

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PARS EQUALITY CENTER, IRANIAN
AMERICAN BAR ASSOCIATION,
NATIONAL IRANIAN AMERICAN
COUNCIL, PUBLIC AFFAIRS ALLIANCE
OF IRANIAN AMERICANS, INC., et al.,

Plaintiffs,

v.

DONALD J. TRUMP et al.,

Defendants.

Civil Action No. 1:17-cv-255

Hon. Tanya S. Chutkan

**PLAINTIFFS' MOTION TO LIFT THE STAY AND FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

On June 20, 2017, this Court entered a stay of proceedings pending a final decision by the United States Supreme Court in *IRAP v. Trump*. ECF 91. The Court stated, however, that “[i]f circumstances change prior to the Supreme Court issuing its final decision, any party may file a motion to lift the stay and may then re-file a motion for a preliminary injunction.” *Id.* at 2.

For the reasons set forth in the accompanying Memorandum of Law, Plaintiffs hereby move to lift the stay and for a temporary restraining order and preliminary injunction to enjoin enforcement of §§ 2(c) and 6(a) of the March 6 Executive Order against Plaintiffs Jane Doe #8 and Jane Doe #9 and others similarly situated. *See* Fed. R. Civ. P. 65. Counsel for Plaintiffs state that they have conferred with opposing counsel regarding the filing of this motion. *See* Local Rule 7(m). Opposing counsel’s position on this motion is set forth in Exhibit 3 (attached).

For the foregoing reasons, Plaintiffs respectfully request that this Court grant their Motion to Lift the Stay and for a Temporary Restraining Order and Preliminary Injunction.

A proposed Order is attached hereto.

Dated: June 28, 2017

Respectfully submitted,

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**Pro hac vice motion pending*

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Plaintiffs,

v.

DONALD J. TRUMP et al.,

Defendants.

No. 17-cv-255 (TSC)

Electronically Filed

Hon. Tanya S. Chutkan

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION TO LIFT STAY AND FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

This Court previously found that Plaintiffs were likely to succeed on the merits in this case, but stayed the case pending appeals of injunctions entered by two other courts enjoining the Travel Ban. Now, at least two individual plaintiffs who seek refuge from persecution—Jane Does #8 and #9—no longer have that protection, and they face imminent, dire, and irreparable injury. Accordingly, Plaintiffs request that the Court lift the stay and enter a temporary restraining order and preliminary injunction enjoining Defendants from enforcing §§ 2(c) and 6(a) of the March 6 Executive Order against Jane Does #8 and #9, as well as others similarly situated—*i.e.*, refugee applicants who have no “credible claim of a bona fide relationship with a person or entity in the United States.” To avoid irreparable harm to these individuals, we ask that the Court award this relief no later than 10 a.m. on June 29, 2017.

On June 20, 2017, this Court granted Defendants’ motion to stay proceedings pending the Supreme Court’s final disposition of *Trump v. IRAP*, whether denial of certiorari or a decision on the merits. The Court noted that “the operative sections of the Executive Order remain preliminary enjoined following the recent decisions of the Fourth and Ninth Circuits.” ECF 91 at 2. In light of its decision to stay proceedings, the Court also denied Plaintiffs’ motion for preliminary injunction without prejudice, but advised that “[i]f circumstances change prior to the Supreme Court issuing its final decision, any party may file a motion to lift the stay and may then re-file a motion for preliminary injunction.” *Id.*

Likewise, in its earlier order of May 11, 2017, the Court stated that Plaintiffs “are likely to succeed on the merits of their claims with respect to Sections 2 and 6 of the Second Executive Order,” but temporarily stayed resolution of Plaintiffs’ motion for preliminary injunctions in light of the existing injunctions entered in *IRAP* and *Trump v. Hawaii*. *Id.* The Court effectively determined that Plaintiffs had satisfied each of the prerequisites for preliminary relief, except irreparable harm. *See* ECF 84 at 2; ECF 35-1 at 24–45 (addressing factors set forth in *Winter v.*

Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 24 (2008)). As for irreparable harm, the Court stated that “[t]he existence of two other nationwide injunctions temporarily casts uncertainty on the issue of whether the harms Plaintiffs allege are actually imminent or certain.” ECF 84 at 2. But the Court assured Plaintiffs that “[i]n the event that both existing injunctions are overturned, this court is prepared to issue a ruling without delay.” ECF 84 at 2.

