

The Honorable

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

Jane Doe and John Doe, individually, and on
behalf of all others similarly situated; and the
Episcopal Diocese of Olympia,

Plaintiffs,

v.

Donald Trump, President of The United States;
U.S. Department of State; Rex Tillerson,
Secretary of State; U.S. Department of
Homeland Security; John Kelly, Secretary of
Homeland Security; U.S. Customs and Border
Protection; Kevin McAleenan, Acting
Commissioner of U.S. Customs and Border
Protection; and Michele James, Field Director
of the Seattle Field Office of U.S. Customs and
Border Protection,

Defendants.

No.

**CLASS ACTION COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

CLASS ACTION COMPLAINT

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OF WASHINGTON FOUNDATION

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I. INTRODUCTION

1. One week after taking office as President of the United States, Defendant Donald Trump carried out his call for “a total and complete shutdown of Muslims entering the United States” that he had made throughout his campaign for the presidency. With the stroke of a pen, he threw into chaotic uncertainty the lives of tens of thousands of individuals who had been granted valid student and work visas through an exhaustive and thorough screening by the United States government.

2. Individual Plaintiffs, and the class they seek to represent, are people with non-immigrant visas who were residents of the State of Washington when the Executive Order was issued. They are now either trapped inside the United States—unable to return to visit their families, or carry out work- or education-related travel—or stuck outside the United States, unable to continue with their studies and jobs, and unable to return to their homes and communities here.

3. Plaintiff, the Episcopal Diocese of Olympia (the “Episcopal Diocese” or “Diocese”)—a religious organization incorporated in the State of Washington to do charitable works, including to support the resettlement of refugees in Washington—has had its refugee resettlement activities completely upended as a result of the Executive Order. Nearly two dozen refugee families whom the Episcopal Diocese was supporting in resettlement, including families from Syria, Iraq, and Somalia, were already approved for travel to the United States when the Executive Order issued and their trips were canceled, wasting precious resources and frustrating the activities of the Diocese.

4. On January 27, 2017, Defendant Trump issued Executive Order 13769 “Protecting the Nation From Foreign Terrorist Entry Into the United States” (the “Executive Order”), completely prohibiting for at least 90 days the entry or re-entry of all persons who are nationals of seven predominantly Muslim countries—Iraq, Libya, Somalia, Sudan, Syria

1 and Yemen (the “Designated Countries”)—regardless of whether such persons hold valid visas
 2 and regardless of whether their visas are immigration or non-immigration related.

3 5. As one of Defendant Trump’s senior advisors confirmed the next day, the
 4 Executive Order is an attempt by Defendant Trump to institute his repeatedly and emphatically
 5 promised “Muslim ban.”

6 6. Also on January 27, 2017, the Deputy Assistant Secretary for Visa Services at the
 7 Bureau of Consular Affairs of the Department of State, relying on the authority of the Executive
 8 Order, summarily and provisionally revoked all valid nonimmigrant and immigrant visas of
 9 nationals of the seven Muslim-majority countries, subject to exceptions not relevant here. This
 10 revocation (“the Provisional Revocation Letter”) threatens countless nationals of the Designated
 11 Countries who are currently in the United States or who reside in the United States but were
 12 traveling abroad when the letter was issued.

13 7. Although other actions seeking class certification have been filed on behalf of
 14 affected individuals in Washington State, this suit is different. The Individual Plaintiffs seek to
 15 represent a class of similarly situated persons in Washington State who hold a non-immigrant
 16 visa to work or study in the United States (the “Non-Immigrant Visa Class”). Although these
 17 visas may have been provisionally reinstated in light of this Court’s temporary restraining order
 18 issued on February 3, 2017 in *State of Washington, et al. v. Donald J. Trump, et al.*, No. 2:17-cv-
 19 00141 (W.D. Wash.), Defendants in that action have already filed for expedited appeal of that
 20 order.

21 8. As long as the status of their visas is unclear, the Individual Plaintiffs and
 22 members of the class cannot leave the country for fear they will not be permitted to return under
 23 their current valid visa, or will not be able to apply for another visa to return to complete their
 24 education, research, and other work-related functions. In addition, Plaintiff the Episcopal
 25 Diocese brings its claims based on the Executive Order’s harm to its own mission activities, as
 26 well as the Order’s harm to the refugees served by the Diocese, thereby shielding those

1 vulnerable refugee individuals from the retaliation they reasonably fear if they were to assert
2 their claims directly.

3 9. Defendants' Executive Order imposes immediate, undue hardship.

4 10. Defendants' Executive Order is in addition illegal and unconstitutional. The fact
5 that it is facially neutral as to religion neither shields it from this Court's scrutiny nor masks the
6 discriminatory animus that drives it. And the distinctions the Order does draw on its face are so
7 arbitrary and irrational as to fail even the most minimal level of judicial scrutiny.

8 11. Defendants' Executive Order is precisely what Defendant Trump promised,
9 repeatedly and openly: a Muslim ban. It is moreover, on admission of Defendant Trump himself,
10 a ban that favors Christians over Muslims, in contravention of "[t]he clearest command of the
11 Establishment Clause . . . that one religious denomination cannot be officially preferred over
12 another." *Larson v. Valente*, 456 U.S. 228, 244 (1982).

13 12. Both the Episcopal Diocese of Olympia and Individual Plaintiffs—on behalf of
14 themselves and a class of similarly situated people in Washington State—bring this suit to
15 challenge the provisions and implementation of the Executive Order that violate the First
16 Amendment, the Fifth Amendment, the Religious Freedom Restoration Act ("RFRA"), 42
17 U.S.C. § 2000bb *et seq.*, and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 *et seq.*

18 13. The Individual Plaintiffs, the class they seek to represent, and the Episcopal
19 Diocese (collectively, "Plaintiffs"), currently suffer serious harm and will continue to suffer such
20 harm until and unless this Court preliminarily and permanently enjoins the Executive Order.
21 Plaintiffs have no adequate remedy at law.

22 II. JURISDICTION AND VENUE

23 14. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 over Plaintiffs'
24 claims under the U.S. Constitution and federal statutes, as well as under the Administrative
25 Procedure Act, 5 U.S.C. § 706.

16. Venue is proper under 28 U.S.C. §1391(b)(2) and (e)(1). A substantial part of the events or omissions giving rise to the claims occurred in this district, and Plaintiffs Jane Doe and John Doe reside in this District. Further, Defendants are officers or employees of the United States acting in their official capacities, and agencies of the United States.

III. PARTIES

1. Plaintiff John Doe

19. Mr. Doe holds a multiple entry F1 student visa. This is his second such visa that allows him to pursue full-time educational study in the United States. Mr. Doe received both of his F1 visas after an intensive vetting and screening process abroad that included an in-person interview and proof of his admission status at the University of Washington as a full-time doctoral student.

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1 Netherlands for an international offshore oil and gas company. Mr. Doe has also served as a
2 visiting researcher at ETH Zurich in Switzerland studying nonlinear solitary waves, and at the
3 University of South Carolina studying nonlinear wave propagation. Mr. Doe received his
4 undergraduate bachelors of science degree in civil engineering in Iran.

5 21. Mr. Doe's immediate and extended family, including maternal grandparents, all
6 live in Iran.

7 22. Mr. Doe is engaged in collaborative research with the Chinese Academy of
8 Science. He co-authors publications with Chinese researchers and is actively advising and
9 directing joint research with students in the United States and China on these projects. As part of
10 this collaboration, Mr. Doe conducted research in China for three months in 2016. Mr. Doe was
11 planning to return to China for further research and collaboration in April of 2017 but now, as a
12 result of the Executive Order, he is unable to travel outside the United States because he fears he
13 would not be able to return to his complete his doctorate.

14 23. As part of his doctorate studies, it is anticipated and expected that Mr. Doe will
15 participate in international conferences, because such endeavors are essential to his training and
16 his ability to be fully active in the scientific and research community. There are numerous
17 upcoming academic conferences that Mr. Doe was planning to attend, but that he will no longer
18 be able to attend as a result of the Executive Order. Mr. Doe believes that notwithstanding his
19 multiple entry F1 visa, the Executive Order can prevent him from re-entering the United States if
20 he leaves to attend any international conferences.

21 24. Because of the Executive Order, Mr. Doe will be unable to attend the
22 International Renewable Energy Storage Conference in Dusseldorf, Germany in March
23 2017. He will also have to miss the International Conference on Hybrid and Organic
24 Photovoltaics in Lausanne, Switzerland in May 2017. And if his visa situation remains
25 uncertain, he may be unable to attend the Third International Conference on Perovskite Solar
26 Cells and Optoelectronics in Oxford, England in September 2017.

1 25. Mr. Doe's research and career have suffered and will continue to suffer as long as
2 the Executive Order is in place.

3 26. Mr. Doe is pursuing his claims anonymously because he is afraid of retaliation
4 from the United States government or others for asserting his rights.

5 **2. Plaintiff Jane Doe**

6
7 27. Plaintiff Jane Doe is an Iranian national who resides in Seattle, Washington. Ms.
8 Doe holds a multiple entry F1 student visa and is lawfully in the United States, studying to
9 complete a master's degree at the University of Washington.

10 28. Ms. Doe received her F1 visa after an intensive vetting and screening process
11 abroad that included an in-person interview at the Vancouver consulate, and proof of her
12 admission status at the University of Washington as a full-time student. Ms. Doe first came to
13 the United States in September 2016 to pursue her graduate studies. Ms. Doe's dream in
14 pursuing her graduate degree was to work in international public policy, including to perhaps
15 work one day for the United Nations.

