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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI‘I**

STATE OF HAWAI‘I and ISMAIL ELSHIKH,
Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; U.S.
DEPARTMENT OF HOMELAND
SECURITY; JOHN F. KELLY, in his official
capacity as Secretary of Homeland Security;
U.S. DEPARTMENT OF STATE; REX
TILLERSON, in his official capacity as
Secretary of State; and the UNITED STATES
OF AMERICA,

Defendants.

Civil Action No. 1:17-cv-00050-
DKW-KSC

**DECLARATION OF NEAL K.
KATYAL IN SUPPORT OF
PLAINTIFFS’ EMERGENCY
MOTION TO CLARIFY
SCOPE OF PRELIMINARY
INJUNCTION; EXHIBITS A,
B, C, D, & E IN SUPPORT OF
PLAINTIFFS’ EMERGENCY
MOTION TO CLARIFY
SCOPE OF PRELIMINARY
INJUNCTION;
CERTIFICATE OF
SERVICE**

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**DECLARATION OF NEAL K. KATYAL IN SUPPORT OF PLAINTIFFS’
EMERGENCY MOTION TO CLARIFY SCOPE OF PRELIMINARY
INJUNCTION**

I, NEAL K. KATYAL, hereby state and declare as follows:

1. I am counsel for Plaintiffs, the State of Hawai‘i and Ismail Elshikh. I have personal knowledge of and am competent to testify to the truth of the matters stated herein. This Declaration is submitted in support of Plaintiffs’ Emergency Motion to Clarify Scope of Preliminary Injunction, filed concurrently herewith.

2. Attached as Exhibit A is a true and correct copy of a Department of State cable, received by Plaintiffs from third parties on June 29, 2017, which purports to provide guidance to consular offices regarding enforcement of Section 2(c) of Executive Order 13780.

3. Attached as Exhibit B is a true and correct copy of an untitled guidance document prepared by the Department of State and received by counsel for Plaintiffs from counsel for Defendants on June 29, 2017. Counsel for Defendants represented that this guidance soon will be publicly available online.

4. Attached as Exhibit C is a true and correct copy of Department of State guidance entitled “Executive Order on Visas” (June 29, 2017), *available at*: <https://travel.state.gov/content/travel/en/news/important-announcement.html>.

5. Attached as Exhibit D is a true and correct copy of a transcript of a Department of State Special Briefing, “Background Briefing on the

Implementation of Executive Order 13780 Protecting the Nation from Foreign Terrorist Entry into the United States” (June 29, 2017), *available at*:

<https://www.state.gov/r/pa/prs/ps/2017/06/272281.htm>.

6. Attached as Exhibit E is a true and correct copy of a blank Reception and Placement Assurance Form prepared by the Refugee Processing Center of Arlington, Virginia, to be completed by a U.S.-based resettlement agency.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Washington, D.C., June 29, 2017.

/s/ Neal K. Katyal
Neal K. Katyal

Subject: (SBU) IMPLEMENTING EXECUTIVE ORDER 13780 FOLLOWING SUPREME COURT RULING -- GUIDANCE TO VISA-ADJUDICATING POSTS

1. (SBU) Summary: On June 26, 2017, the Supreme Court partially lifted preliminary injunctions that barred the Department from enforcing section 2 of Executive Order (E.O.) 13780, which suspends the entry to the United States of, and the issuance of visas to, nationals of six designated countries, as well as section 6, which relates to the Refugee Admissions Program. A June 14, 2017 Presidential Memorandum announced each enjoined provision would become effective the date and time at which the referenced injunctions are lifted or stayed, with implementation of each relevant provision within 72 hours after all applicable injunctions are lifted or stayed with respect to that provision. As a result, implementation of those sections for which injunctions have been lifted will begin June 29, 2017, as detailed below.

2. (SBU) This cable provides guidance for implementing provisions of section 2(c) of the E.O. impacting visa adjudication and issuance procedures. The E.O.'s 90-day suspension of entry will be implemented worldwide at 8:00 p.m. Eastern Daylight Time (EDT) June 29, 2017. All visa adjudicating posts should carefully review and prepare to implement this guidance at that time or at opening of the next business day if not open at 8:00 p.m. EDT June 29, 2017. Any modifications to this guidance, due to litigation or other reasons, will be sent in a subsequent cable. Public talking points and additional operational resources will be updated and available on [CA Web](#). End Summary.

3. (SBU) The Supreme Court's partial lifting of the preliminary injunctions allows the E.O.'s suspension to be enforced only against foreign nationals who lack a "bona fide relationship with a person or entity in the United States." Therefore, applicants who are nationals of the affected countries who are determined to be otherwise eligible for visas and to have a credible claim of a bona fide relationship with a person or entity in the United States are exempt from the suspension of entry in the United States as described in section 2(c) of the E.O. Applicants who are nationals of the affected countries and who are determined to be otherwise eligible for visas, but who are determined not to have a qualifying relationship, must be eligible for an exemption or waiver as described in section 3 of the E.O. in order to be issued a visa. For adjudication purposes, the Supreme Court criteria have been couched in this guidance as exemptions from the E.O.'s suspension of entry in paragraph 10.

(SBU) Suspension of Entry into the United States for Aliens from Certain Countries

4. (SBU) The E.O. exercises the President's authority under sections 212(f) and 215(a)(1) of the Immigration and Nationality Act (INA) and suspends for 90 days entry into the United States of, and issuance of visas to, certain aliens from the following countries: Iran, Libya, Somalia, Sudan, Syria, and Yemen. Implementation of the suspension, for purposes of visa issuance, will begin at 8:00 p.m. EDT June 29, 2017, worldwide. The suspension of entry in the E.O. does not apply to individuals who are inside the United States on June 29, 2017, who have a valid visa on June 29, 2017, or who had a valid visa at 8:00 p.m. EDT January 29, 2017, even after their visas expire or they leave the United States. The suspension of entry also does not apply to other categories of individuals, as detailed below. No visas will be revoked based on the E.O., even if

issued during the period in which Section 2(c) was enjoined by court order or during the 72-hour implementation period. New applicants will be reviewed on a case-by-case basis, with consular officers taking into account the scope and exemption provisions in the E.O. and the applicant's qualification for a discretionary waiver. Direction and guidance to resume normal processing of visas following the 90-day suspension will be sent septel.