On June 26, 2017, the Supreme Court granted certiorari in *IRAP* and *Hawaii* and granted in part the Government’s motion to stay the injunctions upheld by the Fourth and Ninth Circuits. *Trump v. IRAP*, Nos. 16-1436 (16A1190) and 16-1540 (16A1191), slip op. 12–13 (U.S. June 26, 2017) (per curiam). The Court narrowed those injunctions, keeping them in place only as to “parties similarly situated to” the plaintiffs in the *IRAP* and *Hawaii* cases—*i.e.*, people or entities in the United States who have relationships with foreign nationals abroad, and whose rights might be affected if those foreign nationals were excluded from this country. *Id.* at 9, 12.

In practical effect, under the Supreme Court’s ruling, the Executive Order may not be enforced against parties who “have a credible claim of a bona fide relationship with a person or entity in the United States.” *Id.* at 12. All other foreign nationals, however, are now subject to the challenged provisions of the Executive Order, *id.* at 12–13, because, the Supreme Court reasoned, “the courts below did not conclude that exclusion in such circumstances would impose any legally relevant hardship,” *id.* at 11. As none of the plaintiffs in the cases before the Supreme Court were visa or refugee applicants lacking a “credible claim to a bona fide relationship” to a U.S. person or entity, the lower courts could not properly determine and weigh in the balance of interests the hardships such applicants will suffer if the Executive Order is enforced against them. The Supreme Court did not rule out that such individuals could have a cognizable interest in some circumstances, but reasoned that in the cases before the Court, those interests were “less concrete” than the interests of parties “similarly situated” to the Maryland

and Hawaii plaintiffs presenting particularized claims. *Id.* at 10–11. Accordingly, the Supreme Court’s decision reflects the uncontroversial principle that courts should tailor injunctive relief to the actual parties and issues before them. *See id.* at 9–10 (quoting 11A C. Wright, A. Miller & M. Kane, *Federal Practice and Procedure* § 2947, at 115 (3d ed. 2013)).

In light of the Supreme Court’s denial of the Government’s motion to stay the injunctions as to individuals with connections to the United States, Plaintiffs expect that Defendants will comply with the Fourth and Ninth Circuit injunctions and that, as a result, most of the individual plaintiffs here will be afforded the relief they seek.¹ The Supreme Court’s narrowing of these injunctions, however, now exposes at least two plaintiffs in this case—and others similarly situated—to imminent irreparable harm. In this case, unlike the *IRAP* and *Hawaii* cases, at least two Plaintiffs—Jane Does #8 and #9—are refugee applicants who do not have immediate family, or offers to work or study, in the United States. When the Executive Order takes effect at 10 a.m. on June 29, 2017, these Plaintiffs stand to suffer concrete and irreparable harm.

Jane Does #8 and #9 are two Iranian women in a committed same-sex relationship, and they seek refuge in the United States from persecution on the basis of their sexual orientation and gender identity. Decl. of Jane Doe #8 ¶¶ 11, 24–25 (attached as Exhibit 1); Decl. of Jane Doe #9 ¶¶ 10, 23–24 (attached as Exhibit 2).² Homosexuality is a crime in Iran, and can be punishable by death. *See* M. Bearak & D. Cameron, *Here are the 10 countries where homosexuality may be punished by death*, Wash. Post, June 16, 2016. The suspension of decisions on applications for refugee status leaves Jane Does #8 and #9—and many others like them fleeing persecution in

¹ If, however, the Defendants continue to deny Plaintiffs relief, Plaintiffs reserve the right to return to this Court with a request for specific relief tailored to their individual cases.

