

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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THE UNIVERSAL MUSLIM ASSOCIATION OF  
AMERICA, INC  
1701 Pennsylvania Ave NW  
Washington, DC, 20004

JOHN DOE

JANE DOE

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States;  
1600 Pennsylvania Avenue NW  
Washington, DC 20500  
U.S. DEPARTMENT OF HOMELAND  
SECURITY  
3801 Nebraska Ave. NW  
Washington, DC 20016

Case No. \_\_\_\_\_

U.S. CUSTOMS AND BORDER PROTECTION  
1300 Pennsylvania Ave. NW  
Washington, DC 20004

U.S. DEPARTMENT OF STATE  
2201 C Street, NW  
Washington, DC 20530

U.S. DEPARTMENT OF JUSTICE  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

JOHN KELLY, in his official capacity as Secretary  
of the Department of Homeland Security  
3801 Nebraska Ave. NW  
Washington, DC 20016

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KEVIN K. MCALEENAN, in his official capacity  
as Acting Commissioner of U.S. Customs and  
Border Protection  
1300 Pennsylvania Ave. NW  
Washington, DC 20004

REX W. TILLERSON, in his official capacity as  
Secretary of State  
2201 C Street, NW  
Washington, DC 20530

JEFFERSON BEAUREGARD SESSIONS III, in  
his official capacity as Attorney General of the  
United States  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Defendants.

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**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

traversed American shores in search of the rights and freedoms guaranteed in the United States and enshrined in its Constitution. These immigrants have played a crucial role in shaping this country, and they have rightly been embraced as part of the fabric of American democracy.

3. Executive Order 13,780 taints this proud heritage. The order purports to “protect” the nation from “foreign terrorist[s].” Instead, it ushers in a sweeping ban of most nationals of six Muslim-majority countries from entering the United States. The president’s own security agencies have repudiated the broad stereotypes and crude generalizations underlying the order’s putative justification and instead shown that country of citizenship is no reliable proxy for terrorist threat.

4. During his Presidential Campaign, then-Candidate Trump repeatedly condemned what he calls “radical Islam,” linking Islam to terrorism and calling for a “total and complete shutdown of Muslims entering the United States.” Executive Order 13,780 is the Trump Administration’s second attempt to enact this policy “legally.” Despite the Administration’s efforts to construct a “national security” justification for the order, a litany of statements from the president and his surrogates illustrate the Trump Administration’s animus toward Muslims and indicate that such a policy can never be “legal.”

5. Executive Order 13,780 and its identically-named predecessor, Executive Order 13,769, are predicated on invidious animus. The executive orders ignore the commands of the law, the courts, and the Constitution. The harms to Plaintiffs caused by Executive Order 13,780 are certain, imminent, and irreparable. Plaintiffs accordingly petition this Court for declaratory and injunctive relief against its enforcement and implementation.

## **JURISDICTION AND VENUE**

6. The Court has jurisdiction under 28 U.S.C. § 1331.

7. The Court may award declaratory and injunctive relief under the Declaratory Judgment Act, 28 §§ 2201-02, and the Administrative Procedure Act, 5 U.S.C. § 706.

8. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) and (e)(1) because Defendants are United States agencies or officers sued in their official capacities; a substantial part of the events or omissions giving rise to this claim occurred in this district; and one of the plaintiffs, the Universal Muslim Association of America, Inc., maintains its headquarters in this district.

## **PARTIES**

### **A. Plaintiffs**

9. Mr. and Mrs. Doe are citizens of Yemen and reside in the United States under asylum status. The Does and their family adhere to the religion of Islam.

10. The Universal Muslim Association of America, Inc. (UMAA) is the largest organization of Shi'a Muslims in the United States. It is a nonprofit corporation organized under the laws of Maryland and registered under section 501(c)(3) of the Internal Revenue Code. UMAA aims to provide a platform for American Shi'a Muslims to advance political, social, economic, and religious goals important to their community. UMAA provides American Shi'a Muslims a forum to foster intra-faith unity, to participate in civic and political responsibilities, to

distribution list for its weekly newsletters currently includes 17,269 subscribers, and UMAA's national convention draws thousands of attendees annually. UMAA maintains a national organization as well as local chapters across the country. In addition to the annual convention, UMAA also holds other events for the American Shi'a community throughout the year. For its events, UMAA often invites prominent Shi'a scholars—many from Iran and Iraq—to appear as speakers, so that its members may experience their teachings and perspectives.

