

Docket No. 17-35105

IN THE
United States Court of Appeals
FOR THE
Ninth Circuit

STATE OF WASHINGTON, ET AL.,

Plaintiffs-Appellees,

v.

DONALD TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.,

Defendants-Appellants.

On Appeal from the United States District Court for the Western District of Washington
Civil Action No. 2:17-cv-00141-JLR
The Honorable James L. Robart

**MOTION FOR LEAVE TO FILE BRIEF OF
AMERICAN IMMIGRATION COUNCIL, NATIONAL IMMIGRATION
PROJECT OF THE NATIONAL LAWYERS GUILD, NORTHWEST
IMMIGRANT RIGHTS PROJECT, HUMAN RIGHTS FIRST, KIND
(KIDS IN NEED OF DEFENSE), AND THE TAHIRIH JUSTICE
CENTER AS *AMICI CURIAE* IN SUPPORT OF APPELLEES**

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Counsel of Record

Northwest Immigrant Rights Project, National Immigration Project of the National Lawyers Guild, American Immigration Council, KIND (Kids in Need of Defense), Human Rights First, and Tahirih Justice Center (collectively, “*Amici*”) respectfully move for leave to file an *amicus curiae* brief in support of Appellees’ Response to the Government’s Emergency Motion for Stay Pending Appeal. Counsel for all parties have consented to the filing of an *amicus* brief; however, out of an abundance of caution, *Amici* also file this motion to request the Court’s leave to file an *amicus* brief by 11:59 p.m. on February 6, 2007. *Amici* state as follows:

1. *Amici* are organizations that provide, *inter alia*, legal assistance and technical support to immigrant communities, advocate in favor of immigrant rights, educate the public and policymakers about the enduring contributions of America’s immigrants, and promote justice and equality of treatment in all areas of immigration law.

2. *Amici* are concerned about the real-life implications of the Executive Order issued on January 27, 2017, entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (the “Executive Order”). *Amici* are concerned with the interference in familial relations that will result from enforcement of the Executive Order, as well as limitations on immigrant travel and economic interests.

3. The proposed *amicus* brief, attached to this motion, explains why the Court should not hear this extraordinary appeal of a temporary restraining order, how the Executive Order will harm *amici* and the populations they serve, and how the Executive Order is unlawful.

4. Although all parties consented to the filing of an *amicus* brief, *amici* file this motion out of an abundance of caution because neither the Federal Rules of Appellate Procedure nor this Court's Rules expressly address the filing of an *amicus* brief in connection with a motion for a stay.

5. The Federal Rules of Appellate Procedure and this Court's Rules similarly are unclear regarding the deadline for filing an *amicus* brief in light of the expedited briefing schedule on the Appellants' emergency motion. The Court ordered that Appellees file their opposition by 1:00 a.m. on February 6, 2017, and Appellants file their reply by 3:00 p.m. on February 6, 2017. Out of an abundance of caution, *amici* request leave to file their *amicus* brief within twenty-three hours of the filing of Appellants' reply brief, by 11:59 p.m. on February 6, 2017.

6. Out of an abundance of caution, *amici* file this motion to request the Court's leave to file a 16-page brief, because the Federal Rules of Appellate Procedure are unclear as to the permitted length of an *amicus* brief under these circumstances, and because *amici* believe that a 16-page brief is warranted in light of the importance of the issues presented.

CONCLUSION

Amici respectfully request that this Court grant them leave to file the 16-page *amicus* brief attached hereto.

Respectfully submitted,

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JUSTICE CENTER AS *AMICI CURIAE* IN SUPPORT OF
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CORPORATE DISCLOSURE STATEMENT

I, Harrison Frahn, attorney for *Amici Curiae*, certify that *amici* are not-for-profit organizations. No *amicus* has a parent corporation; nor issues stock; nor does there exist a publicly held corporation that owns 10% or more of the stock of any *amicus*.

/s/ Harrison (Buzz) Frahn

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CONSENT TO FILE AS *AMICI CURIAE*

All parties consent to the filing of this brief.

INTEREST OF *AMICI CURIAE*

The American Immigration Council is a national non-profit organization established to increase public understanding of immigration law and policy, advocate for the just and fair administration of our immigration laws, protect the legal rights of noncitizens, and educate the public about the enduring contributions of America's immigrants.

The National Immigration Project of the National Lawyers Guild is a non-profit membership organization of immigration attorneys, legal workers, grassroots advocates, and others working to defend immigrant rights.

The Northwest Immigrant Rights Project ("NWIRP") is a Washington State nonprofit organization that promotes justice by defending and advancing the rights of immigrants through direct legal services, systemic advocacy, and community education. NWIRP strives for justice and equity for all persons, regardless of where they were born.

Human Rights First (formerly known as the Lawyers Committee for Human Rights) has worked since 1978 to promote fundamental human rights and to ensure protection of refugees' rights, including the right to seek and enjoy asylum. Human Rights First grounds its refugee protection work in the standards set forth in the 1951 Convention Relating to the Status of Refugees (the "Refugee Convention"), the 1967 Protocol Relating to the Status of Refugees (the "1967

Protocol”), the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and other international human rights instruments, and advocates adherence to these standards in the policies, practices and laws of the United States government. Human Rights First also operates one of the largest pro bono asylum representation programs in the country, providing legal representation without charge to hundreds of indigent asylum applicants each year. Human Rights First is committed to ensuring that all protections granted under the 1951 Refugee Convention and the 1967 Protocol remain available to refugees and asylum seekers in the United States.

KIND (Kids in Need of Defense) (“KIND”) is the leading organization committed to ensuring high-quality legal representation for immigrant children appearing in immigration court.

Tahirih Justice Center is a national non-profit that has served courageous individuals fleeing violence since 1997. Through direct services, policy advocacy, and training and education, Tahirih protects immigrant women and girls and promotes a world where women and girls enjoy equality and live in safety and dignity. Tahirih serves immigrant women and girls who have rejected violence, but face incredible obstacles to justice, including language barriers, lack of resources, and a complex immigration system. Some are U.S. citizens or have another type of resident status. Some do not.

All six organizations have a direct interest in the outcome of this case.¹

SUMMARY OF ARGUMENT

As an initial matter, our nation's laws make clear that this appeal should not be heard at all. Temporary restraining orders are generally non-appealable, and Appellants have provided no credible argument otherwise. But if the Court does consider this appeal, it clearly should not reverse the district court's temporary restraining order ("TRO").

As President George Washington wrote to a religious minority community containing many immigrants in 1790, "the government of the United States . . . gives to bigotry no sanction, to persecution no assistance."² From as early as the arrival of the Pilgrims, this land has been a haven for immigrants, regardless of their faith and country of birth. Freedom of religion and from the establishment of religion are, of course, enshrined in our First Amendment.

¹ All parties have consented to the filing of this brief. *Amici* state that no party's counsel authored this brief in whole or in part, that no party or party's counsel contributed money that was intended to fund preparing or submitting the brief, and that no person other than *amici* or their counsel contributed money that was intended to fund preparing or submitting the brief. *See* Fed. R. App. P. 29(a)(4)(E).

² From George Washington to the Hebrew Congregation in Newport, Rhode Island, 18 August 1790, NATIONAL ARCHIVES, <https://founders.archives.gov/documents/Washington/05-06-02-0135>.

The Executive Order hews away at these foundations of our nation. If this Court reverses the TRO, scores of refugees, students, professors, skilled workers, and many others who already have been approved to enter, or re-enter, the United States will be blocked from doing so solely based on their religion or national origin. For U.S. citizens and legal permanent residents (“LPR”) who petitioned for immigrant visas for their family members and for the family members themselves, reversal of the TRO would cause them to lose their fundamental, constitutional right to live together as a family.

As organizations committed to serving and advocating on behalf of the nation’s immigrant populations, *amici* urge this Court to recognize the incalculable and irreparable harms that immigrant families will face under the Executive Order, by refusing to lift the District Court’s TRO.

Appellants argue that the President has the unfettered right to suspend the entry of aliens, even if based on their religion or national origin. But we live in a nation “of laws and not men.” *Marbury v. Madison*, 5 U.S. 137, 163 (1803). And the Constitution and Immigration and Nationality Act (“INA”) make clear that such distinctions are forbidden.

ARGUMENT

I. APPELLANTS CANNOT APPEAL THE TEMPORARY RESTRAINING ORDER

This Court lacks jurisdiction to hear this appeal because “courts of

appeals may review only final decisions of district courts.” *Orange Cty. v. Hongkong & Shanghai Banking Corp.*, 52 F.3d 821, 823 (9th Cir. 1995) (internal quotation omitted); 28 U.S.C. § 1291. The general rule is that the grant of a TRO is not subject to interlocutory review. “The rationale for this rule is that TROs are of short duration and usually terminate with a prompt ruling on a preliminary injunction, from which the losing party has an immediate right of appeal.” *Ne. Ohio Coal. for Homeless & Serv. Emps. Int’l Union, Local 1199 v. Blackwell*, 467 F.3d 999, 1005 (6th Cir. 2006). There are three general exceptions to this rule. One exception is if the case touches on extraordinary considerations or the infliction of irreparable consequences. *Id.* at 1005–06 (6th Cir. 2006); *Adams v. Vance*, 570 F.2d 950, 955–56 (D.C. Cir. 1978). The second exception is where “the denial of the temporary restraining order is tantamount to the denial of a preliminary injunction.” *Env’tl. Def. Fund, Inc. v. Andrus*, 625 F.2d 861, 862 (9th Cir. 1980). Finally, courts have allowed interlocutory appeals of temporary restraining orders if the stays “do not preserve the status quo but rather act as a mandatory injunction requiring affirmative action.” *Ne. Ohio Coal.*, 467 F.3d at 1006 (6th Cir. 2006). None of these exceptions apply here.