16 29. As part of her academic and professional training, Ms. Doe was pursuing summer
17 internships outside of the United States when the Executive Order issued. However, because of
18 the Executive Order, Ms. Doe's plans have changed dramatically. Ms. Doe may now not be able
19 to return to the United States to complete her studies if she leaves for a summer internship—or
20 even an interview for such an internship—notwithstanding the fact that holds a multiple entry
21 student visa. As a direct result of the Executive Order, Ms. Doe has canceled all of her
22 upcoming interviews for summer internships outside the United States for fear she would not be
23 able to return.

24 30. The Executive Order has arrested Ms. Doe's international plans for the summer,
25 and has also disrupted her longer-term plans of international work. Without an international
26 summer internship, Ms. Doe's dreams of a career in international work may be permanently on

1 hold. In addition, Ms. Doe fears that she will not be able to leave the United States to see her
 2 family—all of whom live overseas, including her elderly grandparents—and that they will not be
 3 able to come to the United States to visit her either for the duration of her studies.

4 31. Further, although Ms. Doe receives some funding from UW and works as a
 5 teaching assistant, she still relies on financial support from her parents in Iran. Sanctions
 6 imposed by the United States on Iran make money transfers from her parents to her extremely
 7 difficult, if not impossible, without in person contact. The Executive Order has thus also harmed
 8 and will continue to harm Ms. Doe's ability to pursue her studies.

9 32. The Executive Order has disrupted Jane Doe's work, study, and goals. It has
 10 isolated her from her family, forcing her to cancel a visit she had planned with her brother (who
 11 lives in Paris, France) to celebrate the Persian New Year, Nowruz, in March. She now feels that
 12 the work and resources, including tuition, that she has put into her degree to date have been
 13 wasted. Ms. Doe is strongly considering abandoning her graduate studies as a result of the
 14 Executive Order.

15 33. Ms. Doe is pursuing her claims anonymously because she is afraid of retaliation
 16 from the United States government or others for asserting her rights.

17 **3. Plaintiff The Episcopal Diocese of Olympia**

18 34. The Episcopal Diocese of Olympia, also known as the Episcopal Church in
 19 Western Washington, is a diocese of the Episcopal Church in western Washington. It is
 20 headquartered in Seattle's Capitol Hill neighborhood.

21 35. The Episcopal Diocese is a local affiliate of the Episcopal Migration Ministries, a
 22 voluntary agency that welcomes refugees through a Cooperative Agreement with the Department
 23 of State. The Episcopal Diocese has operated a refugee resettlement program since 1978 and has
 24 sponsored more than 15,000 refugees of all religions and nationalities to resettle in the Seattle
 25 area. The Episcopal Diocese's Refugee Resettlement Office ("RRO") is located in South Seattle
 26

1 and receives and assists refugees from all over the world, including from each of the 7 countries
 2 targeted by the Executive Order, without regard to race, religion, or country of origin. The RRO
 3 is one of eleven ministries offered and provided for by the Episcopal Diocese. The Episcopal
 4 Diocese's refugee resettlement program stems from the moral obligation of the Episcopal faith to
 5 welcome and assist strangers, especially those who are poor, sick, and most in need of help.

6 36. The RRO provides a multitude of services to refugees, including coordinating the
 7 arrival of refugees to the United States, housing assistance, job training, providing for basic
 8 household needs, advocacy, language tutoring, business training and microenterprise loans, and a
 9 savings program to help refugees purchase homes, vehicles, education, or businesses. The RRO
 10 has 9.5 full time employees, with 4 full-time equivalent staff working directly to support new
 11 arrivals and their survival needs during their first 90 days in the United States. Approximately
 12 two dozen volunteers assist the RRO in providing these services.

13 37. Before a refugee arrives in the United States, the RRO is notified by the
 14 Department of State that a family has been approved for refugee status and that the RRO should
 15 "assure" the case. The RRO is required to make contact with friends or relatives of the arriving
 16 refugees living in the U.S. (known as the "U.S. ties") who were listed on the refugee's
 17 application. The RRO expends significant time making phone calls, sending mail, and making
 18 in-person visits to meet with the U.S. tie to evaluate his or her capacity to help the RRO during
 19 the resettlement process. The evaluation process includes a home visit to view and evaluate the
 20 living space. If there is no possibility that the arriving refugee can live with a U.S. tie, the RRO
 21 further interviews the U.S. tie to determine if the relative or friend can assist with transportation,
 22 job search, enrollment of kids in school, or any of the other daily tasks with which newly-
 23 arriving refugees need assistance.

24 38. If the U.S. tie cannot perform these tasks, the RRO invests its own resources to
 25 perform this pre-arrival legwork for the incoming refugees. These tasks include, among other
 26 things, searching for and obtaining safe housing, furnishing the residence, and stocking it with

1 food and household items prior to the arrival of the refugees. If the refugee family or U.S. tie
2 rejects the apartment or house, RRO staff begin a process of evaluating alternative locations. The
3 RRO undertakes housing inspections that consume significant RRO staff time to ensure that the
4 neighborhood is safe, that there is no bare wiring visible in the living space, no peeling or flaking
5 interior paint or plaster, no visible mold or unsanitary odors, that all windows and doors have
6 working locks, that heat, ventilation, lighting, and running water are adequate, that kitchen
7 appliances and bathroom fixtures are in good repair, and that there are easily accessible storage
8 or disposal facilities for garbage.

9 39. The RRO's pre-arrival services can also involve cultivation of community groups
10 or churches to help refugees during the first months of their adjustment to life in America. The
11 RRO staff spend time visiting churches and community groups to describe the refugee
12 resettlement process, ask for assistance with specific families that are still en route, and organize
13 committees to help refugee newcomers with specific tasks like searching for employment.

14 40. When the Executive Order was issued on January 27, 2017, the RRO was
15 expecting to receive over 20 refugee families, including families from Syria, Iraq, and Somalia,
16 into the community in the coming days, weeks, and months, and had been actively preparing for
17 their arrival and resettlement in the greater Seattle area by carrying out on their behalves the
18 activities described above. In fact, five of these families had already been booked on scheduled
19 flights to the U.S. when the Executive Order was issued. As a result of the RRO's efforts, these
20 refugee families already had domestic arrangements supporting their arrival in the United States
21 and were approved for travel. Yet, these families had their dreams dashed when they had to
22 abruptly cancel their travel plans as a result of the Executive Order.

23 41. Since the Executive Order, the RRO's work has been completely disrupted. Not
24 only have families in transit or on the verge of transit been placed in additional crisis and stress,
25 but the chaos surrounding the implementation of the Executive Order has also required the RRO
26 to expend additional, unplanned-for resources. RRO staff are working around-the-clock to

1 address the immediate needs of these families in crisis and to respond to questions and concerns
 2 from their families and loved ones already in the United States who had been planning for the
 3 arrival of these already-approved refugees. In addition, many of the RRO's resources devoted to
 4 these 20 refugee families over the past months have now been wasted.

5 42. The Executive Order has caused significant additional harm to the most
 6 vulnerable population that the RRO and Episcopal Diocese are focused on serving. These
 7 refugees are fleeing persecution in their country of origin, and are now facing persecution in the
 8 safe haven they had been promised in the United States. The mission and efficacy of the RRO,
 9 and through it the Episcopal Diocese, has been thwarted by the Executive Order.

10 **B. Defendants**

11
 12 43. Defendant Donald J. Trump is the President of the United States. He is sued in his
 13 official capacity.

14 44. Defendant U.S. Department of State ("DOS") is a cabinet department of the
 15 United States federal government that is responsible for issuing visas.

16 45. Defendant Rex W. Tillerson is the Secretary of State and has responsibility for
 17 overseeing enforcement and implementation of the Executive Order by all DOS staff. He is sued
 18 in his official capacity.

19 46. Defendant U.S. Department of Homeland Security ("DHS") is a cabinet
 20 department of the United States federal government with the primary mission of securing the
 21 United States. Its sub-agencies include U.S. Citizenship and Immigration Services ("USCIS"),
 22 Customs and Border Protection ("CBP"), and Immigration and Customs Enforcement ("ICE").

23 47. Defendant John Kelly is the Secretary of DHS and has responsibility for
 24 overseeing enforcement and implementation of the Executive Order by all DHS staff. He is sued
 25 in his official capacity.

1 48. Defendant U.S. Customs and Border Protection (“CBP”) is an agency within DHS
2 with the primary mission of detecting and preventing the unlawful entry of persons and goods
3 into the United States.

4 49. Defendant Kevin K. McAleenan is the Acting Commissioner of CBP has
5 responsibility for overseeing enforcement and implementation of the Executive Order by all CBP
6 staff. He is sued in his official capacity.

7 50. Defendant Michele James is the Field Director of the Seattle Field Office of CBP
8 and has responsibility for overseeing enforcement and implementation of the Executive Order by
9 all DHS staff in her area, which covers Washington State. She is sued in her official capacity.

10 **IV. FACTUAL BACKGROUND**

11 **A. President Trump’s January 27, 2017 Executive Order**

12 51. On January 27, 2017, Defendant Trump signed the Executive Order entitled,
13 “Protecting the Nation from Foreign Terrorist Entry into the United States.” A copy of this
14 Executive Order is attached to this Complaint as Exhibit A.

15 52. The Executive Order cites the threat of domestic terrorism committed by foreign
16 nationals and purports to direct a variety of changes to the manner and extent to which non-
17 citizens may seek and obtain admission to the United States.