(SBU) Nonimmigrant Visas

5. (SBU) GSS vendors and posts will continue scheduling NIV applicants of the six indicated nationalities. The E.O. provides for a number of exemptions from its scope and includes waiver provisions, and whether an applicant is exempt or qualified for a waiver can only be determined on a case-by-case basis during the course of a visa interview.

6. (SBU) Beginning 8:00 p.m. EDT June 29, 2017, NIV applicants presenting passports from any of the six countries included in the E.O. should be interviewed and adjudicated following these procedures:

a.) Officers should first determine whether the applicant is eligible for a visa under the INA, without regard to the E.O. If the applicant is not eligible, the appropriate refusal code should be entered into the Consular Lookout and Support System (CLASS). See 9 FAM 303.3-4(A). Posts must follow existing FAM guidance in 9 FAM 304.2 to determine whether an SAO must be submitted. Applicants found ineligible for grounds unrelated to the E.O. should be refused according to standard procedures.

b.) If an applicant is found otherwise eligible for the visa, the consular officer will need to determine during the interview whether the applicant is exempt from the E.O.'s suspension of entry provision (see paragraphs 10-13), and if not, whether the individual qualifies for a waiver (see paragraphs 14 and 15).

c.) Applicants who are not exempt from the E.O.'s suspension of entry provision and who do not qualify for a waiver should be refused by entering the code "EO17" into the Consular Lookout and Support System (CLASS). As coordinated with DHS, this code represents a Section 212(f) denial under the E.O.

(SBU) Immigrant Visas

7. (SBU) The National Visa Center (NVC) will continue to schedule immigrant visa (IV) appointments for all categories and all nationalities. Posts should continue to interview all other IV applicants presenting passports from any of the six countries included in the E.O., following these procedures:

a.) Officers should first determine whether the applicant is eligible for the visa, without regard to the E.O. If the applicant is not eligible, the application should be refused according to standard procedures.

b.) If an applicant is found otherwise eligible for the visa, the consular officer will need to

determine during the interview whether the applicant is exempt from the E.O.'s suspension of entry provision (see paragraphs 10-13), and if not, whether the applicant qualifies for a waiver (paragraphs 14 and 15).

c.) Immigrant visa applicants who are not exempt from the E.O.'s suspension of entry provision and who do not qualify for a waiver should be refused 221(g) and the consular officer should request an advisory opinion from VO/L/A.

(SBU) Diversity Visas

8. (SBU) For Diversity Visa (DV) applicants already scheduled for interviews falling after the E.O. implementation date of 8:00 p.m. EDT June 29, 2017, post should interview the applicants. Posts should interview applicants following these procedures:

a.) Officers should first determine whether the applicant is eligible for the DV, without regard to the E.O. If the applicant is not eligible, the application should be refused according to standard procedures.

b.) If an applicant is found otherwise eligible, the consular officer will need to determine during the interview whether the applicant is exempt from the E.O.'s suspension of entry provision (see paragraphs 10-13), and if not, whether the applicant qualifies for a waiver (paragraphs 14 and 15).

c.) DV applicants who are not exempt from the E.O.'s suspension of entry provision and who do not qualify for a waiver should be refused 221(g) and the consular officer should request an advisory opinion from VO/L/A following current guidance in 9 FAM 304.3-1.

Based on the Department's experience with the DV program, we anticipate that very few DV applicants are likely to be exempt from the E.O.'s suspension of entry or to qualify for a waiver. CA will notify DV applicants from the affected nationalities with scheduled interviews of the additional criteria to allow the potential applicants to determine whether they wish to pursue their application.

9. (SBU) The Kentucky Consular Center (KCC) will continue to schedule additional DV-2017 appointments for cases in which the principal applicant is from one of these six nationalities. While the Department is mindful of the requirement to issue Diversity Visas prior to the end of the Fiscal Year on September 30, direction and guidance to resume normal processing of visas following the 90-day suspension will be sent septel.

(SBU) Individuals Who Are Exempt from the E.O.'s Suspension of Entry

10. (SBU) The E.O.'s suspension of entry does not apply to the following:

a.) Any applicant who has a credible claim of a *bona fide* relationship with a person or entity in the United States. Any such relationship with a "person" must be a close familial relationship, as defined below. Any relationship with an entity must be formal, documented,

and formed in the ordinary course, rather than for the purpose of evading the E.O. *Note: If you determine an applicant has established eligibility for a nonimmigrant visa in a classification other than a B, C-1, D, I, or K visa, then the applicant is exempt from the E.O., as their bona fide relationship to a person or entity is inherent in the visa classification. Eligible derivatives of these classifications are also exempt. Likewise, if you determine an applicant has established eligibility for an immigrant visa in the following classifications -- immediate relatives, family-based, and employment-based (other than certain self-petitioning employment-based first preference applicants with no job offer in the United States and SIV applicants under INA 101a(27)) -- then the applicant and any eligible derivatives are exempt from the E.O.*

- b.) Any applicant who was in the United States on June 26, 2017;
- c.) Any applicant who had a valid visa at 5:00 p.m. EST on January 27, 2017, the day E.O. 13769 was signed;
- d.) Any applicant who had a valid visa on June 29, 2017;
- e.) Any lawful permanent resident of the United States;
- f.) Any applicant who is admitted to or paroled into the United States on or after June 26, 2017;
- g.) Any applicant who has a document other than a visa, valid on June 29, 2017, or issued on any date thereafter, that permits him or her to travel to the United States and seek entry or admission, such as advance parole;
- h.) Any dual national of a country designated under the order when traveling on a passport issued by a non-designated country;
- i.) Any applicant travelling on an A-1, A-2, NATO-1 through NATO-6 visa, C-2 for travel to the United Nations, C-3, G-1, G-2, G-3, or G-4 visa, or a diplomatic-type visa of any classification;
- j.) Any applicant who has been granted asylum; any refugee who has already been admitted to the United States; or any individual who has been granted withholding of removal, advance parole, or protection under the Convention Against Torture; and
- k.) Any V92 or V93 applicant.

11. (SBU) "Close family" is defined as a parent (including parent-in-law), spouse, child, adult son or daughter, son-in-law, daughter-in-law, sibling, whether whole or half. This includes step relationships. "Close family" does not include grandparents, grandchildren, aunts, uncles, nieces, nephews, cousins, brothers-in-law and sisters-in-law, fiancés, and any other "extended" family members.