First, the TRO in this case acts to preserve the status quo, and there is no factual evidence of irreparable harm before it expires and the preliminary injunction can be considered. *See, e.g., Ne. Ohio Coal.*, 467 F.3d 999, 1006 (6th

Cir. 2006). Appellants cite to no incidents of national security violations from individuals subject to the Executive Order that justify a reversal of the status quo for purposes of the appeal of the TRO grant.

Second, the granting of the TRO in this case is not tantamount to the denial of a preliminary injunction. The practical length of the TRO is sufficiently short and no decision on the merits was made by the District Court's order. *Cf. Religious Tech. Ctr. v. Scott*, 869, F.2d 1306, 1309 (9th Cir. 1989) (finding that a TRO denial was tantamount to denial of a preliminary injunction where "[t]he futility of any further hearing was [] patent" because the decision was based on the merits).

Finally, the TRO in this case does not act as a mandatory injunction. The TRO simply halts the Executive Order from applying while the District Court considers the legal arguments and the evidence the State Plaintiffs will present at the preliminary injunction stage.

Appellants are unable to show they will suffer "serious, perhaps irreparable consequences." *Ne. Ohio Coal.*, 467 F.3d at 1005. In fact, Appellants have failed to demonstrate any harm by allowing those affected to enter the country. In the last 30 years, no individual from the seven affected countries has killed an American in a terrorist attack in the United States. *See Alex Nowrasteh, Guide to Trump's Executive Order to Limit Migration for "National Security"*

Reasons, CATO INSTITUTE (Jan. 26, 2017), <https://www.cato.org/blog/guide-trumps-executive-order-limit-migration-national-security-reasons>. So, rather than facing serious, irreparable consequences, Appellants' compliance with the District Court order will spare them the expense of reprocessing those who have already been approved. The order is thus unlike those orders found to have irreparable consequences because of "numerous costly obligations," *Valdivia v. Schwarzenegger*, 599 F.3d 984, 988 (9th Cir. 2010), or interference with other actions, *see Negrete v. Allianz Life Ins. Co. of N. Am.*, 523 F.3d 1091, 1097 (9th Cir. 2008).

Finally, because the District Court is moving forward to hear the preliminary injunction motion, Appellants will not be able to show the order "can be effectively challenged only by immediate appeal." *Thompson v. Enomoto*, 815 F.2d 1323, 1327 (9th Cir. 1987). Appellants will be able to present their arguments on the constitutionality and importance of the Executive Order to this Court after the District Court issues a final ruling. This Court found an order can be effectively challenged by immediate appeal only when there are significant costs to the party, and "[a] decision by us months or years after that cannot repair the damage." *Valdivia*, 599 F.3d at 988 (citing *Negrete*, 523 F.3d at 1097). But Appellants have not demonstrated any cost to delaying implementation of the Executive Order, nor have they established that the District Court will delay

issuing a ruling for “months or years.” In short, “no aspect of the district court’s ruling vitiates the [Appellants’] access to appellate review of the eventual outcome of the district court’s decision.” *Alsea Valley*, 358 F.3d at 1184.

II. THE JUDICIARY MUST ACT AS A CHECK ON PRESIDENTIAL ACTIONS.

Appellants argue that this Court should not look behind the President’s proffered explanation that his Executive Order was issued for legitimate national security reasons, despite contemporaneous public statements by the President and his advisers indicating that unlawful animus was in fact the prime motivation. Supreme Court “precedents, old and new, make clear that concerns of national security and foreign relations do not warrant abdication of the judicial role.” *Holder v. Humanitarian Law Project*, 561 U.S. 1, 34 (2010). Despite this clear command to the contrary, Appellants insist that this Court must close its eyes to the evident indications of animus.

Beginning as early as December 2015, and throughout the Presidential campaign, President Trump repeatedly called for a “total and complete shutdown of Muslims entering the United States.”³ Most recently, just two days after the

³ Press Release, Donald J. Trump for President, Inc., Donald J. Trump Statement on Preventing Muslim Immigration (Dec. 7, 2015), <https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration>.

Executive Order was issued, former New York City Mayor and Trump advisor Rudy Giuliani stated that the President sought to impose a “Muslim ban.”⁴

These statements, taken together, provide a strong basis for this Court to decline to defer to the government’s purported national security rationale. Courts have refused to take the government’s assertions at face value where there is a risk of “complete deference in all facets of immigration law,” particularly where the law “infringe[s] upon the Constitution.” *Detroit Free Press v. Ashcroft*, 303 F.3d 681, 685 (6th Cir. 2002). Here, Appellants seek to exclude whole nations of individuals—without any individualized consideration—so it is difficult to fathom what legitimate purpose the Executive Order could have. While Appellants claim a national security interest, there is no basis to believe a national security threat is posed by all nationals of the seven affected countries, much less nationals of those countries who are now here as LPRs or whose visa applications have been approved by the U.S. government. In the absence of some more concrete basis for the stated national security rationale, reversing the TRO would set a precedent preventing review of any alleged constitutional violations when the President claims a national security interest.

⁴ Amy B. Wang, *Trump asked for a ‘Muslim ban,’ Giuliani says – and ordered a commission to do it ‘legally,’* WASHINGTON POST (January 29, 2017).

III. THE EXECUTIVE ORDER CAUSES IRREPARABLE HARM TO NUMEROUS INDIVIDUALS AND ORGANIZATIONS.

The Executive Order already has harmed—and, if the Temporary Restraining Order is lifted, will continue to harm—numerous and varied categories of people and organizations. These categories include, but are not limited to (1) U.S. citizens and LPRs with family overseas, and those family members themselves; (2) foreign nationals lawfully present in the United States with valid immigrant and non-immigrant visas; (3) for-profit corporations that employ foreign nationals; and (4) non-profit organizations that seek to serve refugees. *Amici* seek to strengthen diversity and promote justice and equality. Connected by our common humanity, *amici* believe that these groups’ interests reflect the broader interests of American society. The individual and organizational harms faced by these groups are irreparable, weighing against a stay of the TRO issued by the District Court.

U.S. citizens, LPRs, and overseas visa applicants from Iraq, Iran, Libya, Somalia, Sudan, Syria, or Yemen (together the “banned countries”) are currently suffering concrete harms to their recognized liberty interest in maintaining familial relationships, specifically in the right to live together as a family. *See Moore v. City of E. Cleveland*, 431 U.S. 494 (1977). The Supreme Court long has held that “the Constitution protects the sanctity of the family precisely because the institution of the family is deeply rooted in this Nation’s

history and tradition.” *Id.* at 503; *see also Pierce v. Soc’y of Sisters*, 268 U.S. 510 (1928); *Meyer v. Nebraska*, 262 U.S. 390 (1923).

By utilizing a discriminatory test to prevent U.S. citizens and LPRs from sponsoring family members who are nationals of the seven targeted countries for lawful permanent residence, the Executive Order violates the constitutional rights of these U.S. citizens, LPRs, and overseas visa applicants to familial relations. Specifically, it violates their right to the equal protection guarantee inherent in the Due Process Clause of the Fifth Amendment. *Cf. Bolling v. Sharpe*, 347 U.S. 497 (1954). It is beyond question that U.S. citizens, LPRs, and overseas visa applicants have concrete Due Process interests at stake when the government interferes with their familial relations on the basis of national origin.

That these harms to U.S. citizens, LPRs, and their family members have resulted from the Executive Order is not speculative, but rather self-evident in countless individual stories of husbands separated from wives⁵ and children

⁵ *See, e.g.*, Decl. of Abdelaziq Adam, Ex. A; Decl. of Carol E. Edwards, Ex. B; Decl. of Elias Abdi, Ex. C; Decl. of Jaffer Akhlaq Hussain, Ex D. The declarations cited in and attached to this brief are from pleadings filed on February 6, 2017 by the American Immigration Council, the National Immigration Project of the National Lawyers Guild, and the Northwest Immigrant Rights Project in *Ali, et al. v. Trump, et al.*, No. 2:17-cv-00135-JLR (W.D. Wash. 2017).

separated from parents.⁶ Many of these separated family members have not been able to see each other for years due to the already long and thorough vetting process that foreign nationals must pursue to obtain visas.⁷ This lengthy process also imposes significant financial hardship on the U.S.-based sponsors as they sometimes must pay the visa application fees while supporting their separated family members at a higher cost than if the family members were able to live with them in the United States. *See e.g.*, Decl. of Abdelaziq Adam, Ex. A ¶ 9. That financial hardship will multiply if the TRO is lifted and their separation prolonged. Additional economic harms resulting from canceled plane tickets and temporary housing for those who had expected to travel to the United States rapidly reach into the thousands of dollars. *See, e.g.*, Decl. of Elias Abdi, Ex. C ¶ 5; Decl. of Ahmed Mohammad Ahmed Ali, Ex. E ¶ 23. U.S. and LPR sponsors of family members trying to escape war-torn countries such as Syria and Iraq also must grapple with the emotional toll arising from constant fear for their loved ones' safety. *See, e.g.*, Decl. of Ghassan Tahhan, Ex. G ¶ 5. These U.S. citizens and LPRs, as well as the

⁶ *See, e.g.*, Decl. of Ahmed Mohammed Ahmed Ali, Ex. E; Decl. of Azin Safari, Ex. F; Decl. of Ghassan Tahhan, Ex. G; Decl. of Hesam Moazzami Farahani, Ex. H; Decl. of Mohamed Barre Omar, Ex. I; Decl. of Nikoo Niknejad, Ex. J.