18 53. Section 3(c) of the Order suspends immigrant and nonimmigrant entry into the
19 country for 90 days for all people from countries referred to in section 217(a)(12) of the INA, 8
20 U.S.C. § 1187(a)(12), with narrow exceptions not relevant here. The Executive Order applies
21 only to nationals of Syria, Sudan, Iraq, Iran, Libya, Somalia, and Yemen.¹

22 54. Section 5(a) suspends the U.S. Refugee Admissions Program for 120 days.
23
24
25

26 ¹ *Fact Sheet: Protecting The Nation From Foreign Terrorist Entry To The United States*, Dep’t of Homeland Security (Jan. 29, 2017), available at <https://www.dhs.gov/news/2017/01/29/protecting-nation-foreign-terrorist-entry-united-states> (last accessed Feb. 6, 2017).

55. Section 5(b) states that “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” will be prioritized.

56. Section 5(c) contains as its statement of government interest a proclamation “that the entry of nationals of Syria as refugees is detrimental to the interests of the United States,” and suspends the entry of Syrian refugees into the country.

57. Section 5(e) provides for nearly unfettered individual discretion by the Secretaries of State and Homeland Security to “jointly determine to admit individuals ... as refugees on a case-by-case basis, “in their discretion, but only so long as they 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.”

1. The Arbitrariness of the Executive Order

58. Section 1 of the Executive Order, entitled “Purpose,” states that at the time of the September 11, 2001 (“9/11”) terrorist attacks, “State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals” involved in those attacks. Further, DHS’s Fact Sheet on the Executive Order stated that “[t]he Executive Order protects the United States from countries compromised by terrorism”²

59. Yet, the Executive Order does not impose any restrictions on nationals of Egypt, Lebanon, Saudi Arabia, and the United Arab Emirates—the countries of which the 9/11 attackers were citizens.

60. According to an article published on CNN, “[i]n financial disclosure forms during the presidential campaign, [Defendant Trump] listed two companies with dealings in Egypt and

² *Supra* n.1.

eight with business in Saudi Arabia. And in the UAE, the Trump Organization is partnering with a local billionaire to develop two golf courses in Dubai.”³

61. According to a September 2016 report from the Cato Institute, “[i]ncluding those murdered in the terrorist attacks of September 11, 2001 (9/11), the chance of an American perishing in a terrorist attack on U.S. soil that was committed by a foreigner over the 41-year period studied here is 1 in 3.6 million per year.”⁴ Similarly, *The Boston Globe* reported in 2016 that “a person living in the United States is more than over 100 times more likely to be killed by falling objects than by a jihadi terrorist.”⁵

62. Ten former national security, foreign policy, and intelligence officials at the highest levels of the United States government, including Madeleine K. Albright, Michael V. Hayden, John F. Kerry, Janet A. Napolitano, and Leon E. Panetta, recently filed a joint declaration in *State of Washington, et al. v. Donald J. Trump et al.*, No. 17-35105 (9th Cir.) (Dkt. 28-2) (Feb. 6, 2017) (“Joint Declaration”), stating that they are “unaware of any specific threat that would justify the travel ban established by the Executive Order” and that “[t]here is no national security purpose for a total bar on entry for aliens from the seven named countries. See Exhibit B, ¶ 3.

63. These respected civil servants, who have collectively “devoted decades to combatting the various terrorist threats that the United States faces in a dynamic and dangerous world” declared, in their professional opinions, that the Order “does not perform its declared task” of “protecting the nation from foreign terrorist entry into the United States,” and instead

³ Kyle Blaine & Julia Horowitz, *How the Trump administration chose the 7 countries in the immigration executive order*, CNN (Jan. 30, 2017), available at <http://www.cnn.com/2017/01/29/politics/how-the-trump-administration-chose-the-7-countries/> (last accessed Feb. 6, 2017).

⁴ Alex Nowrasteh, *Terrorism and Immigration: A Risk Analysis*, 798 CATO INSTITUTE POL’Y ANALYSIS 1 (Sept. 13, 2016), available at https://object.cato.org/sites/cato.org/files/pubs/pdf/pa798_1_1.pdf (last accessed Feb. 6, 2017).

⁵ Graham Allison, *Fear death from tree limbs, not tourists*, BOSTON GLOBE (Feb. 1, 2016), available at <https://www.bostonglobe.com/opinion/editorials/2016/02/19/fear-death-from-tree-limbs-not-terrorists/2ZrHzpP54GBHwbv2AVD6aM/story.html> (last accessed Feb. 6, 2017).

1 actually undermines the national security of the United States. *Id.* ¶¶ 2-3. Specifically, the Joint
 2 Declaration states that the Executive Order: 1) will endanger U.S. troops in the field; 2) will
 3 disrupt key counterterrorism, foreign policy, and national security partnerships that are critical to
 4 addressing the threat posed by terrorist groups such as ISIL; 3) will endanger intelligence sources
 5 in the field; 4) will likely feed the recruitment narrative of ISIL and other extremists that portray
 6 the United States as at war with Islam; 5) will disrupt ongoing law enforcement efforts; 6) will
 7 have a devastating humanitarian impact; and 7) will cause economic damage to American
 8 citizens and residents. *Id.* ¶ 5.

9 64. The Joint Declaration also describes pre-existing national security-based
 10 immigration restrictions as “consistently tailored to respond to: (1) specific, credible threats
 11 based on individualized information, (2) the best available intelligence and (3) thorough
 12 interagency legal and policy review.” *Id.* ¶ 6. The document further describes the rigorous
 13 system of security vetting that the United States has had in place since the 9/11 attacks, and
 14 which is applied to travelers not once, but multiple times. Refugees in particular are subjected to
 15 vetting that takes on average more than a year. *Id.*

16 65. The Executive Order states that “the United States should not admit those who
 17 engage in acts of bigotry or hatred (including . . . the persecution of those who practice religions
 18 different from their own)” and yet it singles out practitioners of a single religion for exclusion.
 19 Exhibit A Sec. 1.

20 66. The Executive Order effectively traps members of the Non-Immigrant Visa Class
 21 in the United States, interfering with their relationships with family members in their home
 22 countries, and imposing burdens that do not serve any valid governmental interest. Faced with a
 23 rapidly shifting and highly unpredictable legal landscape, the individual named plaintiffs and
 24 class members have chosen and will continue to choose to stay inside the United States for fear
 25 that any provisional reinstatement of their visas will no longer be in effect by the time they might
 26 wish to return.

2. Visa Revocations Pursuant to the Executive Order

67. The same day the Executive Order issued, the Deputy Assistant Secretary for Visa Services at the Bureau of Consular Affairs of the Department of State, relying on the Executive Order, issued a letter purporting to provisionally revoke all valid nonimmigrant and immigrant visas of nationals of the Designated Countries, subject to exceptions not relevant here.

68. The Provisional Revocation Letter was not publicized; to the contrary, it was withheld from the public until it was filed four days later under a “Notice of Supplemental Authority” in court cases challenging the Executive Order.

69. Neither notice nor opportunity to be heard was provided to the Episcopal Diocese, members of the Non-Immigrant Visa Class, Plaintiffs, or indeed anyone else prior to the mass revocation of these visas.

70. The Provisional Revocation Letter compounded the chaos caused by the Executive Order. The federal government has issued no public and legally binding guidance regarding the meaning or proper interpretation of the Provisional Revocation Letter. A copy of this letter is attached to this Complaint as Exhibit C.

71. The Provisional Revocation Letter also appears to expand the scope of the Executive Order’s application: it applies on its face to persons who are present inside the United States as well as persons outside the United States, rather than being limited to persons seeking to enter the United States. Under section 221(a)(1)(B) of the INA, 8 U.S.C. § 1227(a)(i)(B), “[a]ny alien . . . whose nonimmigrant visa . . . has been revoked under section 1201(i) of this title” INA § 221(i), referenced in the Provisional Revocation Letter “is deportable.”

72. The State Department estimates that it revoked up to 60,000 visas.⁶

⁶ Mary Emily O’Hara, *Over 100,000 Visas Have Been Revoked by Immigration Ban, Justice Dept. Reveals*, NBC (Feb. 3, 2017), available at <http://www.nbcnews.com/news/us-news/over-100-000-visas-have-been-revoked-immigration-ban-justice-n716121> (last accessed Feb. 6, 2017).

73. The CBP states on its website that all F1, J1, and M1 visas belonging to persons from the affected countries were provisionally revoked.⁷

74. Upon information and belief, all H1B visas belonging to persons from the affected countries were also provisionally revoked.

3. Implementation of the Executive Order and Visa Revocations

75. The disastrous effects of the Executive Order were immediately apparent. Countless news reports document the chaotic scene at airports across the country as those who were legally entitled to entry when they boarded airplanes heading to the United States—refugees, immigrants, and those traveling on non-immigrant visas alike—were designated deportable by the time they landed. For example, 109 travelers from the Designated Countries on non-immigrant visas were in transit to the country at the time the Executive order was signed.⁸ Up to 13 people were detained at the Seattle-Tacoma International Airport on January 28, 2017 pursuant to the Executive Order.⁹

76. Application of the Executive Order has been, moreover, inconsistent and confusing, with contradictory official statements issued within days of one another—further heightening Plaintiffs reasonable and on-going fear that if they leave the country they will not be permitted to return to their work and studies.

77. For example, DHS's position on the application of the Executive Order to lawful permanent residents, or green card holders, changed three times over the course of six days following the issuance of the order:

⁷ *Q&A for Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States*, U.S. Customs and Border Protection (Feb. 2, 2017), available at <https://www.cbp.gov/document/faqs/questions-and-answers-protecting-nation-foreign-terrorist-entry-united-states> (last accessed Feb. 6, 2017).

⁸ Jeremy Diamond & Steve Almasy, *Trump's immigration ban sends shockwaves*, CNN (Jan. 30, 2017), available at <http://www.cnn.com/2017/01/28/politics/donald-trump-executive-order-immigration-reaction/> (last accessed Feb. 6, 2017).

