

**Nos. 17-2231 (L); 17-2232, 17-2233, 17-2240 (Consolidated)**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a project of the Urban Justice Center, Inc., on behalf of itself and its clients; HIAS, Inc., on behalf of itself and its clients; JOHN DOES #1 & 3; JANE DOE #2; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; ARAB AMERICAN ASSOCIATION OF NEW YORK, on behalf of itself and its clients,  
Plaintiffs-Appellees,  
and  
ALLAN HAKKY; SAMANEH TAKALOO,  
Plaintiffs,  
v.

DONALD J. TRUMP, in his official capacity as President of the United States; U.S. DEPARTMENT OF HOMELAND SECURITY; U.S. DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; ELAINE C. DUKE, in her official capacity as Acting Secretary of Homeland Security; REX TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence,  
Defendants-Appellants.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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**BRIEF OF INTERNATIONAL LABOR ORGANIZATIONS AS *AMICI CURIAE* IN  
SUPPORT OF PLAINTIFFS-APPELLEES**

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Jonathan Weissglass  
Rebecca C. Lee  
Altshuler Berzon LLP  
177 Post Street, Suite 300  
San Francisco, CA 94108  
Tel: (415) 421-7151  
jweissglass@altshulerberzon.com  
rlee@altshulerberzon.com  
*Attorneys for Amici Curiae*

Nicole G. Berner  
Deborah L. Smith  
Leo Gertner  
Service Employees International Union  
1800 Massachusetts Ave., N.W.  
Washington, D.C. 20036  
Tel: (202) 730-7466  
nicole.berner@seiu.org  
debbie.smith@seiu.org  
leo.gertner@seiu.org  
*Attorneys for Amicus Curiae Service  
Employees International Union*

*Additional Counsel on Inside Cover*

Judith Rivlin  
American Federation of State, County  
and Municipal Employees  
1101 17th St., NW, Suite 900  
Washington, DC 20036  
Tel: (202) 775-5900  
jrivlin@afscme.org  
*Attorney for Amicus Curiae AFSCME*

David J. Strom  
American Federation of Teachers,  
AFL-CIO  
555 New Jersey Ave., NW  
Washington, DC 20001  
Tel: (202) 393-7472  
dstrom@aft.org  
*Attorney for Amicus Curiae AFT*

Jody Calemine  
Communications Workers of America  
501 3rd St., NW  
Washington, DC 20001  
Tel: (202) 434-1234  
jcalemine@cwa-union.org  
*Attorney for Amicus Curiae CWA*

Niraj R. Ganatra  
Ava Barbour  
International Union, United  
Automobile, Aerospace and  
Agricultural Implement Workers of  
America (UAW)  
8000 E. Jefferson Ave.  
Detroit, MI 48214  
Tel: (313) 926-5216  
nganatra@uaw.net  
abarbour@uaw.net  
*Attorneys for Amicus Curiae UAW*

Mario Martínez  
Martínez Aguila-socho & Lynch,  
APLC  
1527 19th St., Suite 332  
Bakersfield, CA 93301  
Tel: (661) 859-1174  
mmartinez@farmworkerlaw.com  
*Attorney for Amicus Curiae UFW*

Nicholas Clark  
United Food and Commercial Workers  
1775 K Street, NW  
Washington, DC 20006  
Tel: (202) 466-1520  
nclark@ufcw.org  
*Attorney for Amicus Curiae UFCW*

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No. 17-2232

IRANIAN ALLIANCES ACROSS BORDERS; JANE DOE #1; JANE DOE #2;  
JANE DOE #3; JANE DOE #4; JANE DOE #5; JANE DOE #6,  
Plaintiffs-Appellees,

v.

DONALD J. TRUMP, in his official capacity as President of the United States;  
ELAINE C. DUKE, in her official capacity as Acting Secretary of Homeland  
Security; KEVIN K. MCALEENAN, in his official capacity as Acting  
Commissioner of U.S. Customs and Border Protection; JAMES MCCAMENT, in  
his official capacity as Acting Director of U.S. Citizenship and Immigration  
Services; REX TILLERSON; JEFFERSON B. SESSIONS III,  
in his official capacity as Attorney General of the United States,  
Defendants-Appellants.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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No. 17-2233

ELBLAL ZAKZOK; SUMAYA HAMADMAD; FAHED MUQBIL;  
JOHN DOE #1; JOHN DOE #2; JOHN DOE #3,  
Plaintiffs-Appellees,

v.

DONALD J. TRUMP, in his official capacity as President of the United States;  
U.S. DEPARTMENT OF HOMELAND SECURITY; U.S. DEPARTMENT  
OF STATE; ELAINE C. DUKE, in her official capacity as  
Acting Secretary of Homeland Security; REX TILLERSON,  
in his official capacity as Secretary of State,  
Defendants-Appellants.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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No. 17-2240

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, a Project of the Urban Justice Center, Inc., on behalf of itself and its clients; HIAS, Inc., on behalf of itself and its clients; JOHN DOES #1 & 3; JANE DOE #2; MIDDLE EAST STUDIES ASSOCIATION OF NORTH AMERICA, INC., on behalf of itself and its members; MUHAMMED METEAB; PAUL HARRISON; IBRAHIM AHMED MOHOMED; ARAB AMERICAN ASSOCIATION OF NEW YORK, on behalf of itself and its clients,  
Plaintiffs-Appellees,

v.

DONALD J. TRUMP, in his official capacity as President of the United States; U.S. DEPARTMENT OF HOMELAND SECURITY; U.S. DEPARTMENT OF STATE; OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; ELAINE C. DUKE, in her official capacity as Acting Secretary of Homeland Security; REX TILLERSON, in his official capacity as Secretary of State; DANIEL R. COATS, in his official capacity as Director of National Intelligence,  
Defendants-Appellants.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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### **INTEREST OF *AMICI CURIAE***

*Amici curiae* are the Service Employees International Union (SEIU); American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME); American Federation of Teachers (AFT); Communications Workers of America, AFL-CIO (CWA); International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, AFL-CIO (UAW); United Farm Workers of America (UFW); and United Food and Commercial Workers (UFCW).