⁷ Decl. of Azin Safari, Ex. F; Decl. of Hesam Moazzami Farahani, Ex. H.

individuals they sponsor, are constitutionally protected and should be spared further irreparable harm during the pendency of this litigation.

Foreign nationals from the banned countries already present in the United States pursuant to lawful spousal, student, employment, and other immigrant and non-immigrant visas also would suffer irreparable harm if the TRO is stayed and the administration is once again allowed to enforce the Executive Order. These foreign nationals are prevented from traveling internationally while the Executive Order is in effect because they will be unable to re-enter despite their valid visas. This ban on travel into the country – effectively operating as a ban on travel *out* of the country – prevents students from seeing their families during school breaks and inhibits the ability of employees to do business on a global scale. It similarly prohibits travel to share once in a lifetime events with overseas family, including births, weddings, and funerals, even if the destination is not one of the banned countries.

Likewise, staying the TRO would inflict harm at the organizational level. Non-profit organizations serving refugee communities in the United States, including faith-based organizations, are prevented from fulfilling their missions while the Executive Order is in effect because of its categorical ban on all refugees. For-profit corporations and other enterprises are also harmed by the Executive

Order.⁸ These companies rely on skilled foreign workers to fuel their innovation, revenue generation, and job creation. Moreover, these workers must often be able to travel to carry out corporate goals. The interruption to normal immigration processes caused by the Executive Order materially harms these corporations' ability to conduct business, hurting their bottom lines and the local economies they support.

These individual and organizational harms are irreparable.

Individuals who are prevented from returning home, traveling for work, and reuniting with family are suffering ongoing harms that can never be adequately redressed. Whether the harms are lost profits and job opportunities, or graver ones such as the threat of bodily harm or death of family members trapped in war-torn countries, the District Court was correct to issue a TRO, and this Court should not reverse that decision.

CONCLUSION

For the foregoing reasons, *amici* respectfully request that the Court deny Appellants' request for a stay.

Dated: February 6, 2017

Respectfully submitted,

/s/ Harrison (Buzz) Frahn

⁸ See generally Br. of Technology Companies and Other Businesses as *Amici Curiae* in Support of Appellees. ECF No. 19.

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CERTIFICATE OF COMPLIANCE WITH RULE 32(G)(1)

1. This brief complies with the type-volume limitations of Fed. R. App. P. 29 and 32(a)(7)(B) because it contains 3159 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii), and amici have requested leave to file a 16-page brief.

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point Times New Roman font.

/s/ Harrison (Buzz) Frahn
Harrison (Buzz) Frahn
Jonathan Mincer
Counsel for *Amici Curiae*

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/EMF system.

I hereby certify that on February 6, 2017, the foregoing document was served on all parties or their counsel of record through the CM/EMF system.

/s/ Jonathan Mincer
Jonathan Mincer
Counsel for *Amici Curiae*

EXHIBIT A

Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Juweiya Abdiaziz ALI; A.F.A., a minor; Reema
Khaled DAHMAN; G.E., a minor; Ahmed
Mohammed Ahmed ALI; E.A., a minor; on
behalf of themselves as individuals and on
behalf of others similarly situated,

Plaintiffs,

v.

Donald TRUMP, President of the United States
of America; U.S. DEPARTMENT OF STATE;
Tom SHANNON, Acting Secretary of State;
U.S. DEPARTMENT OF HOMELAND
SECURITY; John F. KELLY, Secretary of
Homeland Security; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES; Lori
SCIALABBA, Acting Director of USCIS;
OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE; Michael DEMPSEY, Acting
Director of National Intelligence,

Defendants.

Case No.: 2:17-cv-00135-JLR

**DECLARATION OF ABDELRAZIQ
ADAM IN SUPPORT OF PLAINTIFFS**

1 I, Abdelraziq Adam, declare under penalty of perjury as follows:

2 1. I am a United States (U.S.) citizen and I live in Burien, Washington State. I am a
3 University of Washington (UW) Alumni, and current UW student earning a Post Baccalaureate
4 in Accounting.

5 2. I was born in Sudan, and I came to the U.S. when I was about 20 years old. I became a
6 U.S. citizen in around 2012. When I moved to the U.S., I had no family, and my English skills
7 were very limited. I worked in warehouses and assembly production lines, and I was able to
8 attend Highline Community College in the evening. I did successfully complete my Associate of
9 Arts prerequisites and then transferred to UW. During my academic career, I did encounter many
10 hardships; my mother passed away, and two years later my father passed away. Yet, I have been
11 part of Washington State communities. I volunteered for middle schools for two quarters and
12 help students in various subjects. I also helped many high school students through UW Dream
13 Project; I recall helping students with their personal statement letters, scholarship applications
14 and the process of college admission. Moreover, I did take advantage of my Accounting skills
15 and helped low income communities to file their tax returns. Furthermore, I volunteered six
16 month for Washington State Attorney General's Office in the Consumer Protection Division.
17 These are few of the activities that I participated in during my academic career.

18 3. My wife's name is Alya Ahmed, and she is from Sudan. We have been married since
19 May 3, 2013. During our relationship, I did visit my wife three times, and the last time I visited
20 her was in March 2016.

21 4. In June 2014, I did submit form I-130 petition, and the United States Citizenship and
22 Immigration Services (USCIS) approved my wife's petition. I paid the required fees for my
23 wife's consular process on February 27, 2015.

24 5. My wife had an interview in November 2015, but the Consulate thought that we were
25 first cousins, and they returned to USCIS for review. However, the USCIS found no evidence
26 that we were first cousins. Therefore, the USCIS reaffirmed my wife's petition, and they
27
28

1 forwarded to the National Visa Center (NVC).

2 6. On January 24, 2017, the NVC notified me by mail that they completed the review, and
3 they were forwarding my wife's case to the U.S. Consulate in Khartoum. The process of my
4 wife's case has taken over two years, and as a result of President Trump's executive order that
5 banned all Sudanese visas for at least 90 days, the U.S. Consulate in Sudan refuses to issue a visa
6 to my wife even though all the documents have been submitted, reviewed and approved. The
7 case status of my wife with the NVC now says it's under administrative processing, updated
8 January 30, 2017.
9

10 7. I have not seen my wife since March 2016, and this executive order has at least two
11 irreparable impacts on our lives:

12 8. First, I am on my final quarter to graduate, and I cannot focus on my studies. I also have
13 trouble sleeping well because I worried what would happen to my wife. In addition, as a citizen,
14 I am concern about my constitutional rights because this executive order is discriminatory. My
15 wife lives alone in Sudan, and she does not know what would happen to her. Since my parents
16 passed away and had no chance to attend any of my graduations, I was hoping my wife could
17 attend this lifetime opportunity.

18 9. Second, I am financially responsible to pay a rent here and in Sudan and other living
19 expenses to wife, and I do budget about \$550 monthly to support her. The Consulate already
20 consumed one year suspecting that we were first cousins, and I did spend about \$7,000 during
21 that time supporting my wife. I also spent \$1,500 for airfares when I went to visit her in March
22 2016 after the Consulate returned her application to USCIS for review. Consequently, this
23 executive order is causing more trauma, anxiety and financial hardship to me and my wife.

24 10. I would like my wife to come to the U.S. because this is my home. We would like to
25 settle together and help each other as a family. Even though I did visit my wife three times
26 during our marriage, we have been a part for about three and half years because those visits were
27 for a short period of time; I had to return to U.S. to continue my studies. As I mentioned above,
28

1 my parents passed away, and my wife is half and or part of my life. We did not marry to live
2 across continents and have a relationship from far distance. Therefore, I ask this court to issue
3 court order to allow U.S. Consulate in Khartoum, Sudan to resume issuance of my wife's visa
4 immediately. Thank you.
5

6
7 I declare under penalty of perjury under the laws of the United States that the foregoing is
8 true and correct to the best of my information, knowledge or belief.
9

10 Executed on this 2nd day of February, 2017, in Seattle, Washington State
11

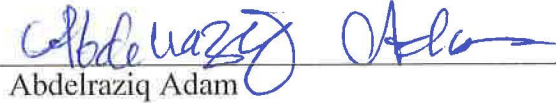
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EXHIBIT B

Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Juweiya Abdiaziz ALI; A.F.A., a minor; Reema
Khaled DAHMAN; G.E., a minor; Ahmed
Mohammed Ahmed ALI; E.A., a minor; on
behalf of themselves as individuals and on
behalf of others similarly situated,

Plaintiffs-Petitioners,

v.

Donald TRUMP, President of the United States
of America; U.S. DEPARTMENT OF STATE;
Tom SHANNON, Acting Secretary of State;
U.S. DEPARTMENT OF HOMELAND
SECURITY; John F. KELLY, Secretary of
Homeland Security; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES; Lori
SCIALABBA, Acting Director of USCIS;
OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE; Michael DEMPSEY, Acting
Director of National Intelligence,

Defendants-Respondents.