⁹ Liz Jones & Isolde Raftery, *Roller coaster of heartbreak and fury at Sea-Tac in wake of Trump order*, KUOW.org (Jan. 28, 2017), available at <http://kuow.org/post/roller-coaster-heartbreak-and-fury-sea-tac-wake-trump-order> (last accessed Feb. 6, 2017).

- 1 • On January 28, 2017, a spokesperson for DHS stated that lawful permanent
2 residents, or green card holders, would be barred from entry pursuant to the
3 Executive Order.
- 4 • Secretary Kelly reversed course the next day on January 29th, issuing a statement
5 that: “In applying the provisions of the president’s executive order, I hereby deem
6 the entry of lawful permanent residents to be in the national interest. Accordingly,
7 absent the receipt of significant derogatory information indicating a serious threat
8 to public safety and welfare, lawful permanent resident status will be a dispositive
9 factor in our case-by-case determinations.”
- 10 • Two days later on January 31, 2017, U.S. Customs and Border Protection, a DHS
11 sub-agency, issued a statement that, while repeating Secretary Kelly’s January
12 29th statement, then stated in the “Questions and Answers” Section that the entry
13 of lawful permanent residents would depend on receipt of a “national interest
14 waiver[] consistent with the provisions of the Executive Order.”
- 15 • DHS changed its position yet again two days later. This time, the February 2,
16 2017 version of the “Questions and Answers” stated that “[u]nder recent guidance
17 from the White House...the Executive Order issued January 27, 2017, does not
18 apply to their [lawful permanent residents] entry to the United States.” As of
19 February 2, 2017, DHS had processed 1,610 waivers for legal permanent residents
20 to re-enter the United States.

21 78. Provisions of the Executive Order relating to refugees have also been
22 inconsistently interpreted and applied by Defendants, further heightening the need for judicial
23 intervention.

24 79. For example, although Section 5(a) of the Executive Order unequivocally states
25 that “[t]he Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for
26 120 days,” four business days later on February 2, 2017, and in a reversal of the clear mandate in
the Executive Order, the Acting Director of the U.S. Immigration and Citizenship Services
 (“USCIS”), a division of DHS, issued a guidance to all USCIS employees that “USCIS will
 adjudicate Refugee/Asylee Relative Petitions [] for all beneficiaries, from any country of
 nationality, currently in the United States...”. A copy of this guidance is attached as Exhibit D.

80. In further contradiction of the clear language of unequivocal suspension of
 USRAP, DHS instructed that “[a]dditionally, USCIS will continue refugee interviews in

jurisdictions where there is a preexisting international agreement related to refugee processing.”
Exhibit D.

81. The February 2, 2017 guidance to USCIS employees also stated that “USCIS will *continue* refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution.” Exhibit D (emphasis added).

4. Court Orders and President Trump’s Defiance Thereof

82. Although both this Court and other courts around the country have granted writs of habeas and temporary restraining orders, some nationwide, Plaintiffs are compelled to file this action to ensure their rights are protected. Many, if not all, of the existing litigation and court orders do not help members of the Non-Immigrant Visa Class, most of whom are stuck inside the country, rather than outside of it.

83. Further, Defendants’ repeated actions and statements, as well as the temporary nature of the restraining orders issued thus far further underscore Plaintiffs’ plight: until there is some legal certainty as to the status of their non-immigrant visas, they cannot leave the country now—no matter how urgently they wish to do so—should they want to be guaranteed the ability to return at a later date to resume their work and studies.

84. Immediately after the first nationwide stay was granted, *see Darweesh v. Trump*, No. 17 CIV. 480 (AMD), 2017 WL 388504, at *1 (E.D.N.Y. Jan. 28, 2017), Defendant DHS issued a statement that “President Trump’s Executive Orders remain in place—prohibited travel will remain prohibited, and the U.S. government retains its right to revoke visas at any time if required for national security or public safety.”¹⁰

85. On January 31, 2017, acting United States Attorney General Sally Yates issued a memorandum to Department of Justice employees instructing them to not act to enforce the

¹⁰ *Department Of Homeland Security Response To Recent Litigation*, Dep’t Homeland Security (Jan. 29, 2017), available at <https://www.dhs.gov/news/2017/01/29/departments-homeland-security-response-recent-litigation> (last accessed Feb. 6, 2017).

Executive Order because she was “not convinced . . . that the Executive Order is lawful.”¹¹ Ms. Yates wrote:

My responsibility is to ensure that the position of the Department of Justice is not only legally defensible, but is informed by our best view of what the law is after consideration of all the facts. In addition, I am responsible for ensuring that the positions we take in court remain consistent with this institution’s solemn obligation to always seek justice and stand for what is right. At present, I am not convinced that the defense of the Executive Order is consistent with these responsibilities, nor am I convinced that the Executive Order is lawful.¹²

86. Within hours of her issuance of this statement, and its hand-delivery to Defendant Trump, Defendant Trump fired Ms. Yates, calling her statement a “betrayal.”

87. After this Court issued a TRO on February 3, 2017, Defendants vowed an immediate appeal. Even more unusual were Defendant Trump’s statements that followed the District Court’s Order:

- @realDonaldTrump: “The opinion of this so-called judge, which essentially takes law-enforcement away from our country, is ridiculous and will be overturned!” -- 5:12 AM - 4 Feb 2017¹³
- @realDonaldTrump: “What is our country coming to when a judge can halt a Homeland Security travel ban and anyone, even with bad intentions, can come into U.S.?” -- 12:44 PM - 4 Feb 2017¹⁴
- @realDonaldTrump: “Because the ban was lifted by a judge, many very bad and dangerous people may be pouring into our country. A terrible decision” -- 1:44 PM - 4 Feb 2017¹⁵

¹¹ Letter from Sally Yates to Dep’t of Justice (Jan. 30, 2017), *available at* https://www.nytimes.com/interactive/2017/01/30/us/document-Letter-From-Sally-Yates.html?_r=1 (last accessed Feb. 6, 2017).

¹² *See supra* n.13.

¹³ Donald J. Trump (@realDonaldTrump), Twitter (Feb. 4, 2017, 5:12 PM), <https://twitter.com/realdonaldtrump/status/827867311054974976>.

¹⁴ Donald J. Trump (@realDonaldTrump), Twitter (Feb. 4, 2017, 12:44 PM), <https://twitter.com/realdonaldtrump/status/827981079042805761>.

¹⁵ Donald J. Trump (@realDonaldTrump), Twitter (Feb. 4, 2017, 1:44 PM), <https://twitter.com/realdonaldtrump/status/827996357252243456>.

- 1 • @realDonaldTrump: “Why aren’t the lawyers looking at and using the Federal
2 Court decision in Boston, which is at conflict with ridiculous lift ban decision?” --
3 3:37 PM - 4 Feb 2017¹⁶
- 4 • @realDonaldTrump: “The judge opens up our country to potential terrorists and
5 others that do not have our best interests at heart. Bad people are very happy!” --
6 4:48 PM - 4 Feb 2017¹⁷
- 7 • @realDonaldTrump: “Just cannot believe a judge would put our country in such
8 peril. If something happens blame him and court system. People pouring in. Bad!”
9 -- 12:39 PM - 5 Feb 2017¹⁸
- @realDonaldTrump: “I have instructed Homeland Security to check people
coming into our country VERY CAREFULLY. The courts are making the job
very difficult!” -- 12:42 PM - 5 Feb 2017¹⁹

10 88. These statements appear to be designed to inflame and incite further animus
11 against persons affected by the ban, and grossly distort and misrepresent the actual process
12 through which Plaintiffs were screened and reviewed before their admittance to the United States
13 was allowed.

14 89. Unless and until this Court preliminarily and permanently enjoins the Executive
15 Order, any provisional reinstatement of the previously provisionally revoked visas does not
16 provide Plaintiffs adequate and full relief.

17 **B. The Discriminatory Intent Behind the Executive Order**

18 90. The Executive Order and the Provisional Revocation Letter currently apply only
19 to nationals of seven countries, all of which are majority—Muslim: Iraq, Iran, Libya, Somalia,
20 Sudan, Syria, and Yemen.

22 ¹⁶ Donald J. Trump (@realDonaldTrump), Twitter (Feb. 4, 2017, 3:37 PM),
23 <https://twitter.com/realDonaldTrump/status/828024835670413312>.

24 ¹⁷ Donald J. Trump (@realDonaldTrump), Twitter (Feb. 4, 2017, 4:48 PM),
25 <https://twitter.com/realDonaldTrump/status/828042506851934209>.

26 ¹⁸ Donald J. Trump (@realDonaldTrump), Twitter (Feb. 5, 2017, 12:39 PM),
<https://twitter.com/realDonaldTrump/status/828342202174668800>.

¹⁹ Donald J. Trump (@realDonaldTrump), Twitter (Feb. 5, 2017, 12:42 PM),
<https://twitter.com/realDonaldTrump/status/828343072840900610>.

91. The Executive Order, by its express terms, suspends immigrant and nonimmigrant entry into the United States based on nationality, place of birth or place of residence.

92. The Provisional Revocation Letter similarly revokes “all valid nonimmigrant and immigrant visas of nationals” based on nationality, place of birth, or place of residence.

