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Patricia S. Connor
Clerk of Court
United States Court of Appeals
for the Fourth Circuit
Lewis F. Powell Jr. Courthouse Annex
1100 East Main Street, Suite 501
Richmond, VA 23219-3517

November 15, 2017

Re: *International Refugee Assistance Project v. Trump*, No. 17-2231(L)

Dear Ms. Connor:

These consolidated cases are calendared for oral argument before the en banc Court on December 8, 2017. The district court enjoined the government in part from enforcing certain provisions of Proclamation 9645, "Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats," 82 Fed. Reg. 45,161 (Sept. 27, 2017). The government's appeal from that injunction, and motion for a stay and emergency administrative stay of the district court's order, are currently pending before this Court. We are writing to advise the court of recent developments with respect to the similar stay motion filed in a related case in the Ninth Circuit, *Hawaii v. Trump*, No. 17-17168 (9th Cir.).

The district court in *Hawaii* similarly entered a preliminary injunction restraining the government from enforcing provisions of the Proclamation. On November 13, 2017, by the attached order, the Ninth Circuit granted in part and denied in part the government's motion for a stay of the preliminary injunction. The Ninth Circuit held that the preliminary injunction "is stayed except as to 'foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States.'"

The government respectfully requests that this Court rule expeditiously on the pending motion for stay pending appeal. In light of the Ninth Circuit's order, we intend to seek a stay from the Supreme Court soon.

International Refugee Assistance Project v. Trump, No. 17-2231(L) (4th Cir.)

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s/ H. Thomas Byron III

H. THOMAS BYRON III
Attorney, Appellate Staff
United States Department of Justice

cc: Counsel of record (by cm/ecf)

FILED

UNITED STATES COURT OF APPEALS

NOV 13 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

STATE OF HAWAII; et al.,

Plaintiffs-Appellees,

STATE OF CALIFORNIA; et al.,

Intervenors-Pending,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States;
et al.,

Defendants-Appellants.

No. 17-17168

D.C. No.

1:17-cv-00050-DKW-KSC

District of Hawaii,
Honolulu

ORDER

Before: HAWKINS, GOULD, and PAEZ, Circuit Judges.

The Government's motion for an emergency stay of the district court's preliminary injunction pending hearing and resolution of the expedited appeal is granted in part and denied in part. The preliminary injunction is stayed except as to "foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States," as set out below. *Trump v. Int'l Refugee Assistance Project* ("IRAP"), 137 S. Ct. 2080, 2088 (2017); *see also Nken v. Holder*, 556 U.S. 418, 434-35 (2009).

The injunction remains in force as to foreign nationals who have a “close familial relationship” with a person in the United States. *IRAP*, 137 S. Ct. at 2088. Such persons include grandparents, grandchildren, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and cousins. *See Hawaii v. Trump*, 871 F.3d 646, 658 (9th Cir. 2017). “As for entities, the relationship must be formal, documented, and formed in the ordinary course, rather than for the purpose of evading [Proclamation 9645].” *IRAP*, 137 S. Ct. at 2088.

MOTION GRANTED IN PART; DENIED IN PART.

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing letter complies with the type-face requirements of Fed. R. App. P. 32(a)(5) and the type-volume limitations of Fed. R. App. P. 28(j). The body of the letter contains 233 words.

/s/ H. Thomas Byron III

H. Thomas Byron III

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2017, I electronically filed the foregoing letter with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ H. Thomas Byron III

H. Thomas Byron III