Case No.: 2:17-cv-00135-JLR

DECLARATION OF CAROL E. EDWARDS
IN SUPPORT OF PLAINTIFFS

DECLARATION UNDER OATH

I, Carol L. Edward, hereby declare under penalty of perjury of the law of the State of Washington, and the laws of the United States of America, that the following is true and correct to the best of my knowledge and belief:

1. My Law Offices, the Law Offices of Carol L. Edward & Associates, P.S., are the attorneys of record for Ibado Hassan and Isahaq Ahmed Rabi. Attorney Eric Lin was involved in assisting the clients with processing the paperwork.
2. Ibado Hassan is a United States citizen and sponsored her husband Isahaq Ahmed Rabi to join her in the United States.
3. Ibado and Isahaq went through all the normal legal channels and met all the requirements for Isahaq to immigrate to the United States as a lawful permanent resident, commonly referred to as a green card holder. This includes filing paperwork with the U.S. Department of Homeland Security: United States Citizenship and Immigration Services, the National Visa Center, and the U.S. Department of State.
4. Isahaq is a Somali national and has been living in the country of Austria with a refugee application pending. He fled Somalia due to serious and life threatening problems he faced in Somalia.
5. Isahaq traveled to the U.S. with a refugee travel document issued by the country of Austria and with a validly issued immigrant visa issued by the U.S. Consulate in Vienna, Austria. He had previously been interviewed and submitted the necessary information so that background security checks could be completed prior to his visa issuance by the American Consulate.
6. Isahaq flew to the U.S. with a one-way ticket as he was planning on living in the United States permanently with his wife Ibado. He carried with him legal documents that he provided to the customs and border patrol agents at SeaTac International Airport. Isahaq was refused entrance to the United States at SeaTac Airport on Saturday, January 28, 2017.
7. The fact that Isahaq was forced to leave the United States by U.S. Customs and Border Enforcement without even an opportunity to talk to her caused Ibado great distress as she did not know what was happening. According to family members who spoke to Isahaq after he returned to Vienna, he himself was not sure whether he would be allowed to return to Vienna or would be deported back to Somalia, the country he had fled. He was also told when he was at the airport that he could not speak to his lawyer.

8. After learning that Isahaq had not been allowed to enter, I contacted CBP at the airport by telephone and was informed that they would not discuss the case with me, even though I was the attorney for Isahaq and further would not even discuss the current procedure in dealing with persons arriving from one of the seven countries that are part of President Trump's executive order.

Signed on 1/29/2017 at Concrete, Washington
(date) (Place of signing, city, state)


Signature

EXHIBIT C

Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Juweiya Abdiaziz ALI; A.F.A., a minor; Reema
Khaled DAHMAN; G.E., a minor; Ahmed
Mohammed Ahmed ALI; E.A., a minor; on
behalf of themselves as individuals and on
behalf of others similarly situated,

Plaintiffs-Petitioners,

vs.

Donald TRUMP, President of the United States
of America; U.S. DEPARTMENT OF STATE;
Tom SHANNON, Acting Secretary of State;
U.S. DEPARTMENT OF HOMELAND
SECURITY; John F. KELLY, Secretary of
Homeland Security; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES; Lori
SCIALABBA, Acting Director of USCIS;
OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE; Michael DEMPSEY, Acting
Director of National Intelligence,

Defendants-Respondents.

Case No.: 2:17-cv-00135-JLR

**DECLARATION OF ELIAS ABDI
IN SUPPORT OF PLAINTIFFS**

DECLARATION OF
ELIAS MOHAMUD ABDI
Case No. 2:17-cv-00135-JLR

- 0

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
206-957-8611

1 I, Elias Mohamud ABDI, declare under penalty of perjury as follows:

2 1. I am a United States citizen. I live in Seattle, Washington. I am a taxi and Uber driver.

3 2. I came to the United States as a refugee in about 2009. At that time, I was living in
4 Kenya, but I was born in Somalia. I became a U.S. citizen in March 2015.

5 3. I am married to Nasteho Adan Kulane, since March 10, 2014. We married in Uganda. My
6 wife Nasteho is a citizen of Somalia. We have two children together. Our first son, A.E.M., was
7 born on January 1, 2015, and our second son, M.E.M., was born on September 29, 2016. My
8 wife and our two sons are currently in Kenya, with my mother, while we wait to be together. I
9 have not seen my wife and oldest son since early September 2016, and I have yet to meet my
10 second son. I send money to my family every month, sometimes every fifteen days. I want my
11 family here with me.

12 4. I petitioned for my wife in around May 2014. I submitted her online immigrant visa
13 application (Form DS-260) on August 19, 2015. My wife was interviewed on August 22, 2016 in
14 Nairobi, Kenya and her immigrant visa was approved and issued to her on January 20, 2017. She
15 picked up her immigrant packet on January 23, 2017.

16 5. On Friday, January 27, 2017 around 9:59 p.m. I booked a flight for my wife and infant
17 son (costing close to \$1,400). I did this before I knew about the President's order to stop some
18 people to get in the U.S., targeting people like my wife who is Somalian. My wife went to the
19 airport in Nairobi, Kenya with our infant son, on January 29, 2017, and was told by the Emirates
20 airline crew that they could not take her to the United States because of the ban. I called to so
21 many places asking what was happening. I booked another flight, on January 30, 2017, for my
22 wife and son through Delta Airlines (costing about \$1,900). I asked if I could book the ticket
23 even though there was a ban. I was told if my wife had a valid visa, they could bring her. My
24 wife went to the airport on 1/31, but the airline told her again that they would not take her.

25 6. My family-based petition for my oldest son, A.E.M. was approved on October 21, 2016. I
26 submitted his immigrant visa application (Form DS-260) on November 23, 2016 and was waiting
27
28

1 for his interview in Nairobi, Kenya. I was told he would get an interview in early January, but I
2 have not yet heard from them.

3 7. My wife and two children have never been to the U.S. My wife and my infant son, who
4 has a U.S. citizen passport, were not allowed on the plane twice. I have incurred so much
5 financial hardship because of this. I have spent too much. I did the petition process by myself.
6 This is heartbreaking. I have not been able to get through the embassy.
7

8 8. Today, on January 31, 2017, I received an email about my wife's immigrant visa. They
9 told me it had been revoked because of the ban.

10 9. I did not think this would be possible. I did not believe people were actually going to be
11 affected like this. Asking why I want my family with me is very silly and shameful. There is no
12 need to ask this question. I do not want to be separated from my family. I cannot continue to
13 endure financial and emotional hardship. I have to households to support, here and in Kenya. I
14 need my family with me.

15 10. My family received an exit letter from Kenya. It's going to expire in about 20 days. My
16 wife who is Somalian citizen is not allowed to stay in Nairobi past that permit date.

17 11. Please help stop this injustice. It is not just me or my family who is suffering.
18

19 I declare under penalty of perjury under the laws of the United States the foregoing is true
20 and correct to the best of my information, knowledge, and belief.
21

22 Executed on this 31st day of January, 2017, in Seattle, Washington.

23
24 
Elias Mohamud ABDI

EXHIBIT D

Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Juweiya Abdiaziz ALI; A.F.A., a minor; Reema
Khaled DAHMAN; G.E., a minor; Ahmed
Mohammed Ahmed ALI; E.A., a minor; on
behalf of themselves as individuals and on
behalf of others similarly situated,

Plaintiffs-Petitioners,

vs.

Donald TRUMP, President of the United States
of America; U.S. DEPARTMENT OF STATE;
Tom SHANNON, Acting Secretary of State;
U.S. DEPARTMENT OF HOMELAND
SECURITY; John F. KELLY, Secretary of
Homeland Security; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES; Lori
SCIALABBA, Acting Director of USCIS;
OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE; Michael DEMPSEY, Acting
Director of National Intelligence,

Defendants-Respondents.

Case No.: 2:17-cv-00135-JLR

**DECLARATION OF
JAFFER AKHLAQ HUSSAIN
IN SUPPORT OF PLAINTIFFS**

DECLARATION OF
JAFFER A. HUSSAIN
Case No. 2:17-cv-00135-JLR

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
206-957-8611

1 I, Jaffer Akhlaq Hussain, declare under penalty of perjury as follows:

2 1. I am a United States lawful permanent resident. I live in Parlin, New Jersey. I am
3 employed as a Software Developer specializing in the development and implementation of
4 Microsoft ERP (Enterprise Resource Planning) software.

5 2. I was born in Karachi, Pakistan on November 3, 1980, and I am now 36 years of age. I
6 came to the United States in August 1999 as an F-1 student to attend the University of
7 Wisconsin. I was awarded the degree of Bachelor of Science in Electrical Engineering in
8 December 2003. I continued my studies at Northeastern University in Boston, Massachusetts. I
9 was awarded the degree of Master of Science in Engineering Management in January 2008. I
10 was granted a change of status to H-1B on October 1, 2008. My previous employer Fullscope,
11 Inc. sponsored me for permanent residence. My application was approved by USCIS, and I
12 became a permanent resident of the United States on October 2, 2013.