93. The Executive Order is Defendant Trump’s fulfillment of a clearly stated campaign promise to ban Muslims from entering the United States. In a December 7, 2015 written statement, “Donald J. Trump Statement on Preventing Muslim Immigration,” then-candidate Trump said that he was “calling for a total and complete shutdown of Muslims entering the United States.” This statement is still displayed on the official Trump-Pence website as of the filing of this Complaint.²⁰

94. Defendant Trump repeatedly referred to a ban on Muslim immigration on the campaign trail.²¹

95. After the election, on December 22, 2016, a reporter asked Defendant Trump whether his “plans to create a Muslim register or ban Muslim immigration to the United States” had changed. Defendant Trump responded “you’ve known my plans all along” and that he was “100% correct” in his position.²²

96. On the day Defendant Trump issued the Executive Order, he gave an interview to the Christian Broadcasting Network during which he confirmed his intent to prioritize non-Muslims nationals of the Designated Countries over Muslim nationals of those countries:

²⁰ Press Release, *Donald J. Trump Statement on Preventing Muslim Immigration* (Dec. 7, 2015), available at <https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration> (last accessed Feb. 6, 2017).

²¹ See, e.g., Donald J. Trump (@realDonaldTrump), Twitter (Dec. 7, 2015, 2:32 PM), <https://twitter.com/realDonaldTrump/status/673993417429524480> (last accessed Feb. 6, 2017); Jenna Johnson, *Trump calls for ‘total and complete shutdown of Muslims entering the United States’*, The Washington Post (Dec. 7, 2015), available at <http://wpo.st/O0uY2> (last accessed Feb. 6, 2017).

²² Katie Reilly, *Donald Trump on Proposed Muslim Ban: ‘You Know My Plains’*, Time (Dec. 21, 2016), available at <http://time.com/4611229/donald-trump-berlin-attack> (last accessed Feb. 6, 2017).

1 They've been horribly treated. Do you know if you were a Christian in Syria it
 2 was impossible, at least very tough to get into the United States? If you were a
 3 Muslim you could come in, but if you were a Christian, it was almost impossible
 4 and the reason that was so unfair, everybody was persecuted in all fairness, but
 they were chopping off the heads of everybody but more so the Christians. And I
 thought it was very, very unfair.²³

5 97. Consistent with Defendant Trump's expressed intent to favor Christians, Section
 6 5(e) of the Executive Order authorizes the Secretaries of the Departments of State and Homeland
 7 Security to admit individuals who are members of "a religious minority in [their] count[ries] of
 8 nationality facing religious persecution." Exhibit A. This provision directly grants Christians
 9 preference over Muslim refugees.

10 98. During a signing ceremony for the Executive Order on January 27, 2017,
 11 Defendant Trump stated that the purpose of the Executive Order was to "establish[] new vetting
 12 measures to keep radical Islamic terrorists out of the United States of America."²⁴

13 99. Senior advisors to Defendant Trump have engaged in anti-Muslim rhetoric that
 14 provide additional support for the notion that the Executive Order was prompted by animus
 15 toward Islam and Muslims.

16 100. In an interview on January 28, 2017, one of Defendant Trump's senior advisors,
 17 Rudolph Giuliani, left no doubt that the ban on entry from nationals of the Designated Countries
 18 was intended to carry out a ban on Muslims, and that the Executive Order was crafted to create a
 19 pretextual cover for a Muslim ban. Mr. Giuliani stated: "I'll tell you the whole history of it. . . .
 20
 21
 22

23 ²³ David Brody, *Brody File Exclusive: President Trump Says Persecuted Christians Will Be Given Priority As*
 24 *Refugees*, CBN News (Jan. 27, 2017), available at [http://www1.cbn.com/thebrodyfile/archive/2017/01/27/brody-](http://www1.cbn.com/thebrodyfile/archive/2017/01/27/brody-file-exclusive-president-trump-says-persecuted-christians-will-be-given-priority-as-refugees)
 25 [file-exclusive-president-trump-says-persecuted-christians-will-be-given-priority-as-refugees](http://www1.cbn.com/thebrodyfile/archive/2017/01/27/brody-file-exclusive-president-trump-says-persecuted-christians-will-be-given-priority-as-refugees) (last accessed Feb. 6,
 2017).

26 ²⁴ Dan Merica, *Trump signs executive order to keep out 'radical Islamic terrorists'*, CNN (Jan. 30, 2017), available
 at <http://www.cnn.com/2017/01/27/politics/trump-plans-to-sign-executive-action-on-refugees-extreme-vetting/>
 (last accessed Feb. 6, 2017).

1 So, when [Defendant Trump] first announced it, he said, ‘Muslim ban.’ He called me up. He
 2 said, ‘Put a commission together. Show me the right way to do it legally.’”²⁵

3 101. On January 29, an anonymous “senior administration official” briefed a staffer of
 4 Breitbart.com on the intended purpose of the Executive Order: “The reality, though, is that the
 5 situation [of large Islamic populations] that exists today in parts of France, in parts of Germany,
 6 in Belgium, etcetera, is not a situation we want replicated inside the United States.”²⁶

7 102. While Defendant Trump has subsequently tried to deny that his Executive Order
 8 was “a Muslim ban, as the media [was] falsely reporting.”²⁷ His own prior conflicting, recorded
 9 statements as well as those of his senior advisors make clear the rationale for the Executive
 10 Order is in fact to ban Muslims from entering the United States[.]

11 103. Individual Plaintiffs Jane Doe and John Doe, and members of the class—non-
 12 immigrants with valid visas—are among the targets of the Executive Order. The Executive Order
 13 and the manner in which it is being implemented is causing these Individual Plaintiffs and
 14 members of the proposed class direct, ongoing, and immediate harm because they are suffering
 15 “[t]he indignity of being singled out [by a government] for special burdens” on the basis of
 16 religion or assumed religion. *Hassan v. City of New York*, 804 F.3d 277, 289 (3d. Cir. 2015), *as*
 17 *amended* (Feb. 2, 2016) (quoting *Locke v. Davey*, 540 U.S. 712, 731, (2004) (Scalia, J.,
 18 dissenting)).

21 ²⁵ Amy B. Wang, *Trump asked for a ‘Muslim ban,’ Giuliani says — and ordered a commission to do it ‘legally’*,
 22 The Washington Post (Jan. 29, 2017), available at <http://wpo.st/xzuY2> (last accessed Feb. 6, 2017).

23 ²⁶ Neil Munro, *Left Protests While Trump Junks Obama’s Global Immigration Plan*, Brietbart.com (Jan. 30, 2017),
 24 available at [http://www.breitbart.com/big-government/2017/01/30/trump-changes-immigration-favor-american-](http://www.breitbart.com/big-government/2017/01/30/trump-changes-immigration-favor-american-values/)
 25 [values/](http://www.breitbart.com/big-government/2017/01/30/trump-changes-immigration-favor-american-values/) (parenthetical in original) (last accessed Feb. 6, 2017).

26 ²⁷ Press Release, *President Donald J. Trump Statement Regarding Recent Executive Order Concerning Extreme*
Vetting, The White House (Jan. 29, 2017), available at [https://www.whitehouse.gov/the-press-](https://www.whitehouse.gov/the-press-office/2017/01/29/president-donald-j-trump-statement-regarding-recent-executive-order)
[office/2017/01/29/president-donald-j-trump-statement-regarding-recent-executive-order](https://www.whitehouse.gov/the-press-office/2017/01/29/president-donald-j-trump-statement-regarding-recent-executive-order) (last accessed Feb. 6,
 2017).

C. Facts Common to all Members of the Plaintiff Class

104. Since the Executive Order was announced on January 27, 2017, its implementation by Defendants and their agents has been marked by chaos and confusion.

105. Individual Plaintiffs and members of the Plaintiff Class reasonably fear that, if they attempt to enter or re-enter the United States, they will be denied permission to do so, notwithstanding their previously established lawful presence in the United States and the fact that they have otherwise been deemed appropriate by the U.S. government for admission.

106. The suspension of entry for class members with valid, pre-screened, pre-approved student visas has left vast numbers of foreign students in Washington, and in the United States more generally, trapped and stripped of their ability to travel home to see their families or, if they had the misfortune of being out of the country at the time the Executive Order was issued, stranded and unable to continue with their otherwise lawful education and research endeavors in the United States.

107. The suspension of entry for class members with valid, pre-screened, pre-approved work visas has left vast numbers of hardworking people who happen to be foreign nationals trapped and stripped of their ability to travel home to see their families and significantly affects their ability to work and earn a living, as well as their well-being. If these individuals had the misfortune of being out of the country at the time the Executive Order was issued, they are now stranded and unable to return to their jobs and at risk of losing their livelihood.

V. CLASS ACTION ALLEGATIONS

108. The Individual Plaintiffs bring this action as a class action pursuant to Fed. R. Civ. P. 23(b)(1) and (b)(2), on their own behalf and on behalf of all other persons with non-immigrant visas who are nationals of Iran, Iraq, Libya, Somalia, Sudan, Syria or Yemen (the “Designated Countries”) who reside, or recently had been residing, lawfully in Washington when the Executive Order issued.

1 109. The Plaintiff Class is so numerous that joinder is impracticable. According to the
 2 Annual Report of the Visa Office of the U.S. Department of State, in 2015, the last year for
 3 which data are available, the United States issued over 72,162 non-immigrant visas to nationals
 4 from the seven Designated Countries.²⁸ On information and belief, a large number of such
 5 persons reside, or have recently resided, in Washington.

6 110. The claims of the Plaintiff Class members share common issues of law, including
 7 but not limited to whether the Executive Order violates their associational, religious exercise and
 8 due process rights under the First and Fifth Amendments, the Religious Freedom Restoration
 9 Act, and the Administrative Procedure Act.

10 111. The claims of the Plaintiff Class members share common issues of fact, including
 11 but not limited to whether the Executive Order is being or will be enforced so as to prevent them
 12 from entering the United States from abroad or from re-entering the United States should they
 13 choose to leave the United States briefly, even though they would otherwise be admissible.