12. (SBU) A relationship with a "U.S. entity" must be formal, documented, and formed in the

ordinary course rather than for the purpose of evading the E.O. A consular officer should not issue a visa unless the officer is satisfied that the applicant's relationship complies with these requirements and was not formed for the purpose of evading the E.O. For example, an eligible I visa applicant employed by foreign media that has a news office based in the United States would be covered by this exemption. Students from designated countries who have been admitted to U.S. educational institutions have a required relationship with an entity in the United States. Similarly, a worker who accepted an offer of employment from a company in the United States or a lecturer invited to address an audience in the United States would be exempt. In contrast, the exemption would not apply to an applicant who enters into a relationship simply to avoid the E.O.: for example, a nonprofit group devoted to immigration issues may not contact foreign nationals from the designated countries, add them to client lists, and then secure their entry by claiming injury from their inclusion in the E.O. Also, a hotel reservation, whether or not paid, would not constitute a bona fide relationship with an entity in the United States.

13. (SBU) When issuing an IV or an NIV to an individual who falls into one of the categories listed in paragraph 10, the visa should be annotated to state, "Exempt or Waived from E.O. 13780." Interviewing officers must also enter a clear case note stating the specific reason why the applicant is exempt from the E.O.'s suspension of entry. If consular officers are unclear if an applicant qualifies for an exemption, the cases should be refused under INA 221(g) and the consular officer should request an advisory opinion from VO/L/A following current guidance in 9 FAM 304.3-1.

(SBU) Qualification for a Waiver and Process

14. (SBU) The E.O. permits consular officers to grant waivers and authorize the issuance of a visa on a case-by-case basis when the applicant demonstrates to the officer's satisfaction that the following three criteria are all met:

- a.) Denying entry during the 90-day suspension would cause undue hardship;
- b.) His or her entry would not pose a threat to national security; **and**
- c.) His or her entry would be in the national interest.

15. (SBU) The E.O. lists the following examples of circumstances in which an applicant may be considered for a waiver, subject to meeting the three requirements above. Note that some of the waiver examples listed in the E.O. are now considered exemptions in light of the Supreme Court's ruling. Consular officers should determine whether individuals are exempt from the E.O. under standards described above, before considering the availability of a waiver under the standards described in this paragraph. Unless the adjudicating consular officer has particular concerns about a case that causes the officer to believe that that issuance may not be in the national interest, a determination that a case falls under any circumstance listed in this paragraph is a sufficient basis for concluding a waiver is in the national interest. Determining that a case falls under some of these circumstances may also be a sufficient basis for concluding that denying entry during the 90-day suspension would cause undue hardship:

- a.) The applicant has previously established significant contacts with the United States but is outside the United States on the effective date of the E.O. for work, study, or other lawful activity;
- b.) The applicant seeks to enter the United States for significant business or professional obligations and the denial of entry during the suspension period would impair those obligations;
- c.) The applicant is an infant, a young child, or adoptee, an individual needing urgent medical care, or someone whose entry is otherwise justified by the special circumstances of the case;
- d.) The applicant is traveling for purposes related to an international organization designated under the International Organizations Immunities Act, traveling for purposes of conducting meetings or business with the United States government, or traveling to conduct business on behalf of an international organization not designated under the IOIA; or
- e.) The applicant is a permanent resident of Canada who applies for a visa at a location within Canada.

16. (SBU) Listed in this paragraph are other circumstances in which an applicant may be considered for a waiver, subject to meeting the three requirements in paragraph 14. Consular officers should determine whether individuals are exempt from the E.O. under standards described above, before considering the availability of a waiver under the standards in paragraph 15. Unless the adjudicating consular officer has particular concerns about a case that suggest issuance may not be in the national interest, determining that a case falls under any circumstance listed in this paragraph is a sufficient basis for concluding a waiver is in the national interest. Determining that a case falls under some of these circumstances may also be a sufficient basis for concluding that denying entry during the 90-day suspension would cause undue hardship:

- a.) The applicant is a high-level government official traveling on official business who is not eligible for the diplomatic visa normally accorded to foreign officials of national governments (A or G visa). Examples include governors and other appropriate members of sub-national (state/local/regional) governments; and members of sub-national and regional security forces; and
- b.) Cases where all three criteria in paragraph 14 are met and the Chief of Mission or Assistant Secretary of a Bureau supports the waiver.

17. (SBU) If the applicant qualifies for a waiver based on criteria in paragraphs 14 or 15, the consular officer may issue the visa with the concurrence of the Visa Chief (IV or NIV) or the Consular Section Chief. The visa should be annotated to read, "Exempt or Waived from E.O. 13780." Case notes must reflect the basis for the waiver; the undue hardship that would be caused by denying entry during the suspension; the national interest; and the position title of the

manager concurring with the waiver. To document national interest in case notes in circumstances falling under paragraph 14 or paragraph 15(a), (b), or (c), the consular officer may write, "National interest was established by the applicant demonstrating satisfaction of the requirements for the waiver based on [insert brief description of category of waiver]."

18. (SBU) If the applicant does not qualify under one of the listed waiver categories in paragraphs 14 or 15, but the interviewing officer and consular manager believe that the applicant meets the requirements in paragraph 14 above and therefore should qualify for a waiver, then the case should be submitted to the Visa Office for consideration. These cases should be submitted via email to countries-of-concern-inquiries@state.gov. The Visa Office will review these requests and reply to posts within two business days. Consular officers should be able to approve the majority of waiver cases without review by the Visa Office due to the broad authority granted in the E.O.

(SBU) Refugees

19. (SBU) The U.S. Refugee Admissions Program (USRAP) is suspended for 120 days, except for those cases where the Supreme Court has kept the temporary injunction in place for any applicant who has a credible claim of a *bona fide* relationship with a person or entity in the United States. Any such relationship with a "person" must be a close familial relationship, as defined above in paragraph 11. Any relationship with an entity must be formal, documented, and formed in the ordinary course, rather than for the purpose of evading the E.O. as described in paragraph 12. We believe that by their nature, almost all V93 cases will have a clear and credible close familial relationship with the Form I-730 petitioner in the United States and qualify for issuance under this exemption.