13 3. I am married to Seyedehfatemeh Hamedani ("Fateme"), a citizen of Iran. Fateme holds
14 the degree of Master of Science in Biotechnology. My family and her family are friends, and I
15 have known Fateme from childhood. Beginning in 2012, we began to get to know each other
16 better by chatting through Skype and Facebook. We saw each other in person at my sister's
17 wedding in Pakistan. We realized we were strongly attracted to each other. We decided to marry,
18 with the enthusiastic support of both of our families. Fateme and I were married in Karachi,
19 Pakistan on January 8, 2015. Both Fateme and I are Muslims, and our marriage was celebrated
20 in accord with Muslim traditions.

21 4. Immediately after our marriage I contacted my immigration lawyer in the United States,
22 and filed an I-130 Immigrant Relative Petition on behalf of Fateme on April 15, 2015. The
23 petition was approved on November 13, 2015, and forwarded to the National Visa Center. The
24 petition could not be processed further at that time due to the limited number of visas available
25 annually to the spouses of U.S. permanent residents. While we were waiting for visas to become
26 available, Fateme continued to live in Iran. We visited as often as possible given the constraints
27
28

1 of my employment in the United States. Fatemeh became pregnant with our child. On July 2,
2 2016 we were greatly blessed with the birth of our son Ermiya Syed. Our son is now seven
3 months old. He lives with his mother in Iran.
4

5 5. Around this same time, priority dates had advanced to the point where we were able to
6 pay our visa application fees, file our DS-260 visa application, and submit our civil documents
7 and Affidavit of Support to the National Visa Center. This required great effort on my part
8 including a trip to Pakistan to obtain a passport for our son, as my son is a citizen of Pakistan
9 under Pakistan law. Eventually, all of the necessary documents were obtained, and were
10 submitted to the National Visa Center on January 30, 2017.

11 6. On February 1, 2017 Fatemeh's priority date became current according to the February
12 2017 Visa Bulletin. This means Fatemeh and Ermiya are now eligible to obtain a visa
13 appointment at the U.S. consulate in Abu Dhabi, obtain their immigrant visas, and proceed to the
14 United States. However, due to the Executive Order issued on January 27, 2017, it is no longer
15 possible for my wife and child to obtain a visa appointment or immigrant visas.

16 7. I have been separated from my wife since our marriage, and I have been separated from
17 our son since his birth. There is no practical place for us to live except the United States. It
18 would be very difficult for me to live with my family in Iran, since I am not a citizen of Iran, and
19 I could not own property or hold civil rights of any kind in Iran. There would be limited if any
20 opportunity to pursue my profession in Iran. It would also be very difficult for our family to live
21 in Pakistan. My family are Shia Muslims, which is a minority in Pakistan. My brother was a
22 member of the National Assembly of Pakistan, and received threats during most of his term.
23 These threats could well extend to myself and my family. Fatemeh wishes to pursue her
24 education in bio-sciences in the United States. We both want our son to receive his education in
25 the United States, and to become a United States citizen as we wish to do as well. All of our
26 plans are now on hold indefinitely because of the travel ban.
27
28

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my information, knowledge, and belief.

Executed on this 3rd day of February, 2017, in Parlin, New Jersey.



JAFFER A. HUSSAIN

EXHIBIT E

Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Juweiya Abdiaziz ALI; A.F.A., a minor; Reema
Khaled DAHMAN; G.E., a minor; Ahmed
Mohammed Ahmed ALI; E.A., a minor; on
behalf of themselves as individuals and on
behalf of others similarly situated,

Plaintiffs-Petitioners,

v.

Donald TRUMP, President of the United States
of America; U.S. DEPARTMENT OF STATE;
Tom SHANNON, Acting Secretary of State;
U.S. DEPARTMENT OF HOMELAND
SECURITY; John F. KELLY, Secretary of
Homeland Security; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES; Lori
SCIALABBA, Acting Director of USCIS;
OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE; Michael DEMPSEY, Acting
Director of National Intelligence,

Defendants-Respondents.

Case No.: 2:17-cv-00135-JLR

DECLARATION OF AHMED MOHAMMED
AHMED ALI
IN SUPPORT OF PLAINTIFFS

1 I, Ahmed Mohammad Ahmed ALI, declare under penalty of perjury as follows:

2 1. I was born on May 1, 1978 in Alshear, Ibb, Yemen. I currently reside at 724 Gamay
3 Court, Los Banos, CA, 93635. I make this declaration in support of a temporary restraining order
4 to help effectuate my daughter, E.A.'s entry to the United States.

5 2. I am married to a U.S. citizen and have 2 U.S. citizen children and one child with a valid
6 immigrant visa, but who has been denied the ability to board a plane due to the January 27, 2017
7 executive order, merely because she is a citizen of Yemen.

8 3. My wife and I have been trying for so many years to have our whole immediate family
9 united safely in the United States. My wife Intikhab Mohamed Saleh ("Intikhab") and I own a
10 home in Los Banos, California where we live with our two U.S. citizen children, and where we
11 have been hoping that our daughter E.A. would also be residing. We have a monthly mortgage
12 payment of approximately \$950. My wife has been helping to raise our daughters. We are a very
13 close family. Our family is Muslim.

14 4. I am the sole breadwinner for my family of five. I am the manager at the Buy N Save
15 Market in Los Banos that is in a local shopping market and part-owner of Los Amigos. I have
16 worked at Buy N Save since 2004. I work long hours so that I can provide for my family. I make
17 approximately \$35,000 a year. I pay my U.S. taxes.

18 5. I married my wife, Intikhab on May 3, 2001. My eldest daughter, S.A.M.A. was born
19 within one year of our marriage – on February 24, 2002. Both my wife Intikhab and my daughter
20 S.A.M.A. are U.S. citizens.

21 6. I first entered the United States with my wife and daughter S.A.M.A. on January 27,
22 2004, and became a lawful permanent resident that date, based on a visa petition my U.S. citizen
23 wife had filed on my behalf. I became a naturalized U.S. citizen on July 19, 2010.

24 7. Approximately 6 months after my family and I entered the United States in 2004, we
25 received news that Intikhab's mother had fallen ill and required caretaking assistance. As a
26 result, Intikhab decided she would temporarily return to Yemen (with S.A.M.A.) to care for her
27 mother. However, the length of Intikhab's trip increased because my mother-in-law's health
28

1 improved slowly. By the time Intikhab left for Yemen, she was already pregnant with my second
2 daughter, E.A.A. E.A.A. was born while my wife was still in Yemen, on December 3, 2004

3 8. I remained in the United States where I was working to financially support the family.
4 When my wife left for Yemen, we planned for her to return to the United States as soon as her
5 mother's health improved. At no point did we intend for my wife to live in Yemen permanently.
6 With my second child on the way, I knew it was best that I remain in the United States, although
7 I knew the separation would be difficult.

8 9. When I learned that my mother-in-law's health had improved to the point that she no
9 longer required my wife's caretaking assistance, I immediately began making arrangements for
10 my family to join me in the United States. By 2010, I had saved enough money to cover the
11 travel expenses for my entire family (Intikhab, S.A.M.A., and E.A.A.).

12 10. Around 2010, when my wife and daughters was considering joining me in the United
13 States, we thought our daughter E.A.A. was a U.S. citizen since both me and my wife were
14 citizens. However, we didn't know the technicality of the law, and only later learned that in fact
15 she was not a U.S. citizen because my wife had not physically resided in the United States for 5
16 years before E.A.A.'s birth. Thus, we learned we needed to have her go through the immigrant
17 visa consular process.

18 11. Thus, on April 25, 2011, I filed a family-based immigrant visa petition (Form I-130) for
19 my daughter E.A.A. with United States Citizenship and Immigration Services ("USCIS") along
20 with the requisite \$420 filing fee. USCIS approved the immediate relative I-130 petition for
21 E.A.A. on June 10, 2013.

22 12. On August 11, 2014, E.A.A., with the assistance of counsel, filed the Form DS-260,
23 Immigrant Visa Electronic Application. On August 12, 2014, counsel for E.A.A. emailed the
24 National Visa Center all of the civil documents.

25 13. Meanwhile, my wife had continued to stay with our older daughter S.A.M.A. and E.A.A.
26 in Yemen so that they travel to the United States together. However, while the immigrant visa
27 application was pending, the situation in Yemen deteriorated and became increasingly
28

1 dangerous. Frustrated that the immigrant visa process was taking so long, and worried about the
2 security situation in Yemen, my wife and I made the difficult decision sometime in 2013 that she
3 and S.A.M.A. would come to the United States, and E.A.A. would remain in Sana'a with my
4 parents, her grandparents. We were hopeful the immigrant visa would be approved soon.

5
6 14. My wife and I have had another daughter, S., who was born on February 4, 2015 in the
7 United States and is a U.S. citizen.

8 15. Meanwhile, the consular services in Yemen shut down so we learned the immigrant visa
9 interview would be scheduled at a different consulate. Finally, on December 15, 2016, the
10 National Visa Center sent an email that an immigrant visa interview was scheduled for January
11 22, 2017.

12 16. I then made arrangements for my daughter to be able to appear at this interview. E.A.A.'s
13 uncle helped her to travel by bus for over fifteen hours through a very dangerous part of Yemen,
14 and then took a flight from Aden, Yemen to Jordan. I meanwhile flew from the United States to
15 Jordan to meet my daughter. We then obtained a visitor visa for my daughter to travel from
16 Jordan to Djibouti. My Djibouti visa and my daughter's Djibouti visa were issued on January 15,
17 2017 and are valid for one entry for 14 days. We then flew from Jordan to Djibouti on January
18 17, 2017.