² Plaintiffs John Does #7 and #8 are probably similarly situated, but counsel have not been able to contact them to discern whether they desire to participate in this stage of the litigation.

their home countries—at great personal risk. Likewise, the Organizational Plaintiffs work to advance the interests of, and fight discrimination against, Iranians and Iranian Americans. Pars Equality Center, in particular, provides social and legal services to facilitate the social, cultural, and economic integration of refugees into their United States communities. ECF 35-2, Ex. 1 ¶¶ 3, 11, 15, 38–40. The Organizational Plaintiffs have already been forced to divert a great deal of their resources from their programs since the first Executive Order was signed, and these harms will certainly increase when the Government begins enforcing the Travel Ban. *See generally*, ECF 35-2, Exs. 1–4; 4/18/17 Hr’g Tr. These kinds of concrete hardships were not presented in the cases before the Supreme Court.

Plaintiffs and others like them face concrete and cognizable hardship—hardships which greatly outweigh Defendants’ purported national security interests. To be sure, the Supreme Court recognized that the national security interests of the United States were at their peak when dealing with refugees and visa applicants lacking any U.S. connection. But the Court was not able actually to balance the competing interests—including refugee applicants’ interests in being free from violent political and social persecution, torture, and death, and the Organizational Plaintiffs’ interests in pursuing their missions—because no party properly represented the interests of those groups. And, significantly, lacking any counterweight, the Supreme Court did not have occasion to assess the *bona fides* of the Administration’s national-security rationale—a rationale that Plaintiffs here have amply shown to be pretext for discriminatory animus. On the other side of the ledger, Defendants are not substantially burdened by the status quo (which has been in place for months since the Western District of Washington enjoined the January 27 Executive Order), especially considering that nothing is stopping the Government from carrying out its review now. And the public has a strong interest avoiding the sort of chaos seen at airports when the first Executive Order went into effect, and in permitting refugee applicants

who have been fully vetted to enter the United States—in accordance with our obligations under international law and the highest ideals upon which our country was founded.

Accordingly, the Supreme Court’s decision to limit relief to those “similarly situated” to the plaintiffs in the *IRAP* and *Hawaii* cases poses no limitation on this Court’s ability to enter preliminary relief to Jane Does #8 and #9 and others similarly situated to them, to prevent the concrete and irreparable harm that they otherwise will suffer if the Executive Order’s provisions take full effect with respect to them on June 29, 2017. As set forth more fully in Plaintiffs’ prior submissions, they are likely to succeed on the merits; they face irreparable harm; and the equities and public interest balance in their favor. *See, e.g.*, ECF 35-1 at 24–45.

CONCLUSION

Anticipating the possibility that the nationwide injunctions could be lifted, this Court told Plaintiffs that, facing the prospect of irreparable harm, they could renew their motion for preliminary injunctive relief at that time. Now, that contingency has occurred as to at least two of the Plaintiffs. Having already established the other predicates for injunctive relief, in particular likelihood of success on the merits, these Plaintiffs now incontestably establish the remaining requirement of irreparable injury.

Plaintiffs’ motion to lift the stay and for a temporary restraining order and preliminary injunction should be granted. The Court should enjoin enforcement of §§ 2(c) and 6(a) of the Executive Order with respect to individuals, like Jane Does #8 and #9, who are refugee applicants with no “credible claim of a bona fide relationship with a person or entity in the United States.”

Dated: June 28, 2017

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LOCAL RULE 65.1(a) CERTIFICATION

I hereby certify that on June 27, 2017, I gave actual notice to Defendants of this motion. *See Ex. 3.* I further certify that on June 28, 2017, I electronically filed the foregoing document with the United States District Court for the District of Columbia by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: June 28, 2018

s/ John A. Freedman

John A. Freedman

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PARS EQUALITY CENTER, IRANIAN
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Civil Action No. 1:17-cv-255

Hon. Tanya S. Chutkan

EXHIBIT 1

DECLARATION OF JANE DOE #8

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Pars Equality Center,)
Iranian American Bar Association,)
National Iranian American Council,)
Public Affairs Alliance of Iranian Americans,)
Inc. *et al*,)

Plaintiffs,)

v.)

Civil Action No. 17-255

Donald J. Trump, President of the United States,)
et al.)

Defendants.)

**DECLARATION OF JANE DOE #8 IN SUPPORT OF
PLAINTIFFS’ MOTION TO LIFT STAY AND FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

Pursuant to Title 28 U.S.C. Section 1746, I, Jane Doe #8, hereby declare and state as follows:

1. I am over the age of eighteen years, and I have personal knowledge of the facts set forth herein or believe them to be true based on my experience or upon information provided to me by others. If asked to do so, I could testify truthfully about the matters contained herein.