**B. Defendants**

11. Defendant Donald J. Trump is the President of the United States and is sued in his official capacity. President Trump issued Executive Orders 13,769 and 13,780.

12. Defendant Department of Homeland Security (“DHS”) is an executive department of the United States government. DHS is headquartered in Washington, D.C.

13. Defendant U.S. Customs and Border Patrol (“CBP”) is an administrative agency within the DHS. CBP is headquartered in Washington, D.C.

14. Defendant Department of State is an executive department of the United States government. The State Department is headquartered in Washington, D.C.

15. Defendant Department of Justice (“DOJ”) is an executive department of the United States government. DOJ is headquartered in Washington, D.C.

16. Defendant John Kelly is the Secretary of Homeland Security and is sued in his official capacity. Secretary Kelly is responsible for DHS's administration of the Immigration and Nationality Act.

17. Defendant Kevin McAleenan is the Acting Commissioner of Customs and Border Protection and is sued in his official capacity. Acting Commissioner McAleenan is directly responsible for CBP's implementation of the Immigration and Nationality Act.

18. Defendant Rex W. Tillerson is the Secretary of State and is sued in his official capacity. Secretary Tillerson oversees the Department of State's activities with respect to the Immigration and Nationality Act.

19. Defendant Jefferson Beauregard Sessions III is the Attorney General of the United States and is sued in his official capacity. Attorney General Sessions oversees the DOJ's activities with respect to the Immigration and Nationality Act.

### STATEMENT OF FACTS

#### A. The Does

20. Mr. and Mrs. Doe came to the United States from Yemen. The Does are Yemeni nationals living in the United States as asylees. The Does and their family adhere to the religion of Islam.

21. In 2015, Yemen collapsed into civil war. The conflict, which to this day is ongoing, has resulted in more than 10,000 civilian deaths and 40,000 civilian injuries.<sup>1</sup> As a result of the civil war and a contemporaneous famine, United Nations officials reported this year that over 10 million Yemeni civilians need urgent assistance to protect their safety, dignity, and basic human rights.<sup>2</sup>

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<sup>1</sup> *Death toll in Yemen conflict passes 10,000*, AL JAZEERA (Jan. 16, 2017), <http://www.aljazeera.com/news/2017/01/death-toll-yemen-conflict-passes-10000-170117040849576.html>, Weiner Declaration at Ex. 43.

<sup>2</sup> *Id.*

22. In early 2015, the Does came to the United States on visas with three of their children. But they could not afford the cost of bringing their remaining two children, sons ages 10 and 12, who stayed behind in Yemen with their grandmother. Mr. Doe later received word from Yemen that militants had threatened to kill him and his family if he returned. The militants also threatened to kidnap his two sons who were still in Yemen.

23. With the help of an immigration attorney, Mr. Doe successfully applied for asylum in the United States. Mr. Doe then petitioned for his two sons who were still living in Yemen to obtain visas to enter the United States on the basis of their status as minor children of an asylee pursuant to Section 208(b)(3) of the Immigration and Nationality Act (INA). Mr. Doe's petition was approved in late 2016. The next step in the sons' visa application process is an interview with a United States consulate or embassy abroad, but Yemen does not have a United States consulate or embassy. The boys have fled Yemen to escape the violence there and are now living in Djibouti waiting for their consular interviews to be scheduled. Given the expense of staying in Djibouti, the boys will be forced to return to Yemen unless they can receive their visas to come to the United States.

#### **B. UMAA and the American Shi'a Muslim Community**

24. Shi'ism is the second largest denomination of Islam in the world, comprising around ten to fifteen percent of the global and American Muslim populations. Shi'a Muslims believe in a hierarchical structure of religious clergy, with the most learned given the highest religious authority, transnationally. While Shi'a adherents can be found in many n. 0 ( u ) 7 6. 0 ( c ) 60 . 0 ( t )

where some of the holiest sites of Shi'a Islam are located, drawing millions of Shi'a Muslims



Preventing Muslim Immigration,” which called for a “total and complete shutdown on Muslims entering the United States until our country’s representatives can figure out what is going on.”<sup>4</sup>

29. The statement continued:

According to Pew Research, among others, there is *great hatred towards*

United States and favor violent ideology over American law and—for that reason—immigration by Muslims to the United States should be suspended.

31.

Trump: *I think Islam hates us.* There is something—there is something there that is a tremendous hatred there. There’s a tremendous hatred. We have to get to the bottom of it. There’s an unbelievable hatred of us.

Cooper: In Islam itself?