19 17. We arrived in Djibouti with enough time that my daughter could get her medical
20 examination that was required for the immigrant visa interview.

21
22 18. On January 22, 2017, I accompanied my daughter E.A.A. to the immigrant visa interview
23 at the U.S. Embassy in Djibouti, and we were notified that the immigrant visa was approved. We
24 were required to give the Embassy E.A.A.'s passport so that the visa could be issued. We were
25 instructed to check a website to see when visa would be ready to pick up.

26 19. We checked the website and learned the visa was issued on January 25, 2017, and went to
27 pick up the visa at the next available time that was permissible, which was on Thursday, January
28 26, 2017. The visa is valid until July 21, 2017.

1
2 20. We quickly attempted to make flight arrangements to the United States. We first arranged
3 a flight that departed on Friday, January 27, 2017, but flight flew through Canada, and the airline
4 called and said we would have to cancel the flight because my daughter didn't have a visa to
5 Canada. We therefore quickly booked the next flight we could, which left on Saturday, January
6 28, 2017.

7 21. Our Ethiopian Airlines flight was scheduled to depart Djibouti on Saturday, January 28,
8 2017 at 7:00 pm local time (which was 6am pacific time). The flight had multiple layovers, but
9 final destination was San Francisco International Airport. However, after we had gone through
10 security and were getting ready to board our flight, we were told by airline officials that my
11 daughter was not permitted board the flight due to the U.S President's Executive Order that was
12 issued on January 27, 2017. I immediately called my attorney to inform her of the situation.
13

14 22. On January 28, 2017, my attorney sent a letter to the U.S. Embassy in Djibouti requesting
15 that my daughter E.A.A. be issued a travel letter because she should qualify for a case-by-case
16 exemption to the executive order because it would in the national interest to permit her to come
17 to the United States with our family. She spoke to a consular officer in Djibouti on January 30,
18 2017, but was informed that the embassy did not have guidance yet on how the waivers to the
19 executive action would be reviewed or issued.
20

21 23. We have thus been extending our stay at a hotel in Djibouti, which is quite expensive. We
22 had been paying approximately \$115 a night, although recently moved to a smaller and more
23 affordable room for \$80 a night.

24 24. I was able to take a leave of absence from my work to travel to help my daughter E.A.A.
25 come to the United States. But now, I do not know when I will be able to return to the United
26 States and do not know when I will be able to earn money for my family.

27 25. The uncertainty of our situation is very stressful. We have no idea when we will be able
28

1 to travel to the United States. I obviously cannot leave my 12-year-old daughter alone. We are
2 currently temporarily staying Djibouti, where we have no family or friends, and it is very
3 expensive stay. I am worried because both my visa and my daughter's visa for Djibouti have
4 expired. But we have nowhere else to go. We don't want to return to Yemen because it is
5 extraordinarily dangerous, and a very long journey. All we want is for our family to be united in
6 our home in the United States.
7

8
9 I declare under penalty of perjury under the laws of the United States that the foregoing is
10 true and correct to the best of my information, knowledge, belief.
11

12 Executed on this 1st day of February, 2017, in Djibouti, Djibouti.
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15 Ahmed Mohammed Ahmed Ali
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EXHIBIT F

Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Juweiya Abdiaziz ALI; A.F.A., a minor; Reema
Khaled DAHMAN; G.E., a minor; Ahmed
Mohammed Ahmed ALI; E.A., a minor; on
behalf of themselves as individuals and on
behalf of others similarly situated,

Plaintiffs,

v.

Donald TRUMP, President of the United States
of America; U.S. DEPARTMENT OF STATE;
Tom SHANNON, Acting Secretary of State;
U.S. DEPARTMENT OF HOMELAND
SECURITY; John F. KELLY, Secretary of
Homeland Security; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES; Lori
SCIALABBA, Acting Director of USCIS;
OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE; Michael DEMPSEY, Acting
Director of National Intelligence,

Defendants.

Case No.: 2:17-cv-00135-JLR

**DECLARATION OF AZIN SAFARI
IN SUPPORT OF PLAINTIFFS**

1 I, Azin SAFARI, declare under penalty of perjury as follows:

2 1. I am a United States citizen and I moved to the United States on July 3, 2011 on an
3 immigrant visa through marriage when I was 23 years old from Iran. I became a U.S. citizen on
4 May 28, 2015. I currently live in Westminster, Colorado and work as a programmer for a
5 marketing company.

6 2. My parents live in Iran and miss us terribly every day. They once went through getting a
7 tourism visa and came to visit us in 2013. Due to the fact that there is no U.S. embassy in Iran, it
8 cost my parents thousands of dollars to travel to Austria, stay in a hotel, and go for their
9 interview. After 18 months of waiting for the application processing, they finally got their
10 visitor's visa to come to the U.S. and visit us for 3 months.

11 3. When they were returning back to Iran, my father humbly told me that he really could not
12 afford these kinds of pressures at this age financially and emotionally. Because the whole
13 process of traveling would be so exhausting and frustrating for them to go through again, my
14 father was hesitant to visit again.

15 4. After my naturalization on May 28, 2015, I decided to immediately apply for my parents'
16 green cards so they could travel one last time and they could remain in the U.S. with me. I sent
17 my petition to USCIS in July, 2015.

18 5. We received their welcome letters from NVC in January 2016. This time, my mother
19 was referred to the Emirates embassy and my father was referred to Turkey embassy for a
20 consular interview. Since they didn't want to travel separately, I had to request for both to be
21 interviewed in one country/embassy. It took another 5 months for the National Visa Center to
22 change the location and update my mother's location of interview to Ankara, Turkey.

23 6. My parents were scheduled for a consular interview in Ankara, Turkey on September 30,
24 2016. My mother got her visa immediately after the interview. However, they requested for 2
25 supporting documents from my father to issue his visa which is still under processing.
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1 7. Although my mother had a valid visa issued on October 6, 2016, she bought her ticket for
2 March 7, 2017 with the hope that my father can get his visa during this time and join her. Her
3 immigrant visa expiration date was noted as March 28, 2017 so we were certain she had plenty
4 of time. She was so excited every single day to finally see us.

5 8. A week after their interview, I realized I'm pregnant. I decided to surprise my parents
6 when they arrive here so I kept it a secret. We were certain that at least my mother will be with
7 us to help us when the baby arrives. Hence, we put all our life plans based on her arrival by
8 March 2017.

9 9. On Friday, January 29, 2017, we heard the cruel news. My mother's visa was revoked.
10 After 2 years of waiting and fighting to make everything work, with a baby on the way, it ruined
11 our entire life plan. After 90 days of suspension, her visa will expire and all the hard work will
12 turn into ashes.

13 10. After a few shocking hours, I started calling Custom and border Protection and Denver
14 international airport to see if the order is effective yet or if we had some time left. I was willingly
15 ready to do whatever I could to bring her here before the executive order became effective.

16 11. CBP informed that they don't have any order yet and Denver Airport informed us that
17 they haven't heard the news yet and they will process all valid visas since they currently are not
18 advised about any order. Also Lufthansa airline cooperated and changed my mother's ticket to
19 Saturday 1/30. She packed a baggage and got ready to go to the airport in 2 hours.

20 12. But at the airport, they informed her that her ticket is voided by Lufthansa airline and all
21 flights from Iran to the U.S. are blocked by the airlines because *they JUST received the order*.

22 13. My parents still don't know that they have a grandchild on the way. The great news will
23 be a sad one for them now since they know they are not able to see the baby anytime soon.

24 14. All the joy in our lives is gone by an immature decision and a rolling pen on a paper.

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26
27 I declare under penalty of perjury under the laws of the United States that the foregoing is
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1 true and correct to the best of my information, knowledge, and belief.
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3 Executed on this 2nd day of February, 2017, in Westminster, Colorado.
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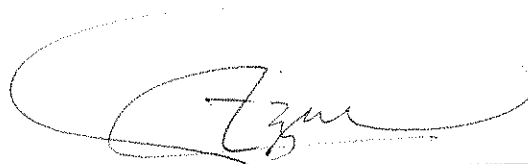
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EXHIBIT G

Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Juweiya Abdiaziz ALI; A.F.A., a minor; Reema Case No.: 2:17-cv-00135-JLR

Khaled DAHMAN; G.E., a minor; Ahmed
Mohammed Ahmed ALI; E.A., a minor; on
behalf of themselves as individuals and on
behalf of others similarly situated,

Plaintiffs-Petitioners,

v.

Donald TRUMP, President of the United States
of America; U.S. DEPARTMENT OF STATE;
Tom SHANNON, Acting Secretary of State;
U.S. DEPARTMENT OF HOMELAND
SECURITY; John F. KELLY, Secretary of
Homeland Security; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES; Lori
SCIALABBA, Acting Director of USCIS;
OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE; Michael DEMPSEY, Acting
Director of National Intelligence,

Defendants-Respondents.