14 112. The claims or defenses of the named Plaintiffs are typical of the claims or
 15 defenses of members of the Plaintiff Class.

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

21 114. Defendants have acted, have threatened to act, and will act on grounds generally
 22 applicable to the Plaintiff Class, thereby making final injunctive and declaratory relief
 23
 24

25 ²⁸ Report of the Visa Office 2015, Table XVIII: Nonimmigrant Visas Issued By Nationality, U.S. Dep't of State –
 26 Bureau of Consular Affairs (2015), *available at*
<https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2015AnnualReport/FY15AnnualReport-TableXVIII.pdf> (last accessed Feb. 6, 2017).

appropriate to the class as a whole. The Plaintiff Class may therefore be properly certified under Fed. R. Civ. P. 23(b) (2).

115. Prosecution of separate actions by individual members of the Plaintiff Class 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 may therefore be properly certified under Fed. R. Civ. P. 23(b) (1).

VI. CAUSES OF ACTION

COUNT ONE

FIRST AMENDMENT – ESTABLISHMENT, FREE EXERCISE, SPEECH AND ASSEMBLY CLAUSES

(Against All Defendants, Asserted by All Plaintiffs)

116. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

117. The First Amendment prohibits the establishment of a religion or the prohibition of the free exercise of religion.

118. The Executive Order constitutes an unlawful attempt to discriminate against Muslims and to establish a preference for one religion over another. References in the Executive Order to the seven Designated Countries are transparently a pretext to establish this preference. Singling out Muslims for disfavored treatment and granting special preferences to non-Muslims is neither justified by, nor closely fitted to, any compelling governmental interest.

119. The Executive Order also violates the rights of Plaintiff the Episcopal Diocese to receive information and speech from, and to associate freely with, refugees.

COUNT TWO

RELIGIOUS FREEDOM RESTORATION ACT (Against All Defendants, Asserted by All Plaintiffs)

120. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

121. Pursuant to the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb-1 et seq., the government “shall not substantially burden a person’s exercise of religion” unless it “(1) is in furtherance of a compelling government interest; *and* (2) is the least restrictive means of furthering that compelling governmental interest.” *Id.* (emphasis added).

122. The Executive Order has the effect of imposing a special disability on the basis of religious views or religious status, by withdrawing important immigration benefits principally from Muslims on account of their religion. In doing so, the Executive Order places a substantial burden on Muslims’ exercise of religion in a way that is not the least restrictive means of furthering a compelling governmental interest.

123. Defendants’ actions therefore constitute a violation of the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb-1 *et seq.*

COUNT THREE
FIFTH AMENDMENT – EQUAL PROTECTION
(Against All Defendants, Asserted by All Plaintiffs)

124. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

125. The Executive Order discriminates against Plaintiffs on the basis of their country of origin without sufficient justification and therefore violates the equal protection component of the Due Process Clause of the Fifth Amendment.

126. Additionally, the Executive Order was substantially motivated by animus toward—and has a disparate effect on—Muslims, which also violates the equal protection component of the Due Process Clause of the Fifth Amendment.

127. The Executive Order expressly prioritizes certain religious groups over others, in further violation of the equal protection component of the Due Process Clause of the Fifth Amendment.

128. The Executive Order bars altogether Syrian refugees in violation of the equal protection component of the Due Process Clause of the Fifth Amendment.

COUNT FOUR
FIFTH AMENDMENT – PROCEDURAL DUE PROCESS
(Against All Defendants, Asserted by All Plaintiffs)

129. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

130. Procedural due process requires that the government be constrained before it acts in a way that deprives individuals of liberty or property interests protected under the Due Process Clause of the Fifth Amendment.

131. Defendants’ actions, as described above, have deprived Plaintiffs of their liberty and/or property interests without notice or opportunity to be heard.

COUNT FIVE
FIFTH AMENDMENT – SUBSTANTIVE DUE PROCESS
(Against All Defendants, Asserted by Individual Plaintiffs and the
Non-Immigrant Visa Class)

132. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

133. The Due Process Clause of the Fifth Amendment provides that “[n]o person shall...be deprived of life, liberty, or property, without due process of law.”

134. Plaintiffs Jane Doe and John Doe have a constitutionally protected liberty interest in freedom of movement that encompasses their right to travel abroad.

135. Defendants’ actions, as described above, have denied Plaintiffs the opportunity to travel outside the United States, for fear that they will be denied re-entry. Such actions, taken pursuant to the Executive Order, violate the substantive due process rights guaranteed by the Fifth Amendment to Plaintiffs.

COUNT SIX
ADMINISTRATIVE PROCEDURE ACT—PROCEDURAL VIOLATION
(Against all Defendants except Defendant Trump, Asserted by All Plaintiffs)

136. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

137. Sections 553 and 706 of the Administrative Procedure Act, 5 U. S. C. §§ 553 and 706 (2), require that federal agencies conduct formal rule making before engaging in action that impacts substantive rights.

138. In implementing Sections 3 and 5 of the Executive Order, Defendants federal agencies and Defendant secretaries and/or directors of those agencies have changed the substantive criteria by which individuals from the Designated Countries may enter the United States. Such Defendants did not follow the procedures required by the Administrative Procedure Act before taking action impacting the substantive rights of the Plaintiffs.

139. In addition, the Administrative Procedure Act, 5 U. S. C. § 706 (2), places clear limits on the exercise of discretion to revoke a visa under 8 U.S.C. § 1201(i). Specifically, the Secretary of State must comply with statutory procedures for the revocation of a visa; the Secretary's action must not exceed his or her statutory authority; and the Secretary must respect the constitutional rights enjoyed by visa holders. *See* 5 U.S.C. § 706(2).

140. By failing to follow the procedures required of them prior to changing the substantive criteria by which individuals from the Designated Countries may enter the United States, Defendants federal agencies and Defendant secretaries and/or directors of those agencies violated the Administrative Procedure Act.

141. These violations continue to cause ongoing harm to Plaintiffs.

COUNT SEVEN
ADMINISTRATIVE PROCEDURE ACT—SUBSTANTIVE VIOLATION
(Against all Defendants except Defendant Trump, Asserted by all Plaintiffs)

142. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein

143. The Administrative Procedure Act, 5 U. S. C. § 706(2), prohibits federal agency action that is arbitrary, unconstitutional, or contrary to statute.

144. In implementing Sections 3 and 5 of the Executive Order, Defendants federal agencies and Defendant secretaries and/or directors of those agencies have taken unconstitutional and unlawful action, as alleged in this Complaint, in violation of the Administrative Procedures Act.

145. In implementing Sections 3 and 5 of the Executive Order, Defendants federal agencies and Defendant secretaries and/or directors of those agencies have applied provisions of the Executive Order arbitrarily, in violation of the Administrative Procedures Act.

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

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

1. A determination that the Individual Plaintiffs' claims may properly be maintained as a class action pursuant to Fed. R. Civ. P. 23(b)(1) and (b)(2);

2. A declaration that the Executive Order and the manner in which it has been implemented are in violation of the rights of Plaintiffs and Plaintiff Class members for the reasons set forth above.

1 3. An injunction that the Executive Order may not be enforced as against Plaintiffs
2 and Plaintiff Class members in connection with their entry or re-entry into the United States;

3 4. A permanent injunction of the Executive Order as contrary to the Constitution;

4 5. An award to the organizational Plaintiff and to the Plaintiff Class of reasonable
5 costs and attorneys' fees; and,

6 6. Such other and further relief that this Court may deem fit and proper.

7 DATED this 7th day of February, 2017.
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**Pro hac vice applications forthcoming*

EXHIBIT A

Federal Register

Vol. 82, No. 20

Wednesday, February 1, 2017

Presidential Documents

Title 3—

Executive Order 13769 of January 27, 2017

The President

Protecting the Nation From Foreign Terrorist Entr Into the United States

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.*, and section 301 of title 3, United States Code, and to protect the American people from terrorist attacks by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. Purpose. The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutini ing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including “honor” killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.

Sec. 2. Policy. It is the policy of the United States to protect its citi ens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

Sec. 3. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall 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.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the President

a report on the results of the review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order. The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

(d) Immediately upon receipt of the report described in subsection (b) of this section regarding the information needed for adjudications, the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.

(e) After the 60-day period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of foreign nationals (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas) from countries that do not provide the information requested pursuant to subsection (d) of this section until compliance occurs.

(f) At any point after submitting the list described in subsection (e) of this section, the Secretary of State or the Secretary of Homeland Security may submit to the President the names of any additional countries recommended for similar treatment.

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.

(h) The Secretaries of State and Homeland Security shall submit to the President a joint report on the progress in implementing this order within 30 days of the date of this order, a second report within 60 days of the date of this order, a third report within 90 days of the date of this order, and a fourth report within 120 days of the date of this order.

Sec. 4. Implementing Uniform Screening Standards for All Immigration Programs. (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission. This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not

used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall submit to the President an initial report on the progress of this directive within 60 days of the date of this order, a second report within 100 days of the date of this order, and a third report within 200 days of the date of this order.

Sec. 5. *Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.* (a) The Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for 120 days. During the 120-day period, the Secretary of State, in conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures. Upon the date that is 120 days after the date of this order, the Secretary of State shall resume USRAP admissions only for nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States.

(b) Upon the resumption of USRAP admissions, the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, 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. Where necessary and appropriate, the Secretaries of State and Homeland Security shall recommend legislation to the President that would assist with such prioritization.