Trump: You’re going to have to figure that out. OK. You’ll get another Pulitzer, right? But you’ll have to figure that out. But there’s a tremendous hatred. And we have to be very vigilant. We have to be very careful. And *we can’t allow people coming into this country who have this hatred of the United States . . . and of people that are not Muslim.*

Cooper: I guess the question is, is there a war between the west and radical Islam or between the west and Islam itself?

Trump: Well, it’s radical but it’s very hard to define. It’s very hard to separate because you don’t know who is who.<sup>9</sup>

34. Amid widespread outcry that the proposed Muslim ban would be un-American and unconstitutional, Mr. Trump and his advisors began shifting their rhetoric, while clarifying that their goal continued to be some form of a ban on immigration by Muslims.

35. On June 13, 2016, after the attacks 9 0 ( t ) 2 . 1 0 . 0 ( h ) 2 6 0 . 0 ( e ) - 3 4 t C 2 . 1 0 . 0 ( h ) 2 6

36. Mr. Trump then specified that the ban would be “temporary,” and would apply to certain “areas of the world when [sic] there is a proven history of terrorism against the United States, Europe or our allies, until we understand how to end these threats.”<sup>11</sup>

37. Next, in a July 17, 2016 televised interview, Mr. Trump was confronted with his then-running mate Mike Pence’s statement that a Muslim ban would be unconstitutional. Mr. Trump responded that the same purpose of stemming the flow of Muslim immigrants would be pursued by other ends: “So you call it territories, okay? We’re gonna do territories.”<sup>12</sup>

38. A week later, in a July 24, 2016 interview, Mr. Trump was asked if his shifting rhetoric signified a “rollback” from his proposed “Muslim ban.” He answered: “I don’t think so. I actually don’t think it’s a rollback. In fact, you could say it’s an expansion. I’m looking now

39. And on October 9, 2016, during a televised presidential debate, Mr. Trump stated, “The Muslim ban is something that in some form has morphed into a[n] extreme vetting from certain areas of the world.”<sup>14</sup>

40. As of the date of this complaint, the Trump campaign’s December 7, 2015 press release entitled “Donald J. Trump Statement on Preventing Muslim Immigration” remains on the Donald J. Trump campaign website<sup>15</sup> and on President Trump’s Twitter page,<sup>16</sup> which President Trump has continued to use regularly even after taking office.

**D. The First Executive Order**

41. On January 27, 2017, President Trump fulfilled his campaign promise by signing Executive Order 13,769 entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (“First Executive Order”).<sup>17</sup> At the signing ceremony, after reading the title of the First Executive Order aloud, President Trump remarked “We all know what that means.”<sup>18</sup>

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<sup>14</sup> Gerhard Peters & John T. Wooley, *Presidential Debate at Washington University in St. Louis, Missouri*, THE AMERICAN PRESIDENCY PROJECT (Oct. 9, 2016), <http://www.presidency.ucsb.edu/ws/index.php?pid=119038>, Weiner Declaration at Ex. 65.

<sup>15</sup> See Donald J. Trump, *Donald J. Trump Statement on Preventing Muslim Immigration*, DONALDJTRUMP.COM (Dec. 7, 2015), [https://www.donaldjtrump.com/press-220.0\(t\)220.0\(p\)213.0](https://www.donaldjtrump.com/press-220.0(t)220.0(p)213.0)

42. On January 30, 2017, President Trump confirmed what he meant, referring to Executive Order 13,769 as “the ban.”<sup>19</sup>

43. Among other things, the First Executive Order temporarily banned entry of all nationals from seven overwhelmingly Muslim countries, temporarily suspended the entire United States Refugee Admissions Program, established a policy of prioritizing certain religious

information related to “foreign nationals in the United States who have been radicalized after entry into the United States” and “honor killings in the United States by foreign nationals.”