I. Background:

2. I am an Iranian citizen currently living in Turkey and seeking to be admitted to the United States as a refugee.

3. I grew up in Iran in a traditional Muslim household. The Muslim community in Iran has not been accepting of my sexual orientation.

4. As a teenager living in Iran I did karate. At one karate event that I attended at the age of sixteen, I met a man who was a year older than me. We became friends. When I was nineteen, he asked me to marry him. I told him I could not marry him because I was a lesbian and in love with someone else. At first, the man seemed to accept my rejection of his marriage proposal.

5. Later, when I was twenty years old, I was the editor of an underground LGBT magazine, administrator of an LGBT rights group and counselor to other LGBT individuals. I had also published a fiction book about a transgender man which discusses sex trafficking.

6. When I was twenty one years old, the man invited me to his sister's house to show me some LGBT books and materials. When I went to his sister's house, he raped me. After that, he continued to harass me and threaten me. He would sexually assault me about once per month. One time, when we were smoking hookah, he burned my hand with the hookah coals. The mark from this burn remains on the palm of my hand even now.

7. I was unable to extricate myself from this relationship because the man began to blackmail me. He found out that I was the editor of an underground LGBT magazine and threatened to expose me to the government if I did not marry him. His brother and other members of his family worked for an office of the Iranian government that monitors the activities of citizens, and his uncle was the regional head of a charitable organization that has ties to the Islamic Revolutionary Guard Corps (also known as Sepah). I knew that he had the power and connections to follow through on his threats. He began to threaten the safety of my sister. He also told me that he would expose the fact that I was a lesbian to my family and that they would be extremely ashamed of me, and also be placed in physical danger as a result. I became very scared for my physical safety as well as the physical safety of my family.

8. I fled to Turkey in June 2014. When I fled, I wrote an email to my friend, Jane Doe #9, who is now my partner and fiancée. She followed me to Turkey six months later. After a few months in Turkey, we became a couple. Recently, I proposed to her and we are now engaged to be married.

9. My life in Turkey has been very difficult. Many people in Turkey are not accepting of my sexual orientation. I have worked in the textile industry while here in Turkey. I often work 14-hour days and get paid barely enough to buy minimal food and to pay our rent. We can't afford to buy medicine when we are sick. Our house is full of mold and we sleep on a sofa. There is only one table and one chair in the room.

10. However, I have not given up on my advocacy while in exile in Turkey. I received funds from Outright Action International, a leading human rights organization based in New York, to write and publish one booklet in a three-part series. The booklet I wrote describes different types of sexual orientations and terminologies to be used by reporters and media when writing articles about the LGBT community. The booklet has been published by a publisher in Canada. I also worked for a human rights organization called Justice for Iran until February 2016 as a communications officer, managing their media, Facebook presence, and twitter feed. I currently work for another London-based LGBT organization focusing on lesbian and transgender women.

11. My current situation, along with that of my partner's, is unsustainable. Because of my sexual orientation, I was unsafe in Iran and I am unsafe in Turkey. I have applied for refugee status and would like to be resettled to the United States where I will be safe from persecution and able to find stable employment.

12. I reached out to the Office of the UN High Commissioner for Refugees (UNHCR) soon after I arrived in Turkey in June 2014 and sought to be admitted to a Refugee Admissions Program. After a lengthy interview and vetting process, including multiple interviews in 2015, UNHCR determined that I had refugee status and provided me with documentation confirming my designation as a refugee. UNHCR first referred me for resettlement in Canada. However, my partner and I learned that Canada would not accept both of our applications together. I want to be resettled with my partner. In December 2016, UNHCR referred me to the United States as a candidate for resettlement through the Refugee Admissions Program (USRAP). I know that USRAP has admitted to the program many same-sex applicants.

13. In December 2016, I was interviewed by the International Catholic Migration Commission (ICMC), which is a State Department contractor that interviews refugees who have been referred for possible resettlement to the United States. I was waiting for my second interview to be scheduled when the January 27 Executive Order was signed.