20. (SBU) Posts should not cancel any V93 appointments, and NVC will continue to schedule new V93 appointment as normal. Beginning 8:00 p.m. EDT Thursday June 29, 2017, V93 applicants presenting passports from any of the six countries included in the E.O. should be interviewed and adjudicated following these procedures:

a.) Officers should first determine whether the applicant is eligible for a V93 under the current policy, without regard to the E.O. If the applicant is not eligible, the appropriate refusal code should be entered into the Consular Lookout and Support System (CLASS). Applicants found ineligible for grounds unrelated to the E.O. should be refused according to standard procedures. See 9 FAM 203.6.

b.) If an applicant is found otherwise eligible for the V93 foil, the consular officer will need to determine during the interview whether the applicant is exempt from the E.O.'s suspension of entry provision based on a credible claim of a *bona fide* relationship with a person or entity in the United States per paragraph 19.

c.) Applicants who are not exempt from the E.O.'s suspension of entry provision should be refused by entering the code "EO17" into the Consular Lookout and Support System (CLASS). Please contact your VO/F liaison with any questions about V93 processing or adjudication under the E.O.

(SBU) V92 Cases

21. (SBU) The E.O. does not affect V92 applicants, and post should adjudicate these cases per standard guidance.

22. (SBU) Posts with questions regarding this guidance should contact their post liaison officer in CA/VO/F.

Signature: Tillerson

The Supreme Court's order in *Trump v. International Refugee Assistance Project*, No. 16-1436 (June 26, 2017) provides that Sections 6(a) and 6(b) of Executive Order 13780 "may not be enforced against an individual seeking admission as a refugee who can credibly claim a bona fide relationship with a person or entity in the United States." As stated in the Supreme Court's order "for individuals, a close familial relationship is required. ... As for entities, the relationship must be formal, documented and formed in the ordinary course, rather than for the purpose of evading [the Order]."

Upon advice of our legal counsel, we are providing the following guidance.

A refugee who has one of the following relationships with a person already in the United States will be considered to have a credible claim to a bona fide relationship with a person in the United States upon presentation of sufficient documentation or other verifiable information supporting that relationship: a parent (including parent-in-law), spouse, child, adult son or daughter, son-in-law, daughter-in-law, sibling, whether whole or half. This includes step relationships. The following relationships do not qualify: grandparents, grandchildren, aunts, uncles, nieces, nephews, cousins, brothers-in-law and sisters-in-law, fiancés, and any other "extended" family members.

A refugee who has a relationship with an entity in the United States that is formal, documented, and formed in the ordinary course will be considered to have a credible claim to a bona fide relationship with that entity upon presentation of sufficient documentation or other verifiable information supporting that relationship. The fact that a resettlement agency in the United States has provided a formal assurance for a refugee seeking admission, however, is not sufficient in and of itself to establish a qualifying relationship for that refugee with an entity in the United States.

We will be providing additional guidance in coming days about the processes for verifying a bona fide relationship with a person or entity in the United States. As a reminder, refugees already scheduled for travel through July 6 will be permitted to travel regardless of whether they have such a relationship.

SEARCH

Alert
JUNE 29, 2017

Important Announcement

[travel.state.gov](#) > [Newsroom](#) > **Important Announcement**

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Executive Order on Visas

On June 26, 2017, the United States Supreme Court issued an order agreeing to hear the Administration's appeals of the two adverse rulings by Federal Appeals Courts regarding Executive Order 13780 and partially granting the government's request to stay the lower courts' injunctions. We will keep those traveling to the United States and partners in the travel industry informed as we implement the order in a professional, organized, and timely way.

As of June 29, 2017, at 8:00 pm Eastern Daylight Time, we will begin implementing the Executive Order at our embassies and consulates abroad in compliance with the Supreme Court's decision and in accordance with the Presidential Memorandum issued on June 14, 2017. Our implementation will be in full compliance with the Supreme Court's decision.

We do not plan to cancel previously scheduled visa application appointments. In accordance with all applicable court orders, for nationals of the six designated countries, a consular officer will make a determination in the course of the interview whether an applicant otherwise eligible for a visa is exempt from the E.O. or, if not, is eligible for a waiver under the E.O., and may be issued a visa.

The E.O. provides specifically that no visas issued before its effective date will be revoked pursuant to the Executive Order, and the E.O. does not apply to nationals of affected countries who have valid visas on June 29, 2017.

The E.O. further instructs that any individual whose visa was marked revoked or cancelled solely as a result of the original E.O. issued on January 27, 2017 (E.O. 13769) will be entitled to a travel document permitting travel to the United States, so that the individual may seek entry. Any individual in this situation who seeks to travel to the United States should contact the closest U.S. embassy or consulate to request a travel document.

[FAQs on the Executive Order - Department of Homeland Security](#)

Frequently Asked Questions

What does the Supreme Court's decision mean for applicants for U.S. visas?

The Supreme Court's order specified that the suspension of entry provisions in section 2(c) of Executive Order 13780 may not be enforced against foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States. All other foreign nationals of the designated countries are subject to the provisions of the Executive Order, which will be implemented worldwide as of June 29, 2017, at 8:00 pm, EDT, taking into account the Supreme Court decision. The Executive Order prohibits the issuance of U.S. visas to nationals of Iran, Syria, Sudan, Libya, Somalia, and Yemen unless they are either exempt or are issued a waiver. Consular officers first determine whether the applicant qualifies for the visa class for which they are applying before considering whether an exemption to the executive order applies or whether the applicant qualifies for a discretionary waiver.

What nonimmigrant visa classes are subject to the Executive Order?

EXHIBIT C

The Supreme Court's order specified that the suspension of entry in section 2(c) of Executive Order 13780 may not be enforced against foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States. Applicants seeking B, C-1, C-3, D, I or K visas will need to demonstrate that they have the required bona fide relationship in order to be exempt, or they may qualify for a waiver pursuant to the terms of the E.O. Qualified applicants in other nonimmigrant visa categories are considered exempt from the E.O., as a bona fide relationship to a person or entity in the United States is inherent in the requirements for the visa classification, unless the relationship was established for the purpose of evading the order.

What immigrant visa classes are subject to the Executive Order?

Qualified applicants in the immediate-relative and family-based immigrant visa categories are exempt from the order since having a bona fide close familial relationship is inherent in the requirements for the visa. Likewise, qualified employment-based immigrant visa applicants generally are exempt from the E.O., since they have a bona fide formal, documented relationship with a U.S. entity formed in the ordinary course. Unlike other employment-based immigrant visa applicants, certain self-petitioning employment-based first preference applicants with no job offer in the United States and special immigrant visas under INA section 101(a)(27)) may be covered by the E.O. and, consequently, would need to demonstrate that they have a bona fide relationship with an entity in the United States or otherwise qualify for a waiver. Diversity visa applicants will need to demonstrate a qualifying relationship or qualify for a waiver since a relationship with a person or entity in the U.S. is not required for such visas.

