



**Elaine Duke**, Secretary of the Department of Homeland Security; in his official capacity; )  
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**Rex W. Tillerson**, Secretary of State of the Department of State, in his official capacity; )  
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 Defendants. )

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**AMENDED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

Plaintiffs, for themselves and on behalf of all others similarly situated, by and through their attorneys, Council on American-Islamic Relations (“CAIR”) and Akeel and Valentine, PLC, state as follows:

**Introduction**

1. During his presidential campaign, then-candidate Donald Trump promised to ban all Muslim immigration to the United States. Since moving to the White House, President Donald Trump has tried via three separate executive actions to ban more than 100 million Muslims from entering the United States.

2. As the Trump Administration’s regular and vulgar attacks against Islam and Muslims make clear, the attempt to ban Muslim immigration is but one part of a multipronged attempt to demonize Islam and marginalize Muslims in the United States.

3. This case is a challenge to the defendants’ latest attempt to fulfill this bigoted attack against Islam. On September 24, 2017, President Trump issued a proclamation titled “Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats.” Proclamation No. 9645, 82 Fed Reg. 45,161

(Sept. 24, 2017) (“Proclamation”). The Proclamation indefinitely bans virtually all travel to the United States from six Muslim-majority countries.

4. The challenge is brought by Muslim citizens, many with relatives from the banned countries subject to the executive action, who are stigmatized by the message the Proclamation broadcasts: that Islam is dangerous and Muslims must be treated differently.

5. These Muslim plaintiffs are leaders in their communities and their activism against anti-Muslim bigotry and in defense of their communities has put them in the position of confronting the stigma the Proclamation imposes on Islam. Indeed, the plaintiffs have seen firsthand how the public understands the Proclamation to be a multi-thousand word monument to the anti-Muslim bigotry that helped sweep Donald Trump into the presidency.

#### **Parties**

6. Plaintiff Linda Sarsour is an American Muslim residing in Kings County, New York. Plaintiff Sarsour is a Palestinian activist and Executive Director of the Arab American Association of New York. In 2016, she served as spokesperson for Presidential Candidate Senator Bernie Sanders, and was one of three national co-chairs for the 2017 Women’s March held the day after the inauguration of Donald Trump as President of the United States. Plaintiff Sarsour has appeared in “*The Hijabi Monologues*” and has her own show, *The Linda Sarsour Show*. Plaintiff Sarsour has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the “Muslim Ban” as a result of the Defendants sending a message of (1) disfavor and condemnation of her religion of Islam, (2) marginalization and exclusion of Muslims, including herself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over her own, (4) Muslims are outsiders,

dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Sarsour has had to change her conduct adversely in that she has been required to assist and advocate on behalf of Muslims targeted by the Proclamation and defend her religion as a religion of peace on national media outlets and through grassroots efforts. Through her activism, Sarsour has come into direct contact with the Proclamation's stigmatizing message.

7. Plaintiff Rashida Tlaib is a Muslim American residing in Wayne County, Michigan. Plaintiff Tlaib is a former Democratic member of the Michigan House of Representatives and an attorney at the Sugar Law Center for Economic and Social Justice. Upon her swearing in