II. Harm Suffered Due to the January 27, 2017 Executive Order:

14. I am aware that, on January 27, 2017, President Trump signed an Executive Order (January 27 Executive Order) that negatively impacts the refugee admissions process for citizens from certain countries, including Iran.

15. After the January 27 Executive Order was signed, the ICMC website posted a notice informing me that refugees and refugee applicants from Iran pending admission to the U.S. program could not travel to the United States due to the January 27 Executive Order. I was very distraught. I have been waiting for this opportunity for so long and it is my only hope to escape the horrible living conditions in Turkey and Iran. Because of the January 27 Executive

Order I was very concerned about whether I would ever be approved by the United States to participate in USRAP.

16. In February, I learned from news reports that the January 27 Executive Order was halted by U.S. courts. When I heard this news, I sent an email to ICMC asking whether my second interview could be scheduled.

17. On February 8, 2017, I received the following email response from ICMC:

Dear applicant,

Thank you for your email,

Currently, your case is pending USCIS interview to be scheduled. Be advised that your case status will not change during the suspension period.

As stated in the Executive Order signed by the President, the United States government has suspended all refugee admissions for 120 days effective January 27, 2017.

The Resettlement Support Center (RSC) Turkey and Middle East (TuME) will continue to maintain all case information and biodata on file for all refugees who have been referred for resettlement to the United States.

You may write to info.rsc@icmc.net or call +90 212 219 2055 (Monday – Friday from 13:00-15:00) with questions or if you wish to provide information on emergency situations or update your contact information.

Please note the RSC will not be able to provide further information regarding the 120-day suspension at this time.

18. I emailed ICMC again on February 17th and, on February 19th, received an identical email response.

III. Harm From March 6, 2017 Executive Order:

19. I am aware that President Donald Trump signed an Executive Order on March 6, 2017 (March 6 Executive Order) that negatively impacts the refugee admissions process for citizens from certain countries, including Iran, effective March 16, 2017.

20. I checked the ICMC website after the March 6 Executive Order was signed. It stated that refugees who have not already been approved for admission to the United States and scheduled for departure — refugees like me and my partner — are impacted by the Executive Order.

21. On or about March 13, 2017, I emailed ICMC asking for an explanation about the language in the March 6 Executive Order referring to “certain limited exceptions when in the national interest and when admission of the applicant would not pose a risk to U.S. security or welfare will be considered on a case-by-case basis.” My partner, Jane Doe # 9, and I wanted to know if we would be included in the exceptions and if so how to apply for an exception. A few hours later, a representative from ICMC called me and told me that they do not know yet what that sentence in the Executive Order means.

22. On or about March 22, 2017, my partner and I emailed ICMC again asking whether ICMC will begin conducting refugee interviews because a judge in Hawaii had entered an order pausing enforcement of the March 6 Executive Order. The email explained that we had our first ICMC interview on December 26, 2016, and are still waiting for our second interview to be scheduled. We also asked in the email if ICMC had any further information about how to qualify as an exception under this language in the March 6 Executive Order: “Certain limited exceptions when in the national interest and when admission of the applicant would not pose a risk to U.S. security or welfare will be considered on a case-by-case basis.” To date, we have not yet received a response from ICMC.

23. On June 26, 2017 I learned that, as a result of a decision by the United States Supreme Court, the March 6 Executive Order could be enforced against individuals who seek

entry to the United States and who do not have a “bona fide relationship” with a person or entity in the United States.

24. I do not have immediate family in the United States. I have not received an offer to work or study in the United States.

25. I very much wish to live in the United States so that I can be free of the persecution and physical danger that I currently face, so that I can find stable employment to support myself and my partner, and so that my partner and I can live together in peace.

26. As of the date of this declaration, I am still waiting to have my second interview with ICMC.

27. I fear that the U.S. government will retaliate against me because of my involvement in this lawsuit. I am concerned that my involvement will impact my acceptance in the Refugee Admission Program and harm my chances to be approved by the United States. I also fear persecution from the Iranian government if it were to become aware of my application for refugee status in the United States, or my involvement in this lawsuit.

I, Jane Doe #8, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of June 2017, in _Denizli, Turkey__.