**DECLARATION OF GHASSAN TAHHAN
IN SUPPORT OF PLAINTIFFS**

DECLARATION OF
GHASSAN TAHHAN
Case No. 2:17-cv-00135-JLR

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
206-957-8611

1 I, GHASSAN TAHHAN, declare under penalty of perjury as follows:

- 2 1. I am a citizen of the United States. I live in Frisco, Texas. I am a software engineer.
- 3 2. I came to the United States in 2006 when I was about 22 years old from Syria. I became a
- 4 citizen on August 18, 2015.
- 5 3. My parents are citizens of Syria and they currently live in Damascus, Syria
- 6 4. As a U.S. citizen, I applied for my parents to become Permanent Lawful Residents. They
- 7 already got approved and they already received their immigrant visas. My father's immigrant
- 8 visa was issued on January 19, 2017, and my mother's immigrant visas was issued on January
- 9 23, 2017.
- 10 5. My parents already purchased their plane tickets to the United States but they didn't start
- 11 their travel yet. My parents live in a war-torn country. Nothing is safe over there and no one
- 12 knows what might happen the next day. My father is 76 years old, and my mother is 70 years
- 13 old. All of their children live outside Syria. It's very important for them to have a safe place
- 14 where they can rest and feel safe.
- 15 6. We lost about \$500.00 so far for cancelling the tickets. It has been almost 1 year since the
- 16 last time I've seen my parents.
- 17 7. My parents are old people, they need all the care and rest they can get here in the United
- 18 States. As I mentioned before, none of their children live in Syria anymore, which is why it
- 19 becomes very important for them to be able to come to the United States for safety, medical care,
- 20 and so much more. In Syria it is very hard nowadays to get anything – even clean drinking
- 21 water. With all of what's going on right now, I am afraid that this Executive Order will prevent
- 22 me from seeing my parents for the rest of my life.
- 23
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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct to the best of my information, knowledge, and belief.

3 Executed on this 4th day of February, 2017, in Frisco, TX.

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6 _____
7 GHASSAN TAHHAN
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DECLARATION OF
GHASSAN TAHHAN
Case No. 2:17-cv-00135-JLR

- 2

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
206-957-8611

EXHIBIT H

Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Juweiya Abdiaziz ALI; A.F.A., a minor; Reema
Khaled DAHMAN; G.E., a minor; Ahmed
Mohammed Ahmed ALI; E.A., a minor; on
behalf of themselves as individuals and on
behalf of others similarly situated,

Plaintiffs-Petitioners,

v.

Donald TRUMP, President of the United States
of America; U.S. DEPARTMENT OF STATE;
Tom SHANNON, Acting Secretary of State;
U.S. DEPARTMENT OF HOMELAND
SECURITY; John F. KELLY, Secretary of
Homeland Security; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES; Lori
SCIALABBA, Acting Director of USCIS;
OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE; Michael DEMPSEY, Acting
Director of National Intelligence,

Defendants-Respondents.

Case No.: 2:17-cv-00135-JLR

**DECLARATION OF HESAM
MOAZZAMI FARAHANI IN SUPPORT
OF PLAINTIFFS**

1 I, Hesam Moazzami Farahani, declare under penalty of perjury as follows:

2 1. My name is Hesam Moazzami Farahani and I was born in Iran. I am 32 years old and I
3 work as a banker in Los Angeles, California. I've lived in the U.S. since 2010 and I am a
4 naturalized citizen. I became a U.S. citizen in 2016 and it was a proud day for me. I love this
5 country and becoming a citizen made me feel like I officially belonged here.

6 2. My mother's name Simindokht Naghi Zadeh and she is sixty-five years old. My father's
7 name is Mohammadhossin Moazzami Farahani and he is seventy-one years old. My parents are
8 both citizens of Iran. Since I left Iran in 2010, I have only seen my parents twice. Not because I
9 did not want to see them, but because our situation is complicated. It has been tough to be apart
10 from my parents for so long.

11 3. I have three sisters and I am the only son. My parents are elderly and sick. My father
12 suffers from early stage Parkinson's disease and early onset Alzheimer's. My mother has high
13 blood pressure. I am constantly worried about my parents because of their health. As the only
14 son of the family, it is my responsibility to take care of my parents. I see it as my duty to help my
15 family, particularly since I now have the resources to do so. I want my parents to live with me
16 and one of my older sisters in Los Angeles so that we can take care of them as they age.

17 4. I filed I-130 Petitions for my parents shortly after I became a U.S. citizen. I was really
18 eager for my parents to come and reunite with me and my sister in Los Angeles. My sister lives
19 with me and she is recovering from breast cancer and I wanted us all to be together.

20 5. Once my parents' I-130 petitions were approved, we began the process of applying for
21 their immigrant visas. In late November 2016, my parents travelled from Tehran, Iran to Ankara,
22 Turkey for their interview with U.S. immigration officials. Their applications were approved and
23 immigration issued their visas on December 1, 2016. I remember my parents called me after they
24 learned that their visa was approved. They were so excited. My father is normally a very calm,
25 neutral man, but I could hear the excitement in his voice. It sounded like 20 years were added to
26 his life. I felt so relieved knowing that my parents would be able to come and live with me.
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28

1 6. On December 20, 2016, we bought my parents' airline tickets to travel to the U.S. on
2 March 15, 2017. We decided for them to travel in March so that I had time to try and buy a new
3 house that had more space for my parents to live with me. Right now, I live in an apartment with
4 my sister. We decided on the 15th of March so that we could celebrate Nowruz, the Persian New
5 Year, together as a family. My parents also needed time to wind down their business little by
6 little and to sell one of their homes.
7

8 7. In January 2017, I started hearing that Trump might take action to stop people from
9 traveling to the U.S. from Muslim countries. Friends were posting things on Facebook and I was
10 hearing things on the news that made me concerned. I couldn't have imagined that my parents
11 would have been impacted by any sort of ban. They had permission to come to the U.S. and I
12 thought they would be fine. However, I did not want to take any chances. I decided that my
13 parents should try and travel to the U.S. as soon as possible. On January 26, 2017, my parents
14 bought new tickets to come to Los Angeles two days later. Unfortunately, while they were on
15 their way to the U.S., everything changed.

16 8. On January 28, 2017, at approximately 4:10 in the morning my parents boarded a plane
17 in Tehran to begin their journey to Los Angeles. They had a connection in Abu Dhabi. My
18 parents never made it on their flight to Los Angeles. They were scheduled to board Etihad
19 Airways Flight 171, leaving for Los Angeles at 8:45 in the morning on January 28th. However,
20 when they arrived in Abu Dhabi, officials at the airport told them that there was a new law and
21 they could not come to the United States anymore.

22 9. My parents were detained and questioned by U.S. immigration officials in Abu Dhabi.
23 The officers spoke to my parents in a dialect they could not understand very well. The officials
24 said that the American President had signed a law that meant they could not go to the United
25 States. Officials told my parents to sign a piece of paper. The document was in English, which
26 my parents do not speak. My parents did not understand what was happening to them and did
27 what they were told because they trusted the officials. The officials told my parents that signing
28

1 the paper was simply proof they were turned away and that it would help them in the future to go
2 to the United States.

3 10. Later that day, my parents sent me a text message telling me that officials told them they
4 could not come to the U.S. and that they had to go back to Iran. My parents told me they were
5 waiting in Abu Dhabi for a flight to Tehran. They told me that immigration officials had them
6 sign a paper and they sent a photo to my phone. I looked at the photo and saw an English
7 language document titled "To Be Completed by Alien When Application for Admission
8 Withdrawn." It was just a snapshot of a single page. I asked my parents why they signed the
9 form and they told me they did not know what they were signing. They said they never wanted to
10 withdraw their application and they wanted to come to America. My parents sounded very sad
11 and worried. I was in shock. It was a very stressful moment for me. I had thought I was going to
12 be reunited with my parents. Instead, I wasn't sure we would be together again.

14 11. My parents were at the airport in Abu Dhabi for approximately 18 hours. During their
15 detention, they were cold, uncomfortable, confused, and scared. My sister and I were panicking.
16 We did not know what to do. Eventually, my parents boarded a plane and were sent back to
17 Tehran. My father said it was the worst day of his life. It was also one of my worst days too. I
18 felt pressure and pain in my chest. I was so upset and confused.

19 12. My parents are still in Tehran. My whole life is on hold now. I can't sleep at night. I have
20 had to take off work because I cannot focus. All I can think about is my family. My parents are
21 worried. When I talk to them on the phone, all they want to know is what is going to happen next
22 and when they can come to the United States. My mother told me she is having trouble sleeping.

23 13. January 28, 2017 was supposed to be the start of a new, happy chapter for my family. We
24 spent a lot of money, time, and effort into getting my family's papers in order so they could
25 come here. I feel discriminated against and like a second class citizen because of where I was
26 born. It hurts. All I want is for my parents to be here with me.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct to the best of my information, knowledge, belief.

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5 Executed on this 2nd day of February, 2017, in Los Angeles, California.

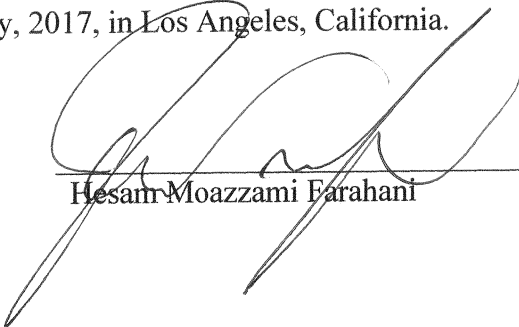
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Hesam Moazzami Farahani

EXHIBIT I

Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Juweiya Abdiaziz ALI; A.F.A., a minor; Reema
Khaled DAHMAN; G.E., a minor; Ahmed
Mohammed Ahmed ALI; E.A., a minor; on
behalf of themselves as individuals and on
behalf of others similarly situated,

Plaintiffs-Petitioners,

v.