Service Employees International Union (SEIU) is a labor organization of approximately two million working men and women in the United States and Canada. SEIU's members include foreign-born U.S. citizens, lawful permanent residents, and immigrants authorized to work in the United States. Many of SEIU's members have mixed-status families. As described below, SEIU members are directly affected by the challenged Proclamation.

American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), is a union of 1.6 million members in the United States and Puerto Rico, both in the public and private sectors, who share a commitment to service. AFSCME is participating in this case to advance its mission of helping all working people, including immigrants and people of color, achieve the American dream regardless of their identity. AFSCME is proud to represent members who have

immigrated from Muslim-majority countries targeted by the illegal ban at issue, and/or who have family members who currently live in those countries, and staunchly opposes their being unconstitutionally subjected to the harms detailed in this brief. The public servants of AFSCME, and indeed all Americans, deserve better.

The American Federation of Teachers (AFT), an affiliate of the AFL-CIO, was founded in 1916 and today represents approximately 1.7 million members who are employed across the nation in K-12 and higher education, public employment, and healthcare. The AFT has a longstanding history of supporting and advocating for the civil rights of its members and the communities they serve. AFT members at a variety of institutions provide essential and necessary services, such as healthcare and education, to the public. Many of these members, especially those at institutions of higher education, are involved in global collaborations and in teaching and research duties that are being disrupted and threatened by the Proclamation. Additionally, a significant number of AFT members were born in, or have friends or family members in, countries named in the Proclamation. These members are directly impacted by the travel restrictions, which have affected their ability to work, travel, connect with, and care for their communities.

The Communications Workers of America, AFL-CIO (CWA), is an international labor union representing more than 700,000 workers in the telecommunications, media, manufacturing, airlines, and health care industries and in a wide variety of public sector positions in the United States, Canada, and Puerto Rico. CWA represents and advocates on behalf of workers of all creeds in the United States and abroad with respect to workplace rights and broader political and civil rights. In light of recent developments in U.S. domestic politics and federal policy that have targeted people of Islamic faith with discrimination, including those who may be members of the union or family members thereof, the CWA Convention resolved this year to continue the union's "fight against discrimination in all its forms, including the targeting of people of the Islamic faith," and to "act in defense of and solidarity with those targeted by Islamophobia in our union, our workplaces, and our communities."

The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), an affiliate of the AFL-CIO, has nearly one million active and retired members throughout the United States, Canada, and Puerto Rico. Since its founding in 1935, the UAW's membership has included immigrants from around the globe, and the UAW opposes any policies that

discriminate against immigrants and non-immigrants alike based on their religion or national origin.

The UAW and its affiliated Local Unions represent workers in diverse sectors, including over 40,000 academic student employees and post-doctoral researchers at universities in the United States. Many of these workers are foreign-born nationals of Muslim-majority countries targeted by the Proclamation and are naturalized U.S. citizens or hold valid visas permitting them to study, live, and work in the United States. The Proclamation has disrupted their ability to travel freely into and outside of the country to visit family and loved ones and to conduct research related to their university employment and course of study, and prevented their family members from traveling to the United States.

United Farm Workers of America (UFW) represents thousands of migrant and seasonal farmworkers in various agricultural occupations throughout the country and has members of diverse racial, ethnic, and immigration backgrounds throughout the United States. UFW seeks to improve the lives, wages, and working conditions of agricultural workers and their families through collective bargaining, worker education, state and federal legislation, and through public campaigns. Since its founding in 1962 by Cesar Chavez, UFW has been dedicated to the cause of eliminating discrimination against farmworkers, Latinos, and any

other groups that have been the target of unfair or unlawful treatment. UFW members, their families, and other farmworkers represented by UFW are directly affected by the challenged Proclamation.

United Food and Commercial Workers International Union (UFCW) is a labor organization that represents working men and women across the United States. UFCW's 1.3 million members work in a range of industries, with the majority working in retail food, poultry and meatpacking, food processing and manufacturing, and non-food retail. UFCW's objective is the elevation of its members through first-class wages, hours, benefits, and working conditions. And that objective extends to the uplift of the families of its members.

UFCW and its predecessor unions have represented immigrants from around the world since the beginning of the last century, particularly workers in the packinghouses and stockyards. Immigrant workers continue to form a vital part of these and other workforces that UFCW represents. UFCW has members from the nations whose citizens are banned by the Proclamation. UFCW is aware that many of these workers experienced wrenching separation from their homelands due to war and famine. Accordingly, UFCW opposes religious and national origin discrimination and forced family separation.

The parties have consented to the filing of this brief. No counsel for a party authored this brief in whole or in part and no person other than *amici* and their counsel made a monetary contribution to its preparation or submission. *See* F.R.A.P. 29(c)(5).

## INTRODUCTION

The issue in this case is whether Presidential Proclamation 9645, 82 Fed. Reg. 45,161 (Sept. 24, 2017), which, like President Donald J. Trump’s two prior Executive Orders on the same subject, continues to single out six predominantly Muslim countries—following presidential campaign promises and many post-election assurances of a “Muslim ban”—violates the Constitution or immigration laws of the United States.<sup>1</sup>

*Amici* submit this brief to demonstrate the devastating consequences of the President’s actions for individuals in the United States. The challenged Proclamation, like the two Executive Orders that preceded it, separates families, and the Orders and Proclamation have already been associated with increased anti-Muslim discrimination and violence. Myriad studies show that such family separation and religious intolerance have concrete, negative effects on the physical and psychiatric well-being of targeted groups. The stories of individual union members recounted below confirm and illustrate that research, demonstrating the

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<sup>1</sup> The prior Orders are: Executive Order 13769, 82 Fed. Reg. 8977 (Jan. 27, 2017) (First Executive Order), and Executive Order 13780, 82 Fed. Reg. 13209 (Mar. 9, 2017) (Second Executive Order).

concrete effects, trauma, and stigma the Proclamation inflicts on U.S. citizens and persons lawfully present in the United States.