An individual who wishes to apply for an immigrant visa should apply for a visa and disclose during the visa interview any information that might demonstrate that he or she is exempt from section 2(c) of the Executive Order. A consular officer will carefully review each case to determine whether the applicant is affected by the E.O. and, if so, whether the case qualifies for a waiver.

If a principal visa applicant qualifies for an exemption or a waiver under the E.O., does a qualified derivative also get the benefit of the exemption or waiver?

Yes, eligible derivatives of these classifications are also exempt.

Does this Order apply to dual nationals?

This Executive Order does not restrict the travel of dual nationals, so long as they are traveling on the passport of an unrestricted country and, if needed, hold a valid U.S. visa.

Our embassies and consulates around the world will process visa applications and issue nonimmigrant and immigrant visas to otherwise eligible visa applicants who apply with a passport from an unrestricted country, even if they hold dual nationality from one of the six restricted countries.

Does this apply to U.S. Lawful Permanent Residents?

No. As stated in the Order, lawful permanent residents of the United States are not affected by the Executive Order.

Are there special rules for permanent residents of Canada?

Permanent residents of Canada who hold passports of a restricted country can apply for an immigrant or nonimmigrant visa to the United States if the individual presents that passport, and proof of permanent resident status, to a consular officer. These applications must be made at a U.S. consular section in Canada. A consular officer will carefully review each case to determine whether the applicant is affected by the E.O. and, if so, whether the case qualifies for a waiver.

Will you process waivers for those affected by the E.O.? How do I qualify for a waiver to be issued a visa?

As specified in the Executive Order, consular officers may issue visas to nationals of countries identified in the E.O. on a case-by-case basis, when they determine: that issuance is in the national interest, the applicant poses no national security threat to the United States, and denial of the visa would cause undue hardship.

What is a close familial relationship for the purposes of determining if someone is subject to the E.O. per the Supreme Court decision?

A close familial relationship is defined as a parent (including parent-in-law), spouse, child, adult son or daughter, son-in-law, daughter-in-law, sibling, whether whole or half, and including step relationships. "Close family" does not include grandparents, grandchildren, aunts, uncles, nieces, nephews, cousins, fiancé(e)s, brothers-in-law and sisters-in-law, and any other "extended" family members.

I sponsored my family member for an immigrant visa, and his interview appointment is after the effective date of the Order. Will he still be able to receive a visa?

The Supreme Court's order specified that section 2(c) of the Executive Order may not be enforced against foreign nationals who have a credible claim of a bona fide close familial relationship with a person or a formal, documented relationship with an entity in the United States that was "formed in the ordinary course, rather than for the purpose of evading [the Executive Order]." One example cited in the Supreme Court's decision was a foreign national who wishes to enter the United States to live with or visit a family member, thereby demonstrating a bona fide relationship with a person in the United States. Applicants for immigrant visas based on family relationships are excluded from the E.O. under the Supreme Court's decision if they otherwise qualify for the visa.

Can those needing urgent medical care in the United States still qualify for a visa?

The Executive Order provides several examples of categories of cases that may qualify for a waiver, to be considered on a case-by-case basis when in the national interest, when entry would not threaten national security, and denial would cause undue hardship. Among the examples provided, a foreign national who seeks to enter the United States for urgent medical care may be considered for a waiver.

An individual who wishes to apply for a waiver should apply for a visa and disclose during the visa interview any information that might qualify the individual for a waiver. A consular officer will carefully review each case to determine whether the applicant is affected by the E.O. and, if so, whether the case qualifies for a waiver.

I'm a student or short-term employee that was temporarily outside of the United States when the Executive Order went into effect. Can I return to school/work?

If you have a valid, unexpired visa, the Executive Order does not apply to your return travel.

If you do not have a valid, unexpired visa, the Supreme Court's decision specified that section 2(c) of the Executive Order may not be enforced against foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States. One example cited in the Supreme Court's decision was a student from a designated country who had been admitted to U.S. university, thereby demonstrating a credible claim of a bona fide relationship with an entity in the United States.

An individual who wishes to apply for a nonimmigrant visa should apply for a visa and disclose during the visa interview any information that might demonstrate that he or she is exempt from section 2(c) of the Executive Order. A consular officer will carefully review each case to determine whether the applicant is affected by the E.O. and, if so, whether the case qualifies for a waiver.

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Background Briefing on the Implementation of Executive Order 13780 Protecting the Nation From Foreign Terrorist Entry Into the United States

Special Briefing
Senior Administration Officials
Via Teleconference
Washington, DC
June 29, 2017

MODERATOR: Hi. Good afternoon, everyone, and thanks for joining us for today's background press conference call on the implementation of Executive Order 13780, Protecting the Nation from Foreign Terrorist Entry into the United States. We're joined today by senior administration officials from the White House, Departments of State, Homeland Security, and also from Justice. From the Department of Justice we have [Senior Administration Official Five]. From DHS we have [Senior Administration Official Four]. From State we have [Senior Administration Official Two] and [Senior Administration Official Three].

As a reminder, the call will be conducted on background. Attribution should be to senior administration officials. The – what is said on the call will be embargoed until the conclusion of the call. I'd like to ask the speakers to please identify who they are before they are speaking, and with that, I'll turn it over to [Senior Administration Official One] from the White House. [Senior Administration Official One], hi.

SENIOR ADMINISTRATION OFFICIAL ONE: Thanks, [Moderator]. Thank you all for being on the call. As you know, on Monday, the United States Supreme Court unanimously ruled that the vast majority of the President's March 6th Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States could go into effect. This ruling was a significant win for our national security, and President Trump was particularly gratified by the unanimity of the decision. As recent events have shown, we are living in a very dangerous time, and the U.S. Government needs every available tool to prevent terrorists from entering the country and committing acts of bloodshed and violence. And as the President reiterated following Monday's ruling, his number one responsibility as Commander-in-Chief is to keep the American people safe.

Today, the Trump administration will begin taking additional steps to do just that. Pursuant to the President's June 14th interagency memorandum and to the extent permitted by the Supreme Court, implementation of Executive Order 13780 will begin today at 8 o'clock p.m. Eastern Standard Time. And to walk you through all the details, as [Moderator] noted, of the implementation that begins later today, we have representatives from the interagency on the call.

But before I turn it back over, I'd like to commend the entire interagency for their hard work and collaboration since the ruling. This was an organized and deliberate process, and implementation will be done professionally and expeditiously by all the agencies involved.

I will now turn the call back over to [Moderator].

