

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
SOUTHERN DIVISION**

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**INTERNATIONAL REFUGEE
ASSISTANCE PROJECT, et al.,** :

Plaintiffs, :

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

v. :

**DONALD TRUMP, in his official capacity as :
President of the United States, et al.,** :

Defendants. :

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**MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE
IN SUPPORT OF PLAINTIFFS**

Amicus curiae, Harvard Immigration and Refugee Clinical Program (HIRC), respectfully moves this Court for leave to file the attached Brief of Amicus Curiae in support of the Plaintiffs IRAP, et al. For over thirty years, HIRC, in partnership with Greater Boston Legal Services, has focused on the direct representation of individuals applying for U.S. asylum and related protections, as well as on the representation of individuals who seek avoidance of forced removal in immigration proceedings. With the help of law school students, HIRC represents victims of human rights abuses from all over the world, including from countries affected by the January 27, 2017 Executive Order that is at issue in this case. Executive Order 13769, *Protecting the Nation from Foreign Terrorist Entry into the United States*, 82 Fed. Reg. 8977 (Feb. 1, 2017).

Accordingly, HIRC and its clients have a direct interest in the outcome of the above-referenced case. In light of HIRC's familiarity and experience with refugee law and the legislative history of the Immigration and Nationality Act, the proposed *amicus* brief focuses on refugee law and legislative history, as well as on issues of statutory interpretation and the

interplay between INA § 212(f)—the authority on which much of the Executive Order relies—and other provisions of the INA.

“The decision to grant leave to proceed as *amici* at the trial court level is discretionary.” *Bryant v. Better Bus. Bureau of Greater Maryland, Inc.*, 923 F. Supp. 720, 728 (D. Md. 1996). “The aid of *amici curiae* has been allowed at the trial level where they provide helpful analysis of the law, they have a special interest in the subject matter of the suit, or existing counsel is in need of assistance.” *Id.* (recognizing that *amici* “represent large constituencies of individuals which have a vested interest in how the provisions of the [law at stake] are construed and applied,” “have not enlarged the issues presented by the parties,” and “can be useful in resolving the issues presented by the parties.”) (internal citations omitted); *see also Am. Humanist Ass’n v. Maryland-Nat’l Capital Park & Planning Comm’n*, 303 F.R.D. 266, 269 (D. Md. 2014) (allowing *amicus* brief where “[p]rospective [a]mici have demonstrated a special interest in the outcome of the suit”).

Counsel for Plaintiffs has indicated to the undersigned counsel that the Plaintiffs consent to the filing of an *amicus* brief in this matter. Counsel for the Defendant has indicated to the undersigned counsel that the United States takes no position on the request by HIRC to file an *amicus* brief in this matter.

For the foregoing reasons, we respectfully request the Court’s permission to file an *amicus* brief in the aforementioned matter.

Respectfully submitted,

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Dated: March 2, 2017

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