Although some members of our society harbored anti-Muslim animus before President Trump issued the Proclamation and the two Executive Orders that preceded it, that only makes the harm done by the Proclamation all the more consequential. Instead of redressing or ameliorating the threat to Muslims and their families in the United States, the President's action exacerbates that threat by giving discrimination and intolerance the official imprimatur of the most important elected official in our democracy.

### **BACKGROUND**

The Proclamation was issued the same day that the Second Executive Order's travel ban expired. *Compare* Proc. 9645 *with* EO 13780. The Proclamation is substantially similar to the two prior Executive Orders. Indeed, the first line of the Proclamation explains that it grew out of the Second Executive Order. Preamble, Proc. 9645. Moreover, the Proclamation continues almost the same exact travel ban that has been at the core of the two prior Executive Orders. *See id.* §2. Unlike the previous two Executive Orders, the Proclamation bans travel from the affected countries permanently.



Specifically, the Proclamation imposes a total ban on immigration from five of the six predominantly Muslim countries that were singled out in the Second Executive Order: Iran, Libya, Syria, Yemen, and Somalia. *Id.* § 2(b)-(c), (e), (g)-(h). Although the Proclamation does not bar immigration from the sixth Muslim-majority country covered by the Second Executive Order, Sudan, it does bar all immigration from yet another Muslim-majority country, Chad. *Id.* §2(a). Further, the Proclamation bars non-immigrant visas for Syrian nationals, all non-immigrant visas other than student and exchange visas for Iranian nationals, and business and tourist visas for Libyan, Yemeni, and Chadian nationals. *Id.* § 2(a)-(c), (e), (g)-(h).

The Proclamation also bars some forms of entry for a small number of Venezuelan government officials and their immediate families, *id.* § 2(f), and all entry from North Korea—which had only 100 nationals enter the United States last year, and was already subject to extensive entry bans. *See, e.g.,* Hyung-Jin Kim, *Trump's Travel Ban Unlikely to Affect North Korea*, PBS (Sep 25, 2017), <https://www.pbs.org/newshour/politics/trumps-travel-ban-unlikely-affect-north-korea>. Thus, although the Proclamation, unlike its predecessors, now addresses two non-Muslim-majority countries, these calculated and almost entirely meaningless additions are a mere fig leaf intended to conceal the primary anti-Muslim purpose of President Trump's travel ban.

## ARGUMENT

### **I. The Challenged Proclamation Causes Irreparable Harm by Separating Citizens and Immigrants from Family Members Abroad**

The negative physical and mental health consequences of compelled family separation are both obvious and well-documented. Numerous studies and reports document the harm of such separation.

Studies of transnational families, for example, document and explain how separation negatively affects parents and children as individuals and the bond between them. *See, e.g.,* Sarah Horton, *A Mother's Heart Is Weighed Down with Stones: A Phenomenological Approach to the Experience of Transnational Motherhood*, 33 *Culture, Med., & Psychiatry* 21, 21–40 (2009). The limits on physical interaction imposed by geographic separation make intimate relations between parents and children challenging and, consequently, the parent-child bond suffers. *See* Karlijn Haagsman et al., *Transnational Families and the Subjective Well-Being of Migrant Parents: Angolan and Nigerian Parents in the Netherlands*, 38:15 *Ethnic & Racial Stud.* 2652, 2653–54 (2015). “This loss of intimacy and frustrated efforts to maintain close bonds . . . can cause severe emotional distress for both parents and children who feel that the bond is deteriorating.” *Id.* at 2654.

For parents, the pain of separation is often accompanied by feelings of guilt. *See id.* And because norms of “good mothering” frequently assume that women are primary caregivers and responsible for reproductive care work, women especially tend to be emotionally affected by family separation. *Id.* Geographic distance prevents women from fulfilling expected roles, and, as a result, “women feel guilty, ashamed and stigmatized.” *Id.*

The pain of separation is long-lasting for parents. One study found that parents recalled the circumstances of their family’s migration process and “emotionally laden details of their family separations” even after living in the United States for ten years or more. Dana Rusch & Karina Reyes, *Examining the Effects of Mexican Serial Migration and Family Separations on Acculturative Stress, Depression, and Family Functioning*, 35(2) *Hispanic J. Behav. Sci.* 139, 151 (2012).

Not surprisingly, family separation inflicts serious harm on children as well. One 14-year-old girl described her experience this way: “The day I left my mother I felt like my heart was staying behind.” Carola Suárez-Orozco et al., *I Felt Like My Heart Was Staying Behind: Psychological Implications of Family Separations & Reunifications for Immigrant Youth*, 26(2) *J. of Adolescent Res.* 222, 240 (2010). The separation is damaging even though parents may try to maintain

contact through letters, phone calls, and contributions to their children's material well-being. *Id.* Children face difficult experiences not only when they are first separated from their parents but also at reunification, when children can feel disoriented, estranged from their parents, mistrustful, and uncomfortable in their new family dynamic (sometimes including new siblings). *Id.* at 242–45. Children also experience a sense of loss all over again as they are separated from interim caretakers. *Id.*

Studies show that family separation has meaningful physiological consequences as well. Family separation is almost inevitably accompanied by “[p]rolonged exposure to serious stress—known as toxic stress,” which the American Academy of Pediatrics has warned “can harm the developing brain and negatively impact short- and long-term health.” Sara Reardon, *Health Toll of Immigration Policies Begins To Emerge*, 544 *Nature* 148 (Apr. 13, 2017).