/s/ Jane Doe #8
Jane Doe #8

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Civil Action No. 1:17-cv-255

Hon. Tanya S. Chutkan

EXHIBIT 2

DECLARATION OF JANE DOE #9

**THE UNITED STATES DISTRICT COURT
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Defendants.)

**DECLARATION OF JANE DOE #9 IN SUPPORT OF
PLAINTIFFS’ MOTION TO LIFT STAY AND FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

Pursuant to Title 28 U.S.C. Section 1746, I, Jane Doe #9, hereby declare and state as follows:

1. I am over the age of eighteen years, and I have personal knowledge of the facts set forth herein or believe them to be true based on my experience or upon information provided to me by others. If asked to do so, I could testify truthfully about the matters contained herein.

I. Background:

2. I am an Iranian citizen currently living in Turkey and seeking to be admitted to the United States as a refugee.

3. I grew up in Iran in a traditional Muslim household. The Muslim community in Iran has not been accepting of my sexual orientation or my gender identity. I am a transgender and LGBT woman.

4. When I was a teenager, I taught a class about metaphysics and the philosophy of the mind to others my age in a connection with a program sponsored by the Iranian Department of Education. My class became very popular. The imam responsible for running the local Department of Education program noticed the popularity of my class and believed I was smart. This imam tried to force me to work for the Islamic Revolutionary Guard Corps (known as IRGC or Sepah), but I refused to do so.

5. One day, someone from the Ministry of Intelligence of the Islamic Republic of Iran (also known as Ettelaat or MOIS) came to my school, pulled me out of class without my parents' permission, and took me back to their offices. I believe that the Ettelaat had found out about my gender identity and sexual orientation and were targeting me on that basis as well as due to my views on metaphysics. At their offices the Ettelaat officials slapped me in the face, punched me in the throat, and kicked me with their military boots. After that, they came to my house and took all of my books and my home computer. They also conspired to get me kicked out of school by ensuring that my teachers gave me a "zero" on each of my exams, regardless of the actual grade I had earned. When I tried to re-enroll in a different high school, I was not allowed to do so.

6. I felt physically unsafe in Iran and feared further violence from the Ettelaat or other parts of the Iranian government.

7. I heard from my friend, Jane Doe #8, who is now my partner, that she had run away to Turkey. Six months later, I also fled from Iran to Turkey. Recently, my partner proposed to me, and we are now engaged to be married.

8. I have been living in exile in Turkey since December 2014. My life in Turkey has been very difficult. Many people in Turkey are not accepting of my sexual orientation or my

gender identity. Much of Turkish society is transphobic and homophobic. Finding employment as a transgender woman in Turkey is difficult. I have been fired from many jobs just for being transgender. My partner and I are living in poverty. The law and the Turkish police do not protect us from the abuse we face at the hands of employers and neighbors. I was raped in Turkey, but because I do not speak Turkish and because the Turkish police are not sympathetic to people like me, there was nothing I could do.

9. A few times I went to get laser facial hair removal. The doctor and her assistant were so transphobic that they intentionally put the laser device in my eye. During another session, they put the laser device on my head, causing the hair on my head to fall out. I had to stop getting laser hair removal. Now, I rarely leave the house. I feel like I am living in prison.

10. Because of my sexual orientation and my gender identity, I was unsafe in Iran and I am unsafe in Turkey. I would like to be resettled to the United States where I will be safe from persecution and able to find employment.

11. I reached out to the Office of the UN High Commissioner for Refugees (UNHCR) soon after I arrived in Turkey and sought to be admitted to a Refugee Admissions Program. After a lengthy interview and vetting process, UNHCR determined that I had refugee status and provided me with documentation confirming my designation as a refugee in April 2016. In December 2016, UNCHR referred me to the United States as a candidate for resettlement through the U.S. Refugee Admissions Program (USRAP). I am now waiting for the decision of the United States on acceptance to the program. I know that USRAP has admitted to the program many same-sex applicants and I am waiting to be processed.

12. In December 2016 my partner and I had our first interview with the International Catholic Migration Commission (ICMC), which is a State Department contractor that interviews

refugees who have been referred for possible resettlement to the United States. I then waited for our second interview to be scheduled.