Donald TRUMP, President of the United States
of America; U.S. DEPARTMENT OF STATE;
Tom SHANNON, Acting Secretary of State;
U.S. DEPARTMENT OF HOMELAND
SECURITY; John F. KELLY, Secretary of
Homeland Security; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES; Lori
SCIALABBA, Acting Director of USCIS;
OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE; Michael DEMPSEY, Acting
Director of National Intelligence,

Defendants-Respondents.

Case No.: 2:17-cv-00135-JLR

**DECLARATION OF MOHAMED BARRE
OMAR
IN SUPPORT OF PLAINTIFFS**

DECLARATION OF
MOHAMED BARRE OMAR
Case No. 2:17-cv-00135-JLR

- 0

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
206-957-8611

1 I, MOHAMED BARRE OMAR, declare under penalty of perjury as follows:

2 1. I am a United States citizen. I live in Tukwila, Washington. I own a small grocery store in
3 Seattle, Washington, and I am an instructional assistant for Seattle Public Schools.

4 2. I was born in Somalia. I came to the United States as a refugee when I was 61 years old
5 from Kenya. I became a U.S. Citizen on March 13, 2012 in Seattle, Washington.

6 3. My biological son is Ahmed Mohamed Barre. He was born on October 5, 1992 in
7 Mombasa, Kenya. He is a citizen of Somalia by birth, because my wife and I were refugees. He
8 and his mother moved to Ethiopia shortly after he was born. His mother died in Kenya on April
9 20, 2012. He grew up in Addis Ababa, Ethiopia and has not left it since moving there. He has
10 never physically been in Somalia.

11 4. I last saw Ahmed in 2012, before his mother died. She had been in Kenya, so I visited
12 her and then went to Ethiopia to visit him. After visiting him, I decided to apply to bring him to
13 the United States to live with me. He is my only child that does not live in the United States.

14 5. I filed my Form I-130, Petition for Alien Relative, for him on October 25, 2012. The
15 preference classification for the case is 201 B INA Minor Child of USC. The petition was
16 approved and transferred to the National Visa Center in 2015. My son was interviewed for an
17 immigrant visa at the U.S. Embassy in Addis Ababa, Ethiopia on January 23, 2017 at 07:45 AM.
18 His case was approved and his immigrant visa was issued on January 25, 2017.

19 6. Upon receipt of his immigrant visa, we had planned to have him pack up and then
20 purchase a plane ticket to the U.S. The executive order was issued before he could buy a ticket.
21 He has attempted to buy a ticket, but no airline will sell one to him because they do not want to
22 take the risk that the U.S. will not allow him to immigrate despite the issuance of a valid
23 immigrant visa.

24 7. My son has never lived in Somalia, has no experience with his country of citizenship, and
25 does not know how to navigate the risks of living there. It is unsafe and impossible for him to
26 live in Somalia.
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1 8. My son cannot return to Kenya. The Kenyan government is actively refusing entry for
2 Somali citizens and is refusing to take additional refugees. He no longer holds refugee status
3 in Kenya.

4 9. I fear for my son's safety in Ethiopia due to the state of emergency related to protests and
5 violence in Addis Ababa and throughout Oromia. My son has little opportunity in Ethiopia,
6 because he is not a citizen there, and is present only at the permission of the government.

7 10. I fear that my son's immigrant visa will expire before he the travel ban in the executive
8 order is lifted for citizens of Somalia. I would then lose his priority date of October 23, 2012,
9 which allows him to be the immediate relative, minor child of a U.S. Citizen for visa preference
10 purposes under the Child Status Protection Act. I would be required to file a new petition for
11 him as the adult child of a U.S. Citizen, family-sponsored first preference category, which has a
12 current priority date of January 1, 2011. It would most likely take over six years before he would
13 be able to obtain a new immigrant visa to the United States, which would mean he would be over
14 the age of 30 by the time he arrived. That delay would directly interfere with his ability to attend
15 a school in the United States and build a career. It would have a permanent, negative impact on
16 his earning abilities and his ability to marry and grow a family. It is not reasonable nor rational
17 to prevent my son, who is a Somali citizen only as a result of his being born to refugee parents
18 in Kenya, from coming to the U.S.

19 11. It is too expensive for me to travel to Ethiopia regularly. It has been nearly five years
20 since the last time I visited Ethiopia. My son lives over 8,000 miles from me. His time zone is
21 11 hours ahead of mine. When I go to bed, he is waking up; when he is going to bed, I am
22 waking up. It is difficult for us to talk on the phone because of the time difference, but we try to
23 make time for each other every week. I have to send him money to support in Ethiopia, because
24 he does not have a job. It is an enormous financial and emotional hardship to my son, myself,
25 and my family for him to live in Ethiopia while everyone else lives in the United States.
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1 12. I want to bring my whole family together by having all of us live in the United States.
2 My son is the only person left outside of the United States. I want him to be able to go to a good
3 university, to have a career, and to be able to live the American Dream. Moments before January
4 27, 2017, I believed that dream was a reality and that we would be reunited. Now, because of
5 the executive order, I no longer know if that dream is possible.
6

7 13. Please reunite my family by allowing my son to come to the United States as quickly as
8 possible.
9

10 I declare under penalty of perjury under the laws of the United States that the foregoing is
11 true and correct to the best of my information, knowledge, belief.
12

13 Executed on this 1st day of February, 2017, in Seattle, Washington.
14



15 Mohamed Barre Omar
16 14839 Military Rd S, #108
17 Tukwila, WA 98168
18 (206) 566-4338
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EXHIBIT J

Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Juweiya Abdiaziz ALI; A.F.A., a minor; Reema
Khaled DAHMAN; G.E., a minor; Ahmed
Mohammed Ahmed ALI; E.A., a minor; on
behalf of themselves as individuals and on
behalf of others similarly situated,

Plaintiffs-Petitioners,

vs.

Donald TRUMP, President of the United States
of America; U.S. DEPARTMENT OF STATE;
Tom SHANNON, Acting Secretary of State;
U.S. DEPARTMENT OF HOMELAND
SECURITY; John F. KELLY, Secretary of
Homeland Security; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES; Lori
SCIALABBA, Acting Director of USCIS;
OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE; Michael DEMPSEY, Acting
Director of National Intelligence,

Defendants-Respondents.

Case No.: 2:17-cv-00135-JLR

**DECLARATION OF NIKOO NIKNEJAD
IN SUPPORT OF PLAINTIFFS**

1 I, Nikoo Niknejad, declare under penalty of perjury as follows:

- 2 1. I am a lawful permanent resident. I live in Atlanta, Georgia. I am a homemaker.
- 3 2. I came to the United States when I was 61 years old from Iran. I became a resident on
- 4 September 25, 2009 through my brother's petition. That was the beginning of my journey to
- 5 come to the US and eventually bring my children to the US so we could start a new life.
- 6 3. My son, Amirbahador is a citizen of Iran. He is 34 years old and is currently in Iran.
- 7 4. I filed an I-130 petition for him on April 21, 2010. The petition was approved and I had
- 8 to wait until his priority date became current. It was a long process to wait but it finally came in
- 9 2015. I hired US immigration attorney, Carl Balediata, and he helped me through the process.
- 10 We submitted all the documents and paid fees. We followed all the rules. My son received his
- 11 US immigrant visa on December 19, 2016 in Abu Dhabi.
- 12 5. I was so happy that I also traveled to be with him so I could bring him home with me to
- 13 start his new life with me. I am now currently in Iran with him. We booked a flight for January
- 14 30, 2017 with British Airways out of Tehran, Iran to return to the United States. Upon check-in
- 15 we were told that only I could board the flight but that my son could not because he did not have
- 16 a green card. We immediately called Carl Balediata who spoke on our behalf with British
- 17 Airways to tell them my son's US Immigrant Visa was the same as a green card. British Airways
- 18 said no and told us to go home.
- 19 6. Carl Balediata was able to discuss our case in more detail with a British Airways regional
- 20 supervisor. It was arranged for us to try to depart again out of Tehran, Iran on February 2, 2017.
- 21 This time we were told that me and my son had to be given an okay by US Customs and Border
- 22 Protection from New York, USA. We arrived at the airport at 6:30am and waited 1 hr. We were
- 23 told that we both could not board the plane. The British Airways agent showed us an email from
- 24 US Customs and Border Protection that said I could not board the flight and that my son was not
- 25 "cleared" and that he had to go back to the US Embassy in Abu Dhabi. That is all they told us.
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7. I was again devastated. I feel helpless. Why is the country I love doing this to my son. Carl Balediata is now working hard to try and bring my son home. I do not want to go home without my son. I need him. I have already been separated from him for so long.

8. I am old and I want my son to be with me. I want him to start a new life in the United States, the land of opportunity.

9. It has been a life long dream for me for my son to come and be with me in the United States. I also filed an I-130 petition for my daughter and we were in the process of starting her case too but now I have also lost hope with her case as well.

10. I just want my family to reunite and be with me in the United States. I always wanted what was best for my son and my daughter. Now I cannot see how we can get through this. I am heartbroken and cannot understand why this country I love is doing this to me and my family.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my information, knowledge, belief.

Executed on this 2nd day of February, 2017, in Tehran, Iran.

Nikoo N. Niknejad
Nikoo Niknejad