Further, “[a] number of clinical studies . . . show that there are substantial negative psychological repercussions for immigrant children and youth who have been separated from their parents.” Suárez-Orozco, 26(2) *J. of Adolescent Res.* at 227. Children who feel abandoned by their parents may respond with despair and detachment, *id.*, and separated children are more likely to report symptoms of anxiety and depression in the initial years after migration than children who were

not separated from their parents. *Id.* at 222; *see also* Jeanne Miranda et al., *Depression Among Latina Immigrant Mothers Separated from their Children*, 56(6) *Psychiatric Servs.* 717, 720 (2005) (finding that immigrant Latinas separated from their children are at greater odds for depression than women not separated).

Family separation has particularly severe consequences for those fleeing trauma who are admitted to the United States as refugees. Data indicate that “the family plays a central role in modulating the processes that influence the aftermath of trauma.” Cecile Rousseau et al., *Trauma and Extended Separation from Family among Latin American and African Refugees in Montreal*, 64(1) *Psychiatry* 40, 57 (2001). The family is “an anchor for both emotion and identity” and aids “torture victims who often feel estranged and alienated.” *Id.* For refugees able to stay together with family, the presence of close relatives can even “seem to transform adversity into a source of strength, perhaps by aiding in the rebuilding of a meaningful universe.” *Id.*

By contrast, refugees separated from their loved ones feel “more disoriented than those living with at least part of their families” and “seem more overwhelmed by unspeakably painful memories.” *Id.* at 56. They are also “tormented daily by worry about what will become of the family members still overseas,” *id.* at 49, and feel significant guilt about having left their families behind with threats of reprisals

looming over them, *id.* at 41. “For refugees who have had traumatic experiences, extended separation from family members may serve as a continuing link to an unbearable past . . . .” *Id.* at 41

## **II. The Proclamation Promotes Anti-Muslim Hostility, Discrimination, and Stigma**

In addition to causing harm via forced family separation, the challenged Proclamation, like the two Executive Orders that preceded it, promotes stigma and encourages anti-Muslim hostility and violence.

A persistent theme in anti-Muslim discrimination is the allegation and assumption that Muslims are not “real” Americans—and are perpetual outsiders and aliens in their own land, despite viewing themselves as completely American. *See, e.g.,* Kevin L. Nadal et al., *Subtle and Overt Forms of Islamophobia*, VI(2) *J. of Muslim Mental Health* 15, 22, 27–28 (2012). The anti-Muslim rhetoric used by President Trump before and after his election has encouraged such erroneous claims, and the singling out of predominantly Muslim countries for disfavored treatment in the Proclamation, as with the two prior Executive Orders, furthers and deepens the sense of Muslims as unwelcome outsiders.

Indeed, the travel ban has been seen by many as encouraging the false and dangerous equating of Islam with violence and terrorism, *see generally* Rebecca A. Clay, *Islamophobia: Psychologists Are Studying the Impact of Anti-Muslim*

*Sentiment and Exploring Ways To Prevent It*, 48(4) Monitor on Psychol. 34 (Apr. 2017), even though Islam is one of the world's great religions and the faith tradition of 23% of the world's population.<sup>2</sup> Indeed, President Trump himself cited the September 11 attacks as justification for the Second Executive Order even though none of the men behind those attacks (or any subsequent, fatal terrorist attack in the United States) hailed from the targeted countries in the Second Executive Order. *See* Clay, 48(4) Monitor on Psychol. 34. The reference to September 11 thus makes sense *only* if one links Muslims generally with terrorism.

Having that link drawn from the White House and embodied in official policy gives people tending toward Islamophobia the permission to act on their biases. The 2017 second quarterly report by the Council on American-Islamic Relations (CAIR) shows that the number of anti-Muslim hate crimes in the first half of 2017 spiked 91% as compared to the same period in 2016; the third quarterly CAIR report also indicates a rise in hate crimes over the same period last year. *See 2017 on Track to Becoming One of the Worst Years Ever for Anti-Muslim Hate Crimes*, CAIR (October 11, 2017), <http://islamophobia.org/articles/>

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<sup>2</sup> Pew Research Ctr., *The Future of World Religions: Population Growth Projections, 2010-2050*, at 6 (Apr. 2, 2015), <http://www.pewforum.org/2015/04/02/religious-projections-2010-2050/>.

209-2017-on-track-to-becoming-one-of-the-worst-years-ever-for-anti-muslim-hate-crimes.html; *CAIR 3rd Quarter Civil Rights Report Shows Rise in Hate Crimes Over Same Period Last Year, Moderate Decline in Total Cases*, CAIR (Oct. 25, 2017), <http://cair.com/press-center/press-releases/14715-cair-3rd-quarter-civil-rights-report-shows-rise-in-hate-crimes-over-same-period-last-year-moderate-decline-in-total-cases.html>. Disturbingly, the Southern Poverty Law Center found that post-election incidents of harassment and intimidation were most commonly reported in K-12 schools. See David R. Williams et al., *Health Effects of Dramatic Social Events—Ramifications of the Recent Presidential Election*, 376(23) *New Eng. J. of Med.* 2295, 2296 (June 8, 2017).

There has also been a noticeable escalation in violence, as reflected in the recent incident of fires, Nazi graffiti, and broken glass at an Iraqi-American business in downtown Flagstaff, Arizona, which followed the ripping up of copies of the Quran at a Tucson mosque in March, which followed broken windows at a Middle Eastern bakery in Phoenix shortly before that, and most recently, harassment of Tennessee Muslim girls, a knife attack on their father and a threat to kill the entire family. See *CAIR Calls for Hate Crime Probe for Racist Harassment Targeting Tenn. Muslim Girls, Knife Attack on Father, Threat to Kill Entire Family*, CAIR (October 25, 2017), <https://www.cair.com/press-center/press->



releases/14735-cair-calls-for-hate-crime-probe-of-racist-harassment-targeting-tenn-muslim-girls-knife-attack-on-father-threat-to-kill-entire-family.html.