45. On the day he signed the First Executive Order, asked whether he saw Christian refugees as a priority, President Trump responded unequivocally: “Yes.”<sup>23</sup>

46. This religious preference was reflected in Sections 5(b) and 5(e) of the First Executive Order, which prioritized refugee claims based on religious-based persecution for individuals whose religion is a “minority religion in the individual’s country of nationality.” As a practical matter, the vast majority of the 38,000 Muslim refugees admitted to the United States in 2016 were nationals of Muslim-majority countries, thus rendering the majority of Muslim refugees ineligible for the religious-based persecution preference.<sup>24</sup>

47. The following day, January 28, 2017, President Trump’s advisor and surrogate Rudy Giuliani admitted that the policy implemented in the First Executive Order resulted from

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<sup>23</sup> David Brody, *Brody File Exclusive: President Trump Says Persecuted Christians Will Be Given Priority Status As Refugees*, CHRISTIAN BROADCAST NETWORK (Jan. 27, 2017), <http://www1.cbn.com/thebrodyfile/archive/2017/01/27/brody-file-exclusive-president-trump-says-persecuted-christians-will-be-given-priority-as-refugees>, Weiner Declaration at Ex. 18. (“If you were a Muslim [in Syria] you could come in [to the United States], but if you were a Christian, it was almost impossible . . . . And I thought it was very, very unfair. So we are going to help them [Christian refugees]”); *see also* Donald J. Trump (@realDonaldTrump), TWITTER (Jan. 29, 2017, 7:03 AM), <https://twitter.com/realDonaldTrump/status/825721153142521858>; Weiner Declaration at Ex. 69 (“Christians in the Middle-East have been executed in large numbers. We cannot allow this horror to continue!”).

<sup>24</sup> *See* Phillip Connor, *U.S. admits record number of Muslim refugees in 2016*, P90.0(!)260.022.0(n)389.





Executive Order on a “nationwide basis.” *Washington v. Trump*, No. 2:17-cv-00141-JLR, ECF 52 at 5 (W.D. Wash. Feb. 3, 2017). The Washington lawsuit was brought by the States of Washington and Minnesota and, like in the New York lawsuit, the district court in Washington found a substantial likelihood of success on the merits of the states’ claims, which included challenges to the First Executive Order on the bases of, *inter alia*, the Free Exercise, Establishment, Due Process, and Equal Protection Clauses of the United States Constitution. *See id.* at 4; *see also* Complaint, *Washington v. Trump*, No 2:17-cv-00141-JLR, ECF 1 at 10-13 (W.D. Wash. Jan. 30, 2017) (asserting constitutional and other causes of action).

51. The United States Court of Appeals for the Ninth Circuit upheld the Temporary Restraining Order issued by the District Court in Washington, in an opinion declining to stay the District Court’s order. *Washington v. Trump*, 847 F.3d 1151, 1156 (9th Cir. 2017). The Ninth Circuit’s opinion determined that Washington and Minnesota showed a likelihood of success on the merits of their procedural-due-process claim but reserved an analysis of the states’ other claims for future proceedings and more-extensive briefing. *See id.* at 1168.

52. While the Washington case proceeded, yet another lawsuit, in the United States District Court for the Eastern District of Virginia, resulted in a preliminary injunction of the Executive Order. The district court examined the litany of statements by President Trump and members of his Administration indicating their intent to ban Muslims from the United States and found that the plaintiffs were likely to succeed on the merits of their Establishment Clause claims. *See Aziz v. Trump*, No. 1:17-cv-00116-LMB-TCB, ECF 111 at 7-9, 20 (E.D. Va. Feb. 13, 2017).

53.

YOU IN COURT, THE SECURITY OF OUR NATION IS AT STAKE!”<sup>26</sup> Yet just one week after the decision, the DOJ informed the Ninth Circuit that the President intended to rescind the First Executive Order and replace it with a “new *substantially revised* Executive Order to eliminate what the panel erroneously thought were constitutional concerns.” Defendants-

technical differences” but that “[f]undamentally, you’re still going to have the *same basic policy outcome for the country*.”<sup>29</sup>

56. Like the February 21 statement by Mr. Spicer, Mr. Miller’s statement contradicted

“Citizenship Likely an Unreliable Indicator of Terrorist Threat to the United States,” analyzed the terrorist threats posed by the seven countries targeted by the First Executive Order.<sup>31</sup>

60. Even though the First Executive Order purported to “Protect[] the Nation from Foreign Terrorist Entry,” one of the DHS report’s key findings is that “country of citizenship is unlikely to be a reliable indicator of potential terrorist activity.”<sup>32</sup>

nationals of the seven designated countries already have relatively limited access to the United States.<sup>36</sup>

61. Additionally, even though the First Executive Order required the Secretary of Homeland Security to review and report whether foreign states were providing sufficient information for the United States government to adjudicate visa decisions,<sup>37</sup> the First Executive Order—and now the revised Executive Order, as well—banned immigration from the designated Muslim-majority countries *before* that review had even been conducted.