(c) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of nationals of Syria as refugees is detrimental to the interests of the United States and thus suspend any such entry until such time as I have determined that sufficient changes have been made to the USRAP to ensure that admission of Syrian refugees is consistent with the national interest.

(d) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any such entry until such time as I determine that additional admissions would be in the national interest.

(e) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they 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, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship—and it would not pose a risk to the security or welfare of the United States.

(f) The Secretary of State shall submit to the President an initial report on the progress of the directive in subsection (b) of this section regarding prioritization of claims made by individuals on the basis of religious-based persecution within 100 days of the date of this order and shall submit a second report within 200 days of the date of this order.

(g) It is the policy of the executive branch that, to the extent permitted by law and as practicable, State and local jurisdictions be granted a role in the process of determining the placement or settlement in their jurisdictions of aliens eligible to be admitted to the United States as refugees. To that end, the Secretary of Homeland Security shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 6. *Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility.* The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.

Sec. 7. *Expedited Completion of the Biometric Entry-Exit Tracking System.*

(a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for all travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the President periodic reports on the progress of the directive contained in subsection (a) of this section. The initial report shall be submitted within 100 days of the date of this order, a second report shall be submitted within 200 days of the date of this order, and a third report shall be submitted within 365 days of the date of this order. Further, the Secretary shall submit a report every 180 days thereafter until the system is fully deployed and operational.

Sec. 8. *Visa Interview Security.* (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, 8 U.S.C. 1202, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic ability, to ensure that non-immigrant visa-interview wait times are not unduly affected.

Sec. 9. *Visa Validity Reciprocity.* The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If a country does not treat United States nationals seeking nonimmigrant visas in a reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country, to the extent practicable.

Sec. 10. *Transparency and Data Collection.* (a) To be more transparent with the American people, and to more effectively implement policies and practices that serve the national interest, the Secretary of Homeland Security, in consultation with the Attorney General, shall, consistent with applicable law and national security, collect and make publicly available within 180 days, and every 180 days thereafter:

(i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons since the date of this order or the last reporting period, whichever is later;

(ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States, since the date of this order or the last reporting period, whichever is later; and

(iii) information regarding the number and types of acts of gender-based violence against women, including honor killings, in the United States by foreign nationals, since the date of this order or the last reporting period, whichever is later; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security and the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of State shall, within one year of the date of this order, provide a report on the estimated long-term costs of the USRAP at the Federal, State, and local levels.

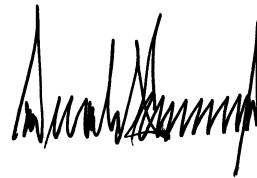
Sec. 11. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be "Donald Trump", located in the upper right quadrant of the page.

THE WHITE HOUSE,
January 27, 2017.

EXHIBIT B

Response to Emergency Motion Exhibit A

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 17-35105

STATE OF WASHINGTON, et al.	)	
	)	
Plaintiffs-Appellees,	)	
	)	JOINT DECLARATION OF
vs.	)	MADELEINE K. ALBRIGHT,
	)	AVRIL D. HAINES
	)	MICHAEL V. HAYDEN
	)	JOHN F. KERRY
	)	JOHN E. McLAUGHLIN
DONALD J. TRUMP, President of the	)	LISA O. MONACO
United States, et al.,	)	MICHAEL J. MORELL
	)	JANET A. NAPOLITANO
Defendants-Appellants.	)	LEON E. PANETTA
	)	SUSAN E. RICE
	)	
	)	
	)	

We, Madeleine K. Albright, Avril D. Haines, Michael V. Hayden, John F. Kerry, John E. McLaughlin, Lisa O. Monaco, Michael J. Morell, Janet A. Napolitano, Leon E. Panetta, and Susan E. Rice declare as follows:

1. We are former national security, foreign policy, and intelligence officials in the United States Government:
 - a. Madeleine K. Albright served as Secretary of State from 1997 to 2001. A refugee and naturalized American citizen, she served as U.S. Permanent Representative to the United Nations from 1993 to 1997 and has been a member of the Central Intelligence Agency External Advisory Board since 2009 and the Defense Policy Board since 2011, in which capacities she has received assessments of threats facing the United States.
 - b. Avril D. Haines served as Deputy Director of the Central Intelligence Agency from 2013 to 2015, and as Deputy National Security Advisor from 2015 to January 20, 2017.
 - c. Michael V. Hayden served as Director of the National Security Agency from 1999 to 2005, and Director of the Central Intelligence Agency from 2006 to 2009.
 - d. John F. Kerry served as Secretary of State from 2013 to January 20, 2017.

- e. John E. McLaughlin served as Deputy Director of the Central Intelligence Agency from 2000-2004 and Acting Director of CIA in 2004. His duties included briefing President-elect Bill Clinton and President George W. Bush.
- f. Lisa O. Monaco served as Assistant to the President for Homeland Security and Counterterrorism and Deputy National Security Advisor from 2013 to January 20, 2017.
- g. Michael J. Morell served as Acting Director of the Central Intelligence Agency in 2011 and from 2012 to 2013, Deputy Director from 2010 to 2013, and as a career official of the CIA from 1980. His duties included briefing President George W. Bush on September 11, 2001, and briefing President Barack Obama regarding the May 2011 raid on Osama bin Laden.
- h. Janet A. Napolitano served as Secretary of Homeland Security from 2009 to 2013.
- i. Leon E. Panetta served as Director of the Central Intelligence Agency from 2009-11 and as Secretary of Defense from 2011-13.
- j. Susan E. Rice served as U.S. Permanent Representative to the United Nations from 2009-13 and as National Security Advisor from 2013 to January 20, 2017.

2. We have collectively devoted decades to combatting the various terrorist threats that the United States faces in a dynamic and dangerous world. We have all held the highest security clearances. A number of us have worked at senior levels in administrations of both political parties. Four of us (Haines, Kerry, Monaco and Rice) were current on active intelligence regarding all credible terrorist threat streams directed against the U.S. as recently as one week before the issuance of the Jan. 27, 2017 Executive Order on “Protecting the Nation from Foreign Terrorist Entry into the United States” (“Order”).

3. We all agree that the United States faces real threats from terrorist networks and must take all prudent and effective steps to combat them, including the appropriate vetting of travelers to the United States. We all are nevertheless unaware of any specific threat that would justify the travel ban established by the Executive Order issued on January 27, 2017. We view the Order as one that ultimately undermines the national security of the United States, rather than making us safer. In our professional opinion, this Order cannot be justified on national security or foreign policy grounds. It does not perform its declared task of “protecting the nation from foreign terrorist entry into the United States.” To the contrary, the Order disrupts thousands of lives, including those of refugees and visa holders all previously vetted by standing procedures that the Administration has not shown to be inadequate. It could do long-term damage to our national security and foreign policy interests, endangering U.S. troops in the field and disrupting counterterrorism and national security partnerships. It will aid ISIL’s propaganda effort and serve its recruitment message by feeding into the narrative that the United States is at war with Islam. It will hinder relationships with the very communities that law enforcement professionals need to address the threat. It will have a damaging humanitarian and economic impact on the lives and jobs of American citizens and residents. And apart from all of these concerns, the Order offends our nation’s laws and values.

4. There is no national security purpose for a total bar on entry for aliens from the seven named countries. Since September 11, 2001, not a single terrorist attack in the United States has been perpetrated by aliens from the countries named in the Order. Very few attacks on U.S. soil since September 11, 2001 have been traced to foreign nationals at all. The overwhelming majority of attacks have been committed by U.S. citizens. The Administration has identified no information or basis for believing there is now a heightened or particularized future threat from the seven named countries. Nor is there any rational basis for exempting from the ban particular religious minorities (e.g., Christians), suggesting that the real target of the ban remains one religious group (Muslims). In short, the Administration offers no reason why it abruptly shifted to group-based bans when we have a tested individualized vetting system developed and implemented by national security professionals across the government to guard the homeland, which is continually re-evaluated to ensure that it is effective.

5. In our professional opinion, the Order will harm the interests of the United States in many respects:

- a. The Order will endanger U.S. troops in the field. Every day, American soldiers work and fight alongside allies in some of the named countries who put their lives on the line to protect Americans. For example, allies who would be barred by the Order work alongside our men and women in Iraq fighting against ISIL. To the extent that the Order bans travel by individuals cooperating against ISIL, we risk placing our military efforts at risk by sending an insulting message to those citizens and all Muslims.
- b. The Order will disrupt key counterterrorism, foreign policy, and national security partnerships that are critical to our obtaining the necessary information sharing and collaboration in intelligence, law enforcement, military, and diplomatic channels to address the threat posed by terrorist groups such as ISIL. The international criticism of the Order has been intense, and it has alienated U.S. allies. It will strain our relationships with partner countries in Europe and the Middle East, on whom we rely for vital counterterrorism cooperation, undermining years of effort to bring them closer. By alienating these partners, we could lose access to the intelligence and resources necessary to fight the root causes of terror or disrupt attacks launched from abroad, before an attack occurs within our borders.
- c. The Order will endanger intelligence sources in the field. For current information, our intelligence officers may rely on human sources in some of the countries listed. The Order breaches faith with those very sources, who have risked much or all to keep Americans safe – and whom our officers had promised always to protect with the full might of our government and our people.
- d. Left in place, the Executive Order will likely feed the recruitment narrative of ISIL and other extremists that portray the United States as at war with Islam. As government officials, we took every step we could to counter violent extremism. Because of the Order's disparate impact against Muslim travelers and immigrants, it feeds ISIL's narrative and sends the wrong message to the Muslim community here at home and all over the world: that

the U.S. government is at war with them based on their religion. The Order may even endanger Christian communities, by handing ISIL a recruiting tool and propaganda victory that spreads their message that the United States is engaged in a religious war.