The hostility and discrimination encouraged by the Proclamation's singling out of predominantly Muslim countries has negative physical and mental health consequences as well for those who feel targeted. As explained recently in the *New England Journal of Medicine*, "communities who feel vulnerable because they belong to a stigmatized, marginalized, or targeted group" can experience negative health effects as a result. Williams, 376(23) *New Eng. J. of Med.* at 2295. With respect to people of Middle Eastern descent, in particular, a post-September 11 study conducted in the Detroit area "found that experiences of discrimination and abuse . . . were positively associated with physiological distress . . ." *Id.* at 2296. Another study found that Arab-American women in California experienced increased risk of low-birth-weight babies or pre-term births in the six months after September 11; women in other racial and ethnic groups did not experience any similar effects. *Id.*

Additional research has found an association between religious discrimination and depression in American Muslim women. *See* Dena Hassouneh, *Anti-Muslim Racism and Women's Health*, 26(5) *J. of Women's Health* 401 (2017). Another study of Muslim Americans found that those who reported

experiencing discrimination were more likely to distrust, display negative attitudes, and display avoidant behaviors toward majority group members. See Muniba Saleem & Srividya Ramasubramanian, *Muslim Americans' Responses to Social Identity Threats: Effects of Media Representations and Experiences of Discrimination*, *Media Psychol.* (Apr. 4 2017), <http://www.tandfonline.com/doi/full/10.1080/15213269.2017.1302345>.

Research also shows the negative health effects of discrimination more generally. One 2015 study found an elevated risk of death among adults residing in communities where levels of racial prejudice were high, Williams, 376(23) *New Eng. J. of Med.* at 2296, and immigrant children exposed to discrimination have been found to suffer adverse psychological consequences, David K. Androff et al., *U.S. Immigration Policy and Immigrant Children's Well-being: The Impact of Policy Shifts*, 38(1) *J. of Soc. & Welfare* 77, 90 (2011). Everyday experiences of discrimination have also been associated with coronary artery calcification, high blood pressure, poor sleep, and depression, distress, and anxiety. Goleen Samari, *Islamophobia and Public Health in the United States*, 106(11) *Persp. from the Soc. Sci.* 1920, 1921 (Nov. 2016). Moreover, research indicates that associated stress adversely affects health not only through actual experiences but also because of

rumination, vigilance, and worry over potential exposure. *See Williams*, 376(23) New Eng. J. of Med. at 2297.

### **III. Union Members and Their Families Have Been Harmed by the Proclamation**

Millions of employees nationwide are united in the *amici* unions, and many union members, participants in union campaigns, and their families have been harmed by the travel-ban Proclamation and the Executive Orders that preceded it. The experiences of individual union members confirm and illustrate the social science data cited above.<sup>3</sup>

*Dr. K.Z.*

Dr. K.Z. is an internal medicine resident at a New York teaching hospital in Brooklyn, New York, and a member of SEIU's Committee of Interns and Residents (CIR). In 1998, Dr. K.Z. and his family fled persecution in Iran and entered the United States with refugee status. Although born in Iran, Dr. K.Z. became a naturalized U.S. citizen more than a decade ago.

Four months ago, Dr. K.Z. married Dr. N.N., a gastroenterology fellow who works at the same hospital and is also a CIR member. Dr. N.N. is a legal resident

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<sup>3</sup> The individuals whose stories are told below all consented to having their experiences recounted here, and records of the interviews conducted with them are on file with counsel. Some participants chose to maintain a measure of anonymity by using first names or initials only.

and citizen of Iran. As the couple planned their wedding, they did everything in their power to ensure that Dr. N.N's Iranian father would be able to come to the United States and participate in the wedding ceremony.

After issuance of President Trump's Second Executive Order, Dr. N.N's father was denied permission to enter the United States. The couple sought and received the assistance of their congressional representative, but even that did not help, and Dr. N.N's father was unable to give his daughter away during the wedding ceremony.

Dr. K.Z. says that his "wife was heart-broken that her father, the parent who had raised her, could not attend our wedding or participate in the wedding rituals that meant so much to her. Her father's absence tainted what was to be one of the best days of our lives."

Dr. K.Z., while respectful of his Iranian heritage, feels completely Americanized. He completed his undergraduate work at the University of California, Los Angeles, and graduated from the University of California's Davis School of Medicine. Dr. K.Z.'s hospital serves low-income patients from diverse backgrounds, including Orthodox Jews and people of Arab, Chinese, Latin, Russian, Caribbean, and South and Southeast Asian descent. When Dr. K.Z. completes his residency, he intends to continue working in a U.S. hospital with a

diverse group of patients providing critical care and treatment to patients suffering from cancer.

Dr. K.Z. was deeply disturbed and shaken by his personal experience with the travel ban. “The United States welcomed and encouraged me and I truly believed that the words on the Statute of Liberty were meant for me.” But “[i]t has been a crushing personal disappointment to learn that the citizens of certain countries, people like my father-in-law, were no longer welcome.”

*Abdi*

Abdi is 32 years old and has worked for the past nine years at Minneapolis-St. Paul International Airport and is a member of SEIU’s Airport Workers United campaign. He is a naturalized American citizen who was born in Somalia.

Before coming to the United States, Abdi spent several years in refugee camps with his mother and siblings. While Abdi lived in the camps, his education was interrupted several times. But once Abdi arrived in the United States at the age of 18, he completed high school and earned a bachelor’s degree at Metropolitan State University in Minneapolis. Abdi was then able to bring his wife and one of his three children to the United States.

Unfortunately, visas for Abdi’s two older children, aged nine and seven, were not granted when his wife’s was. As a result, Abdi’s two older children still

live in Somalia with his mother, who cares for them even though she is in her sixties. Abdi sends money but he fears they will not be able to travel to the United States to reunite with him if the Proclamation is upheld. He says, “I can’t stop thinking about them. I have to be able to do this.”