#### **H. The Replacement Executive Order**

62. On March 6, 2017, President Trump issued a new executive order under the same name as the First Executive Order. The new executive order replaces the First Executive Order

differences, the Replacement Executive Order has the “same basic policy outcome” envisioned

**D. Effects of the Executive Orders on Plaintiffs**

**i. UMAA**

65. After the First Executive Order was issued, UMAA was forced to cancel an event that it had planned and to issue refunds for tickets that it had sold for the event. Specifically, UMAA had arranged for a renowned Shi'a eulogy reciter, Basm Nameliti, an Iranian national, to visit the United States for an event in Dearborn, Michigan, on February 4, 2017, commemorating the birthday of the granddaughter of the Prophet Muhammad. Mr. Nameliti uses the professional name Basim Karbalaee (hereinafter "Mr. Karbalaee" or "Karbalaee"). UMAA had invited Mr.

harms UMAA's ability to attract paying attendees to its events. Moreover, the Replacement Executive Order's purported limitations fail to mitigate this harm.

68. The Replacement Executive Order places UMAA in a position where it is effectively unable to invite speakers to its upcoming national convention, from June 30 to July 3,



guarantee that any particular applicant will be granted a waiver, UMAA cannot determine which speakers to invite to its convention and other events because it does not know which speakers would be granted waivers.

73. Because the scholars whom UMAA would invite to its convention are popular figures with multiple engagements, it is not practicable for UMAA to wait 90 days from the

Executive Order are harmed because it prevents them from bringing their relatives to the United States as visitors or immigrants.

76. Regardless of whether UMAA's individual members or their relatives abroad may be entitled to case-by-case waivers under the Replacement Executive Order, it still impermissibly subjects them to disparate treatment and additional procedural hurdles on the basis of their national origin or religion. Even if some waivers are ultimately granted, the waiver provision imposes significant barriers to entry and subjects applicants to the requirement that they demonstrate to the satisfaction of consular officials that their entry is in the national interest.

77. UMAA seeks relief on behalf of its members because these harms are germane to UMAA's purpose of facilitating the religious, social, and political lives of American Shi'a Muslims. Because the declaratory and injunctive relief sought by UMAA in this case would also afford relief to its members, participation of any individual members would not be necessary for UMAA to obtain the relief it seeks.

**ii. The Does**

78. The Replacement Executive Order harms the Does because its enforcement renders them unable to bring their two children to the United States from Yemen and because it conveys a message to the Does that they and their religion are disfavored in the United States.

79. The Does have not seen their two children in over 800 days. They remain in fear for their children's lives and wish to bring them to the United States where they can be safe and so that their family can be together.

80. Despite their attorney's best efforts to schedule interviews for the Does' sons, the State Department has not yet scheduled consular interviews for them.

81.

children can travel to the United States. This additional scrutiny further complicates and delays the Does' reunification with their children.

85. The Does are also harmed by the Replacement Executive Order's implicit condemnation of Islam. The Does' religion is important to them, and they are pained by President Trump's denunciations of the Islamic faith and of Muslims generally. The Does fear that they will face increased prejudice and hate as a result of the Replacement Executive Order.

86. Because their two sons are in constant danger of being killed in Yemen, the Does cannot wait for the 90-day suspension of entry by Yemeni nationals provided in the Replacement Executive Order to expire.<sup>42</sup>

## CAUSES OF ACTION

### COUNT I

#### **(Violation of the Establishment Clause of the First Amendment) (All Plaintiffs Against All Defendants)**

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

89. The Establishment Clause of the First Amendment to the Constitution prohibits the government from enacting policies that “differentiate[] among religions.” *Hernandez v. C.I.R.*, 490 U.S. 680, 695 (1989) (citing *Larson v. Valente*, 456 U.S. 228 (1982)).

90. The Establishment Clause prohibits the government from endorsing or disapproving of a religion or certain religious beliefs. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 308 (2000).

91. The Establishment Clause prohibits the government from taking actions that lack a preeminently secular purpose, that have the effect of advancing or inhibiting religion, or that result in excessive entanglement with religion.

and has the effect of disfavoring and penalizing Islam and Muslims. Notably, the President's

**COUNT II**  
**(Violation of the Right to Equal Protection Under the Fifth Amendment:**  
**Discrimination on the Basis of Religion)**  
**(All Plaintiffs Against All Defendants)**

101.

110. The Replacement Executive Order is not rationally related to a legitimate governmental interest.

111. The Replacement Executive Order was issued in bad faith and is not supported by bona fide and facially legitimate reasoning.

112.