- e. The Order will disrupt ongoing law enforcement efforts. By alienating Muslim-American communities in the United States, it will harm our efforts to enlist their aid in identifying radicalized individuals who might launch attacks of the kind recently seen in San Bernardino and Orlando.
- f. The Order will have a devastating humanitarian impact. When the Order issued, those disrupted included women and children who had been victimized by actual terrorists. Tens of thousands of travelers today face deep uncertainty about whether they may travel to or from the United States: for medical treatment, study or scholarly exchange, funerals or other pressing family reasons. While the Order allows for the Secretaries of State and Homeland Security to agree to admit travelers from these countries on a case-by-case basis, in our experience it would be unrealistic for these overburdened agencies to apply such procedures to every one of the thousands of affected individuals with urgent and compelling needs to travel.
- g. The Order will cause economic damage to American citizens and residents. The Order will affect many foreign travelers, particularly students, who annually inject hundreds of billions into the U.S. economy, supporting well over a million U.S. jobs. Since the Order issued, affected companies have noted its adverse impacts on many strategic economic sectors, including defense, technology, medicine, culture and others.

6. As a national security measure, the Order is unnecessary. National security-based immigration restrictions have consistently been tailored to respond to: (1) specific, credible threats based on individualized information, (2) the best available intelligence and (3) thorough interagency legal and policy review. This Order rests not on such tailored grounds, but rather, on (1) general bans (2) not supported by any new intelligence that the Administration has claimed, or of which we are aware, and (3) not vetted through careful interagency legal and policy review. Since the 9/11 attacks, the United States has developed a rigorous system of security vetting, leveraging the full capabilities of the law enforcement and intelligence communities. This vetting is applied to travelers not once, but multiple times. Refugees receive the most thorough vetting of any traveler to the United States, taking on the average more than a year. Successive administrations have continually worked to improve this vetting through robust information-sharing and data integration to identify potential terrorists without resorting to a blanket ban on all aliens and refugees. Because various threat streams are constantly mutating, as government officials, we sought continually to improve that vetting, as was done in response to particular threats identified by U.S. intelligence in 2011 and 2015. Placing additional restrictions on individuals from certain countries in the visa waiver program –as has been done on occasion in the past – merely allows for more individualized vettings before individuals with particular passports are permitted to travel to the United States.

7. In our professional opinion, the Order was ill-conceived, poorly implemented and ill-explained. The “considered judgment” of the President in the prior cases where courts have

deferred was based upon administrative records showing that the President’s decision rested on cleared views from expert agencies with broad experience on the matters presented to him. Here, there is little evidence that the Order underwent a thorough interagency legal and policy processes designed to address current terrorist threats, which would ordinarily include a review by the career professionals charged with implementing and carrying out the Order, an interagency legal review, and a careful policy analysis by Deputies and Principals (at the cabinet level) before policy recommendations are submitted to the President. We know of no interagency process underway before January 20, 2017 to change current vetting procedures, and the repeated need for the Administration to clarify confusion after the Order issued suggest that that Order received little, if any advance scrutiny by the Departments of State, Justice, Homeland Security or the Intelligence Community. Nor have we seen any evidence that the Order resulted from experienced intelligence and security professionals recommending changes in response to identified threats.

8. The Order is of unprecedented scope. We know of no case where a President has invoked his statutory authority to suspend admission for such a broad class of people. Even after 9/11, the U.S. Government did not invoke the provisions of law cited by the Administration to broadly bar entrants based on nationality, national origin, or religious affiliation. In past cases, suspensions were limited to particular individuals or subclasses of nationals who posed a specific, articulable threat based on their known actions and affiliations. In adopting this Order, the Administration alleges no specific derogatory factual information about any particular recipient of a visa or green card or any vetting step omitted by current procedures.

9. Maintaining the district court’s temporary restraining order while the underlying legal issues are being adjudicated would not jeopardize national security. It would simply preserve the status quo ante, still requiring that individuals be subjected to all the rigorous legal vetting processes that are currently in place. Reinstating the Executive Order would wreak havoc on innocent lives and deeply held American values. Ours is a nation of immigrants, committed to the faith that we are all equal under the law and abhor discrimination, whether based on race, religion, sex, or national origin. As government officials, we sought diligently to protect our country, even while maintaining an immigration system free from intentional discrimination, that applies no religious tests, and that measures individuals by their merits, not stereotypes of their countries or groups. Blanket bans of certain countries or classes of people are beneath the dignity of the nation and Constitution that we each took oaths to protect. Rebranding a proposal first advertised as a “Muslim Ban” as “Protecting the Nation from Foreign Terrorist Entry into the United States” does not disguise the Order’s discriminatory intent, or make it necessary, effective, or faithful to America’s Constitution, laws, or values.

10. For all of the foregoing reasons, in our professional opinion, the January 27 Executive Order does not further – but instead harms – sound U.S. national security and foreign policy.

Respectfully submitted,

s/MADELEINE K. ALBRIGHT*

s/AVRIL D. HAINES

s/MICHAEL V. HAYDEN

s/JOHN F. KERRY

s/JOHN E. McLAUGHLIN

s/LISA O. MONACO

s/MICHAEL J. MORELL

s/JANET A. NAPOLITANO

s/LEON E. PANETTA

s/SUSAN E. RICE

*All original signatures are on file with Harold Hongju Koh, Rule of Law Clinic, Yale Law School, New Haven, CT. 06520-8215 203-432-4932

We declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. [Individual signature pages follow]

EXECUTED this 5th day of February, 2017

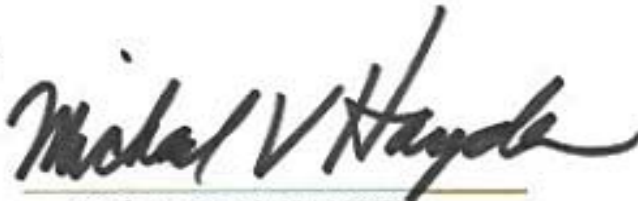
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MADELEINE K. ALBRIGHT

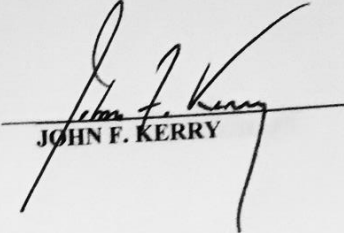
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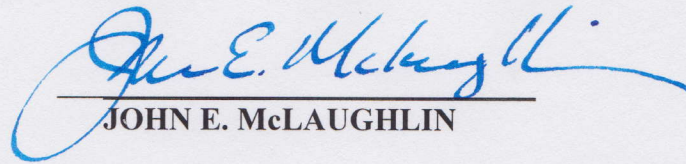

AVRIL D. HAINES

EXECUTED this 5th day of February, 2017


MICHAEL V. HAYDEN

EXECUTED this 5th day of February, 2017


JOHN F. KERRY



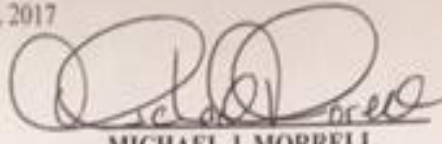
JOHN E. McLAUGHLIN

EXECUTED this 5th day of February, 2017

A handwritten signature in dark ink, appearing to read "Lisa Monaco". The signature is fluid and cursive, with the first name "Lisa" and the last name "Monaco" clearly distinguishable.

LISA O. MONACO

EXECUTED this 5th day of February, 2017

A handwritten signature in dark ink, appearing to read "Michael J. Morrell", written over a horizontal line.

MICHAEL J. MORRELL

MORELL

Handwritten initials "mjm" enclosed within a hand-drawn circle.

EXECUTED this 5th day of February, 2017

_____/s/_____
JANET A. NAPOLITANO

13

EXECUTED this 5th day of February, 2017


LEON E. PANETTA

EXECUTED this 5th day of February, 2017

/s/
SUSAN E. RICE

EXHIBIT C



United States Department of State

*Deputy Assistant Secretary
for Visa Services*

Washington, D.C. 20520

January 27, 2017

Upon request of the U.S. Department of Homeland Security and pursuant to sections 212(f) and 221(i) of the Immigration and Nationality Act and 22 CFR 41.122 and 42.82, and in implementation of section 3(c) of the Executive Order on Protecting the Nation from Terrorist Attacks by Foreign Nationals, I hereby provisionally revoke all valid nonimmigrant and immigrant visas of nationals of Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen, subject to the exceptions discussed below.

The revocation does not apply to visas in the following nonimmigrant classifications: A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2, or certain diplomatic visas.

The revocation also does not apply to any visa exempted on the basis of a determination made by the Secretaries of State and Homeland Security pursuant to section 3(g) of the Executive Order on a case-by-case basis, and when in the national interest.

This document is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in blue ink, appearing to read 'E. Ramotowski', with a long horizontal line extending to the right.

Edward J. Ramotowski

Deputy Assistant Secretary

Bureau of Consular Affairs

Department of State

EXHIBIT D



U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MIS 2000)
Washington, DC 20529-2000

U.S. Citizenship
and Immigration
Services

FEB 2 2017

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba *Lori Scialabba*
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.
2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.
3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.
5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) _____

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) _____

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

ATTACHMENT TO CIVIL COVER SHEET

Additional Defendants:

U.S. Department of State; Rex Tillerson, Secretary of State; U.S. Department of Homeland Security; John Kelly, Secretary of Homeland Security; U.S. Customs and Border Protection; Kevin McAleenan, Acting Commissioner of U.S. Customs and Border Protection; and Michele James, Field Director of the Seattle Field Office of U.S. Customs and Border Protection