Abdi also worries about his and other relatives’ ability to travel as Somali-born citizens. One of his aunts, an American citizen, wants to travel home to visit a sick uncle but worries about being detained on her way back. He says, “What kind of American value is this, to keep families apart?”

*A.F.*

A.F. is an Iranian citizen and member of the UAW and its Local 5810 who came to the United States for graduate studies in 2011. A.F. obtained his Ph.D. in chemical engineering in 2016 from a prestigious American university, and he currently works as a postdoctoral researcher at the University of California’s Lawrence Berkeley National Laboratory (LBNL). After being offered the position at LBNL, A.F. underwent an extensive, nine-month-long background check conducted by the Department of Energy.

Since the signing of President Trump’s First Executive Order, A.F. has suffered from chronic stress and has felt unwelcome in the country where he has successfully lived, worked, studied, and paid taxes for six years. A.F. has applied

for a green card under a national interest waiver, but his application has been pending for more than 15 months. A.F. currently holds a single-entry visa and fears that if he leaves the United States he will not be permitted to reenter. Prior to the issuance of the First Executive Order, A.F.'s parents visited him in the United States, but now A.F. fears it is impossible for them or other members of his family to obtain a visa to visit the United States. In addition, A.F.'s work is impacted because he fears it is impossible for him to travel to attend annual conferences, including the International Conference on Thermoelectrics, which are crucial for scientists in his field. Because of the travel ban, A.F. fears that Iranian nationals like him are "doomed" to live in limbo.

*A.T.*

A.T. is an Iranian citizen enrolled in a Ph.D. program at the University of Washington. A.T. holds a single-entry F-1 visa. A.T. has been studying in the United States for the last four years and also works as an academic student employee. He is a member of the UAW and its Local 4121.

A.T. was in Iran visiting family in January 2017 when the First Executive Order was issued. A.T. was initially unable to secure a visa to return to his home and studies in the United States. He contacted UAW Local 4121, which worked to assist him in getting back into the country. As a result of assistance from

Washington State's governor, one of its senators, and a congressional representative, A.T. was lucky to be able to reenter the United States and resume his Ph.D. program while the First Executive Order was enjoined. He is currently unable to leave the United States again while he completes his studies; he has no family in the United States, and due to the Proclamation, his parents, who live in Iran, are unable to visit him here. A.T. is also deeply concerned that the hostility generated by the travel ban will inhibit his ability to complete his Ph.D. in a timely manner and begin his professional career.

*Safyia Yonis*

Safyia Yonis is a 46-year-old American citizen who was born in Somalia. She has lived in Minneapolis for the last 20 years, where she works as a janitor in a government building, and is a member of SEIU Local 26. Safyia and her husband, who was also born in Somalia, have seven children born in the United States, aged 3 to 16.

When civil war broke out in Somalia in 1991, Safyia fled to Kenya where she lived in a refugee camp. She says that life there was "very, very difficult," with no access to education or healthcare. When Safyia arrived in the United States two years later, she felt safe and grateful she could go to see the doctor, to school, and work.



Since the Muslim ban was announced, Safyia has felt increasingly afraid of violence and harassment. Her sister and brother-in-law attend the mosque that was bombed on August 5 in the suburb of Bloomington.

Safyia worries in particular that her daughter, who is in high school and wears a hijab, could be a target for harassment. Safyia feels her daughter should not have to live in fear: “She is an innocent; she has done nothing wrong.”

*Mohammad Al Zayed*

Mohammad Al Zayed is a 50-year-old Syrian refugee who arrived with his family in the United States in September 2016. Mohammad works at O’Hare International Airport as a janitor and lives on the far North Side of Chicago with his wife and three children; he is also a member of SEIU’s Airport Workers United campaign. His two sons are 21 and 8, and his daughter is 19.

Before fleeing Syria, Mohammad and his family lived in a suburb outside Damascus. When unrest began to approach their community, the family fled into the capital. Eventually, the textile factory where Mohammad worked was destroyed in the fighting, and his children could no longer go to school because of the danger. Once the war reached Damascus, the family left Syria for Jordan to escape the violence and bombings.

“We can’t even explain it,” Mohammad said of the violence and destruction he and his family witnessed in Syria. “Shelling. Killing. Street fighting. Nobody knows who’s fighting who, but everybody dying is innocent people.”

Conditions improved for the family in Jordan but they still faced hardship. Mohammad’s children were able to attend school, but he could not work because he could not get a work permit given his refugee status. As a result, the family could not afford healthcare. As Syrians, Mohammad and his family also experienced discrimination in Jordan.

Mohammad was relieved when he arrived with his family in the United States, where he hoped there would be more opportunity for his children. His 8-year-old son is in school, already speaks English, and claims math as his favorite subject. Mohammad’s 19-year-old daughter is finishing high school this year. His 21-year-old son has joined him in working at O’Hare. Mohammad feels fortunate to work alongside colleagues at O’Hare who represent over 100 nationalities. He says it is “very nice” to be in a welcoming environment where he can even observe his religion, as he did during the month of Ramadan.

However, Mohammad worries about relatives left behind and about whether he will see them again. Mohammad’s two brothers, father, and stepmother remain in Syria, and he has not seen them since 2012. His father is 85 years old and has

health problems. If the Muslim travel ban is upheld, Mohammad may never see his father again. Mohammad's wife also has 11 sisters and 4 brothers, some of whom are in Syria and Jordan. Mohammad's daughter married a Jordanian citizen last year, and she worries that if her new husband is not able to come to the United States, she may have to consider returning to Jordan and being barred from reentering the country.

For Mohammad, the Trump Administration's travel ban "is not right." Refugees are simply seeking a better life. He says: "It's very sad. Who would want to leave their home if they don't have to? People are running for their lives."