120. The Replacement Executive Order was issued in bad faith and is not supported by bona fide and facially legitimate reasoning.

121. Absent injunctive and declaratory relief, the Plaintiffs will continue to suffer harm from the Replacement Executive Order and from the Defendants' implementation and enforcement of it.

122. Plaintiffs have no adequate remedy at law.

**COUNT IV**  
**(Violation of the First Amendment: Right to Receive Information and Ideas)**  
**(UMAA Against All Defendants)**

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

121 6

124. The Free Speech Clause of the First Amendment to the United States Constitution protects not only the right to engage in speech, but also the "right to receive information and ideas." *Stanley v. Georgia*, 394 U.S. 557, 564 (1969).

125. The Replacement Executive Order and Defendants' implementation of it violate

129. Plaintiffs have no adequate remedy at law.

**COUNT V**  
**(Violation of the Immigration and Nationality Act, Administrative Procedure Act,**  
**and Regulations)**  
**(UMAA Against All Defendants)**

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

131. The Immigration and Nationality Act, 8 U.S.C. § 1152(a)(1)(A), prohibits discrimination in the issuance of immigrant visas on the basis of race, nationality, place of birth, or place of residence.

132. In implementing the Replacement Executive Order, Defendants have acted contrary to § 8 U.S.C. 1152(a)(1)(A) by discriminating on the basis of national origin in the issuance of immigrant visas.

133. Defendants' violations of the Immigration and Nationality Act and Regulations have harmed UMAA and its members. Many of UMAA's members have pending or approved petitions for their family members to obtain immigrant visas to travel to the United States. The Replacement Executive Order prevents these individuals from being able to bring their family members to visit or live in the United States.

134. The Replacement Executive Order has divided the families of UMAA's members, undermining UMAA's mission, which includes promoting the welfare of the Shi'a community in the United States and dispelling misgivings about Muslims and Islam.

135. The actions of Defendants, as set forth above, are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of

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

136. Plaintiffs have no adequate or available administrative remedy; in the alternative, any effort to obtain an administrative remedy would be futile.

137. This Court accordingly should declare that Defendants' implementation of the Replacement Executive Order violates the APA and INA.

138. Absent injunctive and declaratory relief, the Plaintiffs will continue to suffer harm from the Replacement Executive Order and from the Defendants' implementation and enforcement of it.

139. Plaintiffs have no adequate remedy at law.

#### **PRAYER FOR RELIEF**

WHEREFORE, all Plaintiffs seek an order and judgment to:

140. Declare that Sections 2 and 4 of the Replacement Executive Order violate the Constitution and laws of the United States;

141. Enjoin Defendants from:

a. Enforcing Sections 2 and 4 of the Replacement Executive Order, including at any United States embassy, consulate, border, or point of entry;

b. Applying Sections 2 and 4 of the Replacement Executive Order to deny, revoke, restrict, cancel, or delay issuance of any immigrant or nonimmigrant visa;

c. Applying Sections 2 and 4 of the Replacement Executive Order to deny or suspend entry or admission to any person;

d. Applying Sections 2 and 4 of the Replacement Executive Order to prohibit any person from applying for any benefit under the Immigration and Nationality Act;

- e. Denying any person subject to the Replacement Executive Order access to legal counsel of his or her choice;
- f. Applying Sections 2 and 4 of the Replacement Executive Order to instruct

149. Require Defendants to process without undue delay visa applications submitted by nationals of Iran, Sudan, Somalia, Yemen, Syria, Libya, and Iraq.

150. Require Defendants to file with the Court, on the tenth day of each month following the entry of the Court's order, a signed and verified declaration stating:

- a. The number of United States visas granted during the previous month to nationals of each of the following countries: Iran, Sudan, Somalia, Yemen, Syria, Libya, and Iraq;
- b. The number of United States visa applications denied during the previous month to nationals of each of the following countries: Iran, Sudan, Somalia, Yemen, Syria, Libya, and Iraq;
- c. For each denied visa application under the above subparagraph (b), the identifying information or numbers for the application for the Court's reference;
- d.

Johnathan Smith (*application for admission pending*)

Aziz Huq (*pro hac vice application forthcoming*)

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Richard B. Katskee (D.C. Bar # 474250)

Bradley Girard (*application for admission pending*)

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Naomi R Tsu (*pro hac vice application forthcoming*)

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Amanda Johnson (*application for admission pending*)

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 23, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certified that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 23, 2017.

*/s/ David J. Weiner*

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David J. Weiner (D.C. Bar # 499806)  
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