

Honorable James L. Robart

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

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

Plaintiffs,

v.

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

Defendants.

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

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Upon consideration of Plaintiffs' Motion for Preliminary Injunctive Relief, the parties' briefing, and oral argument, this Court finds that Plaintiffs have demonstrated a need for preliminary injunctive relief in this case. *See Winter v. Natural Resources Defense Council,*

1 *Inc.*, 555 U.S. 7, 20 (2008); *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131-35
2 (9th Cir. 2011).

3 Accordingly, it is hereby ORDERED that, pending a trial on the merits, Defendants and
4 all their respective officers, agents, servants, employees, attorneys, and persons acting in concert
5 of participation with them are:

- 6
- 7 1. Enjoined and restrained from enforcing Section 3 of Executive Order 13769 (EO),
8 in so far as it precludes persons approved for immigrant visas from boarding
9 flights to the United States and entering the country as lawful permanent
10 residents;
 - 11 2. Enjoined and restrained from applying Section 3 of the EO to suspend the
12 processing and/or issuance of immigrant visas to Plaintiffs Juweiya Abdiaziz Ali
13 and A.F.A., Reema Khaled Dahman and G.E., and all other proposed class
14 members who have filed visa petitions and the beneficiaries of those visa petitions
15 who are applying for immigrant visas;
 - 16 3. Enjoined and restrained from revoking immigrant visas based on Section 3 of the
17 EO;
 - 18 4. Ordered to reinstate and, where necessary, reissue, the immigrant visas of all
19 nationals from the seven countries that were revoked pursuant to the issuance of
20 the EO, without the need for the foreign national to reapply for a visa;
 - 21 5. Ordered to issue transportation letters, where necessary, to all nationals from the
22 seven countries with validly issued immigrant visas, including all individuals
23 whose visas are reinstated pursuant to #4 above; and
 - 24 6. Ordered to advise immigrant visa petitioners, through electronic mail or
25 otherwise, of the status of immigrant visa applications submitted by beneficiaries
26 of their petitions.

19 This preliminary injunction is granted on a nationwide basis.

20 This Court has exercised its discretion to determine that no bond shall be required and
21 that this Order shall be effective immediately.

22
23 Upon consideration of Plaintiffs' Motion for a Temporary Restraining Order, the parties'
24 briefing, and oral argument, if any, this Court finds that Plaintiffs have demonstrated a need for
25 preliminary injunctive relief in this case. *See Winter v. Natural Resources Defense Council,*
26 *Inc.*, 555 U.S. 7, 20 (2008); *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131-35
27 (9th Cir. 2011). The standard for issuing a TRO is the same as the standard for issuing a
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1 preliminary injunction. *See New Motor Vehicle Bd. Of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345,
2 1347 n.2 (1977); *Stuhlbarg Int'l Sales Co., Inc. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7
3 (9th Cir. 2001).

4 Accordingly, if prior to adjudication of the motion for preliminary injunctive relief, the
5 temporary restraining order this Court entered on February 3, 2017 in the related case of
6 *Washington v. Trump*, 2:17-cv-141-JLR, Dkt. 52, is dissolved for a reason other than a
7 determination with respect to the merits of the challenge, this Court hereby ORDERS a
8 TEMPORARY RESTRAINING ORDER providing that Defendants and all their respective
9 officers, agents, servants, employees, attorneys, and persons acting in concert of participation
10 with them are *immediately*:

- 12 1. Enjoined and restrained from enforcing Section 3 of Executive Order 13769 (EO),
13 in so far as it precludes persons approved for immigrant visas from boarding
14 flights to the United States and entering the country as lawful permanent
15 residents;
- 16 2. Enjoined and restrained from applying Section 3 of the EO to suspend the
17 processing and/or issuance of immigrant visas to Plaintiffs Juweiya Abdiaziz Ali
18 and A.F.A., Reema Khaled Dahman and G.E., and all other proposed class
19 members who have filed visa petitions and the beneficiaries of those visa petitions
20 who are applying for immigrant visas;
- 21 3. Enjoined and restrained from revoking immigrant visas based on Section 3 of the
22 EO;
- 23 4. Ordered to reinstate and, where necessary, reissue, the immigrant visas of all
24 nationals from the seven countries that were revoked pursuant to the issuance of
25 the EO, without the need for the foreign national to reapply for a visa;
- 26 5. Ordered to issue transportation letters, where necessary, to all nationals from the
27 seven countries with validly issued immigrant visas, including all individuals
28 whose visas are reinstated pursuant to #4 above; and
6. Ordered to advise immigrant visa petitioners, through electronic mail or
otherwise, of the status of immigrant visa applications submitted by beneficiaries
of their petitions.

This temporary restraining order is granted on a nationwide basis.

This Court has exercised its discretion to determine that no bond shall be required and
that this Order shall be effective immediately.

IT IS SO ORDERED.

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DATED this _____ day of _____, 2017.

JAMES L. ROBERT
UNITED STATES DISTRICT JUDGE

Presented this 6th day of February, 2017, by:

s/Matt Adams

Matt Adams, WSBA No. 28287
Northwest Immigrant Rights Project
Counsel for Plaintiffs