. The foregoing allegations are repeated and incorporated as though fully set forth herein.

398. The Immigration and Nationality Act sets forth a comprehensive, Congressionally enacted scheme for immigration and admission to the United States. Among other things, it establishes criteria for the issuance of immigrant and nonimmigrant visas, and it specifies the grounds on which an alien may be found ineligible for a visa or admission.

399. The INA also allows the President to suspend or impose restrictions on the entry of aliens, “for such period” as deemed necessary, whenever the President “finds that the entry of any aliens or any class of aliens into the United States would be detrimental to the interests of the United States.” 8 U.S.C. §1182(f).

400. EO-2 and EO-3 exceed the Executive’s authority under the INA, including under 8 U.S.C. § 1182(f).

401. The actions of Defendants, as set forth above, constitute final agency action and are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; and without observance of procedure required by law, in violation of the Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A)-(D).

SIXTH CLAIM FOR RELIEF

(Religious Freedom Restoration Act, 42 U.S.C. § 2000bb *et seq.*)

402. The foregoing allegations are repeated and incorporated as though fully set forth herein.

403. ~~The Executive Order~~EO-2 and EO-3 have had and/or will have the effect of imposing a special disability on the basis of religious views or religious status, by denying or impeding Muslim Plaintiffs, on account of their religion, from accessing benefits relating to their own or their family members' immigration status.

404. In doing so, ~~the Executive Order places~~EO-2 and EO-3 place a substantial burden on Muslims' exercise of religion in a way that is not the least restrictive means of furthering a compelling governmental interest.

405. This substantial burden is not imposed in furtherance of a compelling governmental interest, and is not the least restrictive means of furthering a compelling governmental interest, in violation of the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb *et seq.*

FIFTHSEVENTH CLAIM FOR RELIEF
(Refugee Act & Administrative Procedure Act)

406. The foregoing allegations are repeated and incorporated as though fully set forth herein.

407. ~~Pursuant to the President's congressionally delegated authority under 8 U.S.C. § 1182(f), the Executive Order purports~~EO-2 purported to limit the number of refugees who ~~may~~could be admitted in fiscal year

2017 to 50,000, despite an earlier proclamation setting a limit of 110,000, in violation of the Refugee Act, 8 U.S.C. § 1157(a)(2).

408. President Trump did not engage in "appropriate consultation" prior to altering the number and allocation of refugee admissions for fiscal year 2017, in violation of the Refugee Act, 8 U.S.C. § 1157.

409. ~~The Executive Order makes~~EO-2 made other alterations to the refugee admission process that ~~are~~were not authorized by the Refugee Act and are in violation of the Refugee Act.

410. EO-3 could similarly ban the entry of refugees from the affected countries.

~~410.~~411. The actions of Defendants that have been undertaken pursuant to Section 6 of ~~the Executive Order~~EO-2, as set forth above, constitute final agency action and are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; and without observance of procedure required by law, in violation of the Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A)-(D).

SIXTEENTH CLAIM FOR RELIEF
(Administrative Procedure Act)

412. The foregoing allegations are repeated and incorporated as though fully set forth herein.

413. The actions of Defendants that are required or permitted by ~~the Executive Order~~EO-2 and EO-3, as set forth above, are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A).

414. The actions of Defendants that are required or permitted by ~~the Executive Order~~EO-2 and EO-3, as set forth above, are contrary to constitutional right, power, privilege, or immunity, including rights protected by the First and Fifth Amendments to the U.S. Constitution, in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(B).

415. The actions of Defendants that are required or permitted by ~~the Executive Order~~EO-2 and EO-3, as set forth above, are in excess of statutory jurisdiction, authority, or limitations, or short of statutory right, in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(C).

416. The actions of Defendants that are required or permitted by ~~the Executive Order~~ EO-2 and EO-3, as set forth above, were without observance of procedure required by law, in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(D).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

A. A preliminary and permanent injunction enjoining Defendants, their officials, agents, employees, assigns, and all persons acting in concert or participating with them from implementing or enforcing any portion of ~~the Executive Order~~ EO-2 or EO-3;

B. A declaration pursuant to 28 U.S.C. § 2201 that ~~the entire Executive Order is~~ EO-2 and EO-3 are, in their entirety, unlawful and invalid;

C. An order awarding Plaintiffs costs of suit, and reasonable attorneys' fees and expenses pursuant to any applicable law;

D. Such other and further relief as the Court deems equitable, just, and proper.

Respectfully submitted, Dated: ~~March 10~~ October 5, 2017

/s/ Esther Sung

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‡‡ Application for admission *Pro Hac Vice* pending

CERTIFICATE OF SERVICE

I hereby certify that on this ~~10th~~5th day of ~~March~~October, 2017, I caused a PDF version of the foregoing document and any accompanying exhibits to be electronically transmitted to the Clerk of the Court, using the

CM/ECF System for filing and for transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

Dated: ~~March 10~~October 5, 2017

Respectfully submitted,

/s/ Melissa S. Keaney