II. Harm Suffered Due To January 27, 2017 Executive Order:

13. I am aware that, on January 27, 2017, President Trump signed an Executive Order (January 27 Executive Order) that impacts the refugee admissions process for citizens from certain countries, including Iran.

14. After the January 27 Executive Order was signed, the ICMC website posted a notice informing me that refugees and refugee applicants from Iran pending admission to the U.S. program could not travel to the United States due to the January 27 Executive Order. I was very distraught when I heard this news. I have been waiting for this opportunity for so long and it is my only hope to escape the horrible living conditions in Turkey and Iran. Because of the January 27 Executive Order, I was very concerned about whether I would ever be approved by the United States to participate in USRAP.

15. In February, I learned from news reports that the January 27 Executive Order was halted by U.S. courts. When I heard this news, my partner sent an email to ICMC asking whether our second interview could be scheduled.

16. On February 8, 2017, we received the following email response from ICMC:

Dear applicant,

Thank you for your email,

Currently, your case is pending USCIS interview to be scheduled. Be advised that your case status will not change during the suspension period.

As stated in the Executive Order signed by the President, the United States government has suspended all refugee admissions for 120 days effective January 27, 2017.

The Resettlement Support Center (RSC) Turkey and Middle East (TuME) will continue to maintain all case information and biodata on file for all refugees who have been referred for resettlement to the United States.

You may write to info.rsc@icmc.net or call +90 212 219 2055 (Monday – Friday from 13:00-15:00) with questions or if you wish to provide information on emergency situations or update your contact information.

Please note the RSC will not be able to provide further information regarding the 120-day suspension at this time.

17. My partner sent another email to ICMC on February 17th and, on February 19th, and received the same email response.

III. Harm From March 6, 2017 Executive Order:

18. I am aware that President Donald Trump signed an Executive Order on March 6, 2017 (March 6 Executive Order) that negatively impacts the refugee admissions process for citizens from certain countries, including Iran, effective March 16, 2017.

19. My partner checked the ICMC website after the March 6 Executive Order was signed. It stated that refugees who have not already been approved for admission to the United States and scheduled for departure — refugees like me and my partner — are impacted by the Executive Order.

20. On or about March 13, 2017, my partner, Jane Doe #8, emailed ICMC asking for an explanation about the language in the March 6 Executive Order referring to “certain limited exceptions when in the national interest and when admission of the applicant would not pose a risk to U.S. security or welfare will be considered on a case-by-case basis.” My partner and I wanted to know if we would be included in the exceptions and if so how to apply for an exception. A few hours later, a representative from ICMC called my partner and told her that they do not know yet what that sentence in the Executive Order means.

21. On or about March 22, 2017, my partner and I emailed ICMC again asking whether ICMC will begin conducting refugee interviews because a judge in Hawaii had entered an order pausing enforcement of the March 6 Executive Order. The email explained that we had our first ICMC interview on December 26, 2016, and are still waiting for our second interview to be scheduled. We also asked in the email if ICMC had any further information about how to qualify as an exception under this language in the March 6 Executive Order: “Certain limited exceptions when in the national interest and when admission of the applicant would not pose a risk to U.S. security or welfare will be considered on a case-by-case basis.” To date, we have not yet received a response from ICMC.

22. On June 26, 2017 I learned that, as a result of a decision by the United States Supreme Court, the March 6 Executive Order could be enforced against individuals who seek entry to the United States and who do not have a “bona fide relationship” with a person or entity in the United States.

23. I do not have immediate family in the United States. I have not received an offer to work or study in the United States.

24. I very much wish to live in the United States so that I can be free of the persecution and physical danger that I currently face, so that I can find stable employment to support myself and my partner, and so that my partner and I can live together in peace.

25. As of the date of this declaration I am still waiting to have my second interview with ICMC.

26. I fear that the U.S. government will retaliate against me because of my involvement in this lawsuit. I am concerned that my involvement will impact my acceptance in the Refugee Admission Program and harm my chances to be approved by the United States. I

also fear persecution from the Iranian government if it were to become aware of my application for refugee status in the United States, or my involvement in this lawsuit.

I, Jane Doe #9, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of June, 2017, in _Denizli, Turkey_.

/s/ Jane Doe #9
Jane Doe #9