MODERATOR: All right. We're going to start with our colleagues here at the State Department with [Senior Administration Official Two] and [Senior Administration Official Three]. [Senior Administration Official Two], if you could go first, please.

SENIOR ADMINISTRATION OFFICIAL TWO: Okay, some top lines. We at State will be implementing the executive order in compliance with the Supreme Court's decision and in accordance with the presidential memorandum issued on June 14th, 2017. We have worked closely with our interagency partners to ensure that this is an orderly rollout. We will, as said before, instruct our posts to begin implementation at 8 o'clock p.m. Eastern Daylight Time, June 29th.

Our plan is not to cancel previously scheduled visa application appointments, so individuals should continue to come in for their visa interviews as scheduled. Our consular officers have then been given detailed instructions to make case-by-case determinations on whether individuals would qualify for visas under the new guidance.

We will first be applying the traditional screening to these individuals. That is, we will be assessing whether they qualify under the Immigration and Nationality Act, and we will then see, if they do qualify under the INA, whether they qualify under the guidance. Individuals who are qualified will then be subjected to all vetting as normal. All security and screening vetting will be applied to anybody who is deemed qualified for a visa.

Thank you.

SENIOR ADMINISTRATION OFFICIAL THREE: Okay. [Senior Administration Official Three] on the refugee side. Let me say that our objective in implementing the executive order is to ensure the security of the United States, and we're going to do so in as orderly a fashion as we possibly can. For the aspects related to refugees of the executive order, Section 6 is important, and it has two pieces: Section 6(a), which put in place 120-day suspension on the admission of any refugees to the United States, although that section includes an exception for those refugees who are in transit and booked for travel; and Section 6(b), which set a 50,000 limit on the admission of refugees for Fiscal Year 2017. There is an exemption for those individuals who have bona fide relationships, and that applies to both pieces – both 6(a) and 6(b).

Let me just say very briefly that those relationships have been described already, and we're already giving information out to the field so they can implement it. On the family side, those relationships have been defined to include parents, spouses, children, adult son or daughters, sons and daughter-in-laws, and siblings.

As regards relationships with entities in the United States, these need to be formal, documented, and formed in the ordinary course of events rather than to evade the executive order itself. Importantly, I want to add that the fact that a resettlement agency in the United States has provided a formal assurance for refugees seeking admission is not sufficient, in and of itself, to establish a bona fide relationship under the ruling. We're going to provide additional information to the field on this.

But I do want to note that based on our discussions with Department of Justice, we have already informed the field and our various partners that under the in-transit exception, refugees will be permitted to travel if they've been booked to travel through July 6th. And we're going to be addressing what happens to those who've been booked to travel after that time and those who are covered by the relationships.

Thank you.

MODERATOR: Okay, let's head over to DHS now. We have [Senior Administration Official Four]. Hi, [Senior Administration Official Four].

SENIOR ADMINISTRATION OFFICIAL FOUR: Hello, also on the call from DHS is [Senior Administration Official Six] and [Senior Administration Official Seven]. They will be available later to answer questions on specific portions of their agency's implementation of the executive order.

6/29/2017 Case 1:17-cv-00950-DKW-KSO Document 297-4 Filed 06/29/17 Page 3 of 8 PageID #: 4559
Background Brief on the Executive Order 13780 Prohibiting the Entry of Persons Who the United States I just want to hit on a couple of things generally with regard to visas going to take place. For purposes of enforcement, visas that have been issued by the Department of State prior to the effective date of the executive order are to be considered as valid for travel and seeking entry into the United States unless revoked on an unrelated basis.

So what that – in very clear language, what that means is persons who have visas and show up at the ports of entry on a flight, on a ship, or another method will be allowed to enter the United States unless there's another reason for not being allowed in. So someone who has a visa will be allowed to be admitted. If, for some reason, there is another basis, they will not. But generally and in almost all cases, that will not apply. We can give some examples if people need them, but this happens on a routine basis: people with visas who show up who there's intelligence on them not being admitted, there's criminal activity, fraudulent documents – just the normal course of business.

So that is general. The executive order does not bar entry for individuals who are excluded from the suspension provision under the terms of the EO who obtain a waiver from State or Customs or who demonstrate a bona fide relationship. USCIS is going to be working in coordination with Department of State and Justice. They have developed guidance for their workforce regarding to the adjudication of refugee applications. Both CBP and CIS have provided – have guidance for their employees and have been working to make sure the employees are well versed in how the EO will be implemented.

Just two final things I'd like to add. We expect business as usual at the ports of entry starting at 8:00 p.m. tonight. There have been reports of people who have already indicated that they would like to be there to either cause chaos or to protest. Lawyers have indicated they would like to be at the ports of entry to assist people. That is – as long as they are in the public area of the airports, that is completely their business as long as they abide by the guidance from the airport authorities.

It will be business as usual for us. We expect things to run smoothly, and our people are well-prepared for this and they will handle the entry of people with visas professionally, respectfully, and responsibly, as they have always done, with an eye toward ensuring that the country is protected from persons looking to travel here to do harm.

MODERATOR: Okay, [Senior Administration Official Four], thank you. Let's go over to Department of Justice, [Senior Administration Official Five]. Hi, [Senior Administration Official Five].

SENIOR ADMINISTRATION OFFICIAL FIVE: Hi. Thank you, everyone, for joining us. I just want to provide a brief update to the extent we have it on the schedule going forward. There is no schedule yet as far as briefings, but the Solicitor General's Office expects that briefs will be due over the summer and that the arguments will likely take place the week of October 1st, which is the beginning of the next Supreme Court term. Again, we don't have finality on that, but that is the expectation within the Department of Justice. And the arguments obviously and the briefing will cover the entire injunction. Obviously, a significant piece of that injunction was lifted, but we will be hearing – arguing the whole case come October.

MODERATOR: Okay, thank you so much, [Senior Administration Official Five]. Let's open it up now to questions with our first reporter, please.

OPERATOR: Thank you. Ladies and gentlemen, it's * then 1 to queue up for a question. We will be taking one question per journalist. For additional questions, you will need to re-queue. Please pick up the handset before pressing the numbers. Once again, that's * then 1. And our first question from the AP and the line of Matthew Lee. Please, go ahead.

QUESTION: Thanks. I'd like to know how this fits in with the enhanced vetting that you've already put in that went into effect about a month or so ago. And also, who decided that close family does not include grandparents, grandchildren, aunts, and uncles? The argument is going to be made – is being made that this is an arbitrary and capricious distinction. And so how is it exactly that you are able to defend that?