### *Marwan*

Marwan is a senior organizer for SEIU, where he has worked for the past thirteen years. Marwan is 43 years old and is a Yemen-born, naturalized U.S. citizen.

The first person in Marwan's family to arrive in the United States was his father. Marwan's father reunited the family by bringing his brothers, Marwan, Marwan's mother, and his siblings one by one to the Detroit area over the course of several decades. Marwan came to the United States in 1989 from Yemen and became a citizen in 1991. He is married with five children, aged 18, 13, 9, 6, and 3.

Many members of Marwan's and his wife's extended families remain in Yemen, where a civil war is raging. One of Marwan's brothers returned to Yemen before becoming an American citizen and lives in the capital of Sana'a with his wife and five children. Approximately eight months ago an airstrike hit a military compound 200 yards from that brother's house, shattering all the windows in the neighborhood. Marwan's nephew's arm was injured in the blast. Marwan's family's ancestral village has also been the target of rebel activity and air strikes. Nine relatives, including two of his cousins, have been killed in the last three years.

Marwan's wife's three brothers and three sisters also all live in Yemen. An elderly aunt in her eighties, who helped raise Marwan as his father worked to bring him to the United States, remains there as well and requires care. Marwan worries for the safety of all his and his wife's extended family members. He says: "I think about this every day and ask myself, 'How do I bring them here?'"

The challenged Proclamation will make it impossible for Marwan to reunite his family the way his father did in the past. "If my dad hadn't come to the United States, I would be there right now and living under terror. I would be stuck." Marwan now worries that more of his family members, for whom he feels responsible, will be hurt or harassed by the warring factions in his home country.

Marwan currently works to help airport employees at O'Hare International Airport. As a union organizer who interacts every day with employees who came to the United States as immigrants and refugees, he knows many other families are in the same situation. As he says: "This won't make America safe, only tear families apart."

*Majd*

Majd is a homecare worker, member of SEIU Local 2015, and naturalized U.S. citizen. Majd lives in San Jose, California, with her husband, her two children (aged 22 and 19), and her 90-year-old mother, all of whom are also U.S. citizens. Majd was born and educated in Syria, where she worked as an agricultural engineer until she came to the United States 25 years ago.

Most of Majd's extended family emigrated from Syria to the United States, with the exception of a nephew who is in the midst of processing his application for legal permanent residency. Majd's nephew lives alone in Damascus where he fears leaving his home. Although he is not affiliated with any political organizations, he has been arrested twice and was interrogated and jailed for several weeks by Syrian government agents. That experience, combined with Syria's brutal civil war and the departure of all of his family members, has plunged him into a severe depression.

Majd and her elderly mother, her nephew's grandmother, are desperate for her nephew to join them in the United States. Majd's mother suffers from diabetes, high blood pressure, heart problems, and arthritis. She fears that the travel ban will prevent her grandson from traveling to the United States before she dies. Majd worries about both her nephew and the effect on her mother of his inability to travel to the United States.

*Edvin*

Edvin, a member of SEIU United Healthcare Workers West, is a 41-year-old Kaiser employee who has been a chief union steward for 17 years. Edvin was born in Iran and came to the United States as a 9-year-old refugee 32 years ago. Edvin is a U.S. citizen and lives in Glendale, California.

When Edvin and his parents fled Iran in the 1980s, they left several family members behind. One of Edvin's cousins, a 27-year-old woman, came to the United States eight months ago as a refugee from Iran. She was granted refugee status after having lived alone in Austria for eight months while she waited for the United States to process her case. Prior to leaving Iran, she had always lived with her parents. Although she is grateful to be safe in the United States, she misses her parents terribly and had assumed they would be able to come visit her, because they had traveled to the United States several times in the past.

Edvin has provided support to his cousin during her transition to life in the United States. He would like for her to get the emotional support that a visit from her parents would provide, and he is saddened that the Proclamation will prevent families from seeing each other: “I always believed that the United States was a place that valued family relationships and encouraged loved ones to be together. Now it seems like if you’re from a Muslim-majority country, your family doesn’t matter and you’re treated as if you’re a terrorist, no matter what your beliefs are.”

*K.K.*

*K.K.* is an Iranian citizen and F-1 visa holder currently working in the United States as a postdoctoral researcher. In January 2017, *K.K.* was working at a prestigious American university, where she was part of a UAW campaign to organize postdoctoral researchers. After the First Executive Order was issued, *K.K.* was suddenly dismissed from her appointment. She had never received any negative performance reviews or feedback, and she was previously provided with a letter promising funding for her position through at least May 31, 2017. *K.K.*’s supervisor told her that the funding on the grant she was working on had dried up, but a colleague told *K.K.* that the supervisor confided the real reason for her dismissal was that the supervisor was concerned about having an Iranian citizen working on the research project after the issuance of the First Executive Order.

Following her dismissal from the university, K.K. was able to secure a new position at a university in another state. However, she lost several months of work, which, in addition to causing financial strain, delayed her ability to complete her research. K.K. also had to move to another state, and she estimates that moving to another university and another state cost her around \$5,000 in out-of-pocket expenses.

### CONCLUSION

For the foregoing reasons, this Court should affirm the preliminary injunction below, except as to its limitation to persons with a bona fide relationship with an individual or entity in the United States.