SENIOR ADMINISTRATION OFFICIAL TWO: Yeah. So in 5566 of the decision for who was included in the definition of the family relationship, we based that on the definition of family in the Immigration and Nationality Act and also what we saw in the Supreme Court decision. So you will see some categories in addition to the basic definition in the INA.

OPERATOR: Thank you.

SENIOR ADMINISTRATION OFFICIAL TWO: And our – the enhanced vetting complements what is going to be happening with regard to this decision. So even while we have this decision applying to certain nationalities, we continue to put into place advanced – enhanced vetting measures and to continue to have the interagency conversation on how to implement those. So that is all moving forward in tandem with this implementation.

SENIOR ADMINISTRATION OFFICIAL THREE: Could I add that under section six, relating to refugees, there's also a call for review of additional procedures for vetting of refugees. That's to be conducted under the leadership of the Department of State. We began that effort on June 23rd and will do so with our interagency partners.

MODERATOR: Okay. Next question, please.

OPERATOR: Thank you. From Bloomberg News, we'll go to the line of Nick Wadhams. Please go ahead.

QUESTION: Hi. Can you tell us how many refugees and migrants you actually anticipate will be affected by the executive order? So, in other words, who would have been able to come to the U.S. under the previous system who will now be barred? And then also, can you tell us do you believe the current vetting procedures for refugees are significant – sorry – are sufficient? I mean, as we know, it can take up to two years for a refugee to come into the United States, so do you believe that the current vetting procedure – this really is a question for [Senior Administration Official Two] – whether you believe those procedures are already sufficient. Thank you.

SENIOR ADMINISTRATION OFFICIAL THREE: Okay. On the refugee side, as of last night, we had admitted 49,009 refugees in this fiscal year. There is a pipeline of folks who have been processed at different levels, and it's a little bit difficult to pull that apart, but there are additional refugees in the queue. It's impossible right now to answer your question definitively, how many refugees would be affected, because we're going to have to go through the exemptions that are listed related to close family relationships and relationships with entities. So I'm afraid we can't give you a precise number. But I do want to say that under the court's ruling, there will be additional refugee arrivals based on those relationships following July 6th.

MODERATOR: Okay. Thank you. Next question, please.

OPERATOR: From *The New York Times*, we go to the line of Gardiner Harris. Please, go ahead.

QUESTION: Hi. Thanks for – so much for doing the call. Help me understand why you guys decided that refugee organizations do not count as a bona fide relationship. They clearly believe that they are a bona fide relationship, that they create ties between the refugees and communities in the United States, and lots of ties going on there. Why were they excluded?

SENIOR ADMINISTRATION OFFICIAL THREE: So the guidance that we have in the Supreme Court ruling is what I said to you, that we have limited guidance as to what those entities would be, but they have to be formal and documented relationships that were not created for the purposes of evading the executive order. While the SCOTUS ruling did provide some specific examples related to visas, there were no specific examples related to refugees per se. So I think that we're going to be working on that, and I would defer to other agencies if they'd like to address it further.

OPERATOR: And next from the AFP, Paul Handley, your line is open.

QUESTION: Hi. How do you – what do you do about people who have close relationships that don't fit into your definitions? I mean, some people are raised by their grandparents or raised by an aunt and they might be really close, but they don't seem to allow any room for that kind of relationship.

SENIOR ADMINISTRATION OFFICIAL TWO: The – what we're going to do is look to see if an applicant qualifies under the exemptions. And if they don't have the requisite family relationship, if they would like to articulate a reason that we should nevertheless waive the inadmissibility, they are certainly welcome to articulate that reason to us. And we will look at those cases case by case, but it won't be the relationship that will be the determining factor.

MODERATOR: Okay. Next.

OPERATOR: Very good. One moment for the next questioner. From Reuters, we go to the line of Arshad Mohammed. Please, go ahead.

QUESTION: How does barring grandparents and grandchildren of people from the six relevant countries in the United States make the United States safer? Question one. Question two: On the issue of refugees, the – both the guidance and the Supreme Court ruling say that the relationship with an entity must be formal, documented, and formed in the ordinary course. It seems to me that a relationship between a refugee and a refugee resettlement agency is formal, is documented, and is formed in the ordinary course of events, not perforce as a result of the travel ban or the Executive Order 13780. So why doesn't that count, in your view?

SENIOR ADMINISTRATION OFFICIAL TWO: Yeah. In terms of the first question, the guidance we have from the President is to put a pause on certain travel while we review our security posture. And we have guidance on what types of relationships would be exempted from the pause, and we are following our legal guidance in the Immigration and Nationality Act and what was in the court decision in determining what constitutes the bona fide relationship.

SENIOR ADMINISTRATION OFFICIAL THREE: Okay. And as regards the question regarding resettlement agencies, as I already said, we do have the indications from the Supreme Court, which you cited yourself. But as I noted already, there were examples given specifically related to visa applicants but not related to refugees. And therefore, we're proceeding on this based on interagency consultations that we've already conducted and will be providing more guidance on it later.

MODERATOR: Next question.

OPERATOR: From *The Wall Street Journal*, we go to Felicia Schwartz. Please, go ahead.

QUESTION: Thanks for taking the question. The March executive order outlined a whole bunch of waivers in a section that seems to give considerable flexibility to consular officers doing these interviews, and it looks like in the version of the cable that I've reviewed that those waivers are preserved. Do you have a sense of how many people might be able to come through that wouldn't otherwise? Or is it your interpretation that there is flexibility for consular officers to let people through with those waivers?

SENIOR ADMINISTRATION OFFICIAL TWO: I mean, again, our goal is to meet the intent of the presidential directive in line with the Supreme Court decision. Waivers still exist, and consular officers still have the ability to waive the inadmissibility for certain types of applicants. I can't predict how many applicants that will be, however.

MODERATOR: Go ahead. Next question.

OPERATOR: Thank you. From ABC News, Conor Finnegan, please go ahead.

QUESTION: Hey. Thanks very much for doing the call. The Supreme Court ruling also mentioned specifically students who had been admitted to universities, lecturers who were invited to speak in the United States. Will they be part of this bona fide relationship as well? I know you've only really discussed the family portion of it. And if so, what's the argument for why that is a stronger connection to the United States than, say, grandparents or cousins?

SENIOR ADMINISTRATION OFFICIAL TWO: Yeah. I mean, again, we are looking at the court's decision as we implement this. And there were two different portions to the bona fide relationship. So we looked at the family relationships. And again, we used the INA definition of family as our basis for that, in addition to some other language from the ruling. And in terms of the entities with which one can have a relationship, yes, individuals who are students or who have lecturer positions and have an established connection would be able to continue traveling on their visas or likely qualify for visas, again, according to an individual consular officer decision.

MODERATOR: Next question, please.

OPERATOR: From *The LA Times*, Jaweed Kaleem. Please, go ahead.

QUESTION: Hi. Sorry. Just wanted to clarify – so refugees who currently, as of tonight, have permission to resettle in the U.S., no matter where they are in the actual flights and no-flights process, can come, is that correct?

SENIOR ADMINISTRATION OFFICIAL THREE: The guidance that we've given to the field is that those folks, refugees who are in transit through July 6th will be able to travel. We've defined "in transit" based on the previous work that we've done on these executive orders as meaning that they have been booked to travel through July 6th, and then we will have to determine which folks can travel after that date.

MODERATOR: Thanks. Next question, please.

OPERATOR: From NBC News, Pete Williams. Please, go ahead.

QUESTION: Hey there, this is Vaughn Hillyard filling in for Pete. For visa applicants, what is the actual effective date of the order? And for refugees, what counts as an entity in the U.S.?

SENIOR ADMINISTRATION OFFICIAL TWO: For visa applicants, we will begin implementing at 8:00 p.m. this evening, Eastern Time.

SENIOR ADMINISTRATION OFFICIAL THREE: And as relates to refugees, I'm afraid that we go back to the guidance that we have, that the entity has to demonstrate a formal documented relationship, those formed in the ordinary course of events and not for the purposes of evading the executive order. We don't have specific examples to offer right now.

MODERATOR: Next question, please.

OPERATOR: Next, we'll go to the line of Carol Morello of *The Washington Post*. Please, go ahead.

QUESTION: Hi, thanks for doing this. Say – immigration lawyers say as many as half of all refugees have no close family ties in the United States. I was wondering if that comports with your experience. And will the consular officials be – consular officers be given any sort of quotas or percentages that they will be expected to aim for?

SENIOR ADMINISTRATION OFFICIAL THREE: Our general experience is that something on the order of over 50 percent of refugees have some kind of family tie with people already in the United States. We're going to have to examine, though, case by case to determine whether or not those family ties in each case are covered under the definitions that have been established here.

SENIOR ADMINISTRATION OFFICIAL TWO: There will be no quotas. Each case is going to be individually assessed as it comes to us through the normal application process.

MODERATOR: We have one more question we have time for. As a reminder, we have folks from DHS and also the Department of Justice on the phone, so if you want to direct any questions at them, you're certainly more than welcome to. And let's go to our final question, then.

OPERATOR: From *USA Today*, Alan Gomez. Your line is open.

QUESTION: If the – if one of the goals here is to make sure this is an orderly rollout and people understand what's going on, is there going to be any kind of public guidance to people that will be affected by this? It's one thing to have a background call with D.C.-based reporters on this, but is there any plan to push this kind of information out into these countries and let these people know what's going to be going on?

SENIOR ADMINISTRATION OFFICIAL TWO: Yes. We have public guidance that is going to be posted on travel.state.gov (<http://travel.state.gov/>), and we have also instructed our posts to use our public guidance as the basis for similar guidance in their countries.

SENIOR ADMINISTRATION OFFICIAL THREE: I would just say that we're already in consultation with our partners both overseas and in the United States and have sent out guidance to them over the course of the last three days and will continue doing so.

MODERATOR: Okay. Any other – any final comments from anyone at Justice, State, White House, or DHS?

SENIOR ADMINISTRATION OFFICIAL FOUR: This is [Senior Administration Official Four] at DHS. To the reporters on the call, I would just ask, please, if you get a call from a source or see a tweet saying someone from one of these countries was denied entry because they were from one of these six countries, even though they have a valid visa, please take a minute, call DHS, call CBP Public Affairs, because what you're being told is not accurate.

Upon arrival to a port of entry, travelers are still subject to inspection and must satisfy all requirements under federal law and regulation. Individuals will not be denied entry based solely on their being a national from one of these countries. We want to help you guys get the best facts on this and make sure the public is well informed and understand what's happening, so please just, if you hear any of those stories, please reach out to us. We will get you as much information as we can about – to try to correct the record.

MODERATOR: Okay. Thank you. Anything else? (No response.)

All right. Well, I'd like to thank all of our participants for joining. Thanks to all the reporters for dialing in. I know a lot of interest on this topic. Let me just say a final thank you to Justice – [Senior Administration Official Five] joined us; DHS, [Senior Administration Official Four]; [Senior Administration Official Two] from the Department of State, Visa Services; [Senior Administration Official Three] also from State Department, Population, Refugees, and Migration.

This was a background call. Attribution, as a reminder, is senior administration officials. The embargo will now be lifted. Any further questions, let us know, and we look forward to briefing you later today. Have a good day now.

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CWS

ASSURANCE

Placement Code: 0-0

DATE:

File ID Number:

Present Location:

The following persons have been accepted for resettlement under our auspices:

	Name	Alien Number	DOB	MC	Sex	POB
1						

Affiliate:

Local Sponsor:

Relative (if applicable):

Phone:

Home Phone:

FAX:

Work Phone:

Airport of Final Destination:

Placement Location:

Special Instructions:

Other Bio Information:

Cross Reference:

The affiliate has an agreement with the national agency to provide, or ensure the provision of, reception and placement services to the above named refugee(s) in accordance with the U.S. Department of State Cooperative Agreement.

Signature:

Authorized Agency
Representative

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

STATE OF HAWAII, and ISMAIL
ELSHIKH,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States; U.S.
DEPARTMENT OF HOMELAND
SECURITY; JOHN F. KELLY, in his official
capacity as Secretary of Homeland Security;
U.S. DEPARTMENT OF STATE; REX
TILLERSON, in his official capacity as
Secretary of State; and the UNITED STATES
OF AMERICA,

Defendants.

Civil No. 17-00050-DKW-KSC

CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below,
a true and correct copy of the Declaration of Neal K. Katyal in Support of
Plaintiffs' Emergency Motion to Clarify Scope of Preliminary Injunction was
served on the following at their last known addresses:

**Served Electronically through CM/ECF on June 29, 2017, on counsel for all
amicus parties of record and the following:**

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DATED: Washington, D.C., June 29, 2017.

Respectfully submitted,

/s/ Neal K. Katyal

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