Dated: November 17, 2017

Respectfully submitted,

/s/ Jonathan Weissglass  
Jonathan Weissglass  
Rebecca C. Lee  
Altshuler Berzon LLP  
177 Post St., Suite 300  
San Francisco, CA 94108

Nicole G. Berner  
Deborah L. Smith  
Leo Gertner  
Service Employees International Union  
1800 Massachusetts Ave., N.W.  
Washington, D.C. 20036



Judith Rivlin  
American Federation of State, County and  
Municipal Employees  
1101 17th St., NW, Suite 900  
Washington, DC 20036

David J. Strom  
American Federation of Teachers, AFL-CIO  
555 New Jersey Ave., NW  
Washington, DC 20001

Jody Calemine  
Communications Workers of America  
501 3rd St., NW  
Washington, DC 20001

Niraj R. Ganatra  
Ava Barbour  
International Union, United Automobile,  
Aerospace and Agricultural Implement  
Workers of America (UAW)  
8000 E. Jefferson Ave.  
Detroit, MI 48214

Mario Martínez  
Martínez Aguilasocho & Lynch, APLC  
1527 19th St., Suite 332  
Bakersfield, CA 93301

Nicholas Clark  
United Food and Commercial Workers  
1775 K Street, NW  
Washington, DC 20006

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT**  
**Effective 12/01/2016**

17-2231 (L), 17-2232

No. 17-2233, 17-2240Caption: Int'l Refugee Assistance Project, et al. v. Trump, et al.

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Party Name Amici Int'l Labor Organizations

Dated: 11/17/17

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COUNSEL FOR: International Labor Organizations (SEIU, AFSCME, AFT, CWA, UAW, UFW, UFCW) as the

(party name)

[ ] appellant(s) [ ] appellee(s) [ ] petitioner(s) [ ] respondent(s) [X] amicus curiae [ ] intervenor(s) [ ] movant(s)

/s/Jonathan Weissglass
(signature)

Jonathan Weissglass
Name (printed or typed)

(415) 421-7151
Voice Phone

Altshuler Berzon LLP
Firm Name (if applicable)

(415) 362-8064
Fax Number

177 Post St, Suite 300

San Francisco, CA 94108
Address

jweissglass@altber.com
E-mail address (print or type)

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4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation (Local Rule 26.1(a)(2)(B))?  YES  NO  
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Date: 11/17/2017

Counsel for: SEIU

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UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
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Disclosures must be filed on behalf of all parties to a civil, agency, bankruptcy or mandamus case, except that a disclosure statement is not required from the United States, from an indigent party, or from a state or local government in a pro se case. In mandamus cases arising from a civil or bankruptcy action, all parties to the action in the district court are considered parties to the mandamus case.

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17-2231 (L), 17-2232,
No. 17-2233, 17-2240 Caption: Int'l. Refugee Assistance Project, et al. v. Donald J. Trump, et al.

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American Federation of State, County and Municipal Employees
(name of party/amicus)

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(appellant/appellee/petitioner/respondent/amicus/intervenor)

- 1. Is party/amicus a publicly held corporation or other publicly held entity? YES NO
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If yes, identify all parent corporations, including all generations of parent corporations:
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Date: 11/17/2017

Counsel for: AFSCME

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Signature: /s/Jonathan Weissglass

Date: 11/17/2017

Counsel for: AFT

**CERTIFICATE OF SERVICE**

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I certify that on 11/17/2017 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

/s/Jonathan Weissglass  
(signature)

11/17/2017  
(date)

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
DISCLOSURE OF CORPORATE AFFILIATIONS AND OTHER INTERESTS

Disclosures must be filed on behalf of all parties to a civil, agency, bankruptcy or mandamus case, except that a disclosure statement is **not** required from the United States, from an indigent party, or from a state or local government in a pro se case. In mandamus cases arising from a civil or bankruptcy action, all parties to the action in the district court are considered parties to the mandamus case.

Corporate defendants in a criminal or post-conviction case and corporate amici curiae are required to file disclosure statements.

If counsel is not a registered ECF filer and does not intend to file documents other than the required disclosure statement, counsel may file the disclosure statement in paper rather than electronic form. Counsel has a continuing duty to update this information.

17-2231 (L), 17-2232,

No. 17-2233, 17-2240

Caption: Int'l. Refugee Assistance Project, et al. v. Donald J. Trump, et al.

Pursuant to FRAP 26.1 and Local Rule 26.1,

Communications Workers of America

(name of party/amicus)

who is                      amicus                     , makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO

2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation (Local Rule 26.1(a)(2)(B))?  YES  NO  
If yes, identify entity and nature of interest:

5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:

6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, identify any trustee and the members of any creditors' committee:

Signature: /s/Jonathan Weissglass

Date: 11/17/2017

Counsel for: CWA

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17-2231 (L), 17-2232,
No. 17-2233, 17-2240 Caption: Int'l. Refugee Assistance Project, et al. v. Donald J. Trump, et al.

Pursuant to FRAP 26.1 and Local Rule 26.1,

International Union, United Automobile, Aerospace and Agricultural Implement Workers of America
(name of party/amicus)

(UAW)

who is amicus, makes the following disclosure:
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity? YES NO

2. Does party/amicus have any parent corporations? YES NO
If yes, identify all parent corporations, including all generations of parent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity? YES NO
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation (Local Rule 26.1(a)(2)(B))?  YES  NO  
If yes, identify entity and nature of interest:

5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:

6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, identify any trustee and the members of any creditors' committee:

Signature: /s/Jonathan Weissglass

Date: 11/17/2017

Counsel for: UAW

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17-2231 (L), 17-2232,

No. 17-2233, 17-2240

Caption: Int'l. Refugee Assistance Project, et al. v. Donald J. Trump, et al.

Pursuant to FRAP 26.1 and Local Rule 26.1,

United Farm Workers of America (UFW)

(name of party/amicus)

who is amicus, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
  
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
  
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation (Local Rule 26.1(a)(2)(B))?  YES  NO  
If yes, identify entity and nature of interest:

5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:

6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, identify any trustee and the members of any creditors' committee:

Signature: /s/Jonathan Weissglass

Date: 11/17/2017

Counsel for: UFW

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4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation (Local Rule 26.1(a)(2)(B))?  YES  NO  
If yes, identify entity and nature of interest:

5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
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Signature: /s/Jonathan Weissglass

Date: 11/17/2017

Counsel for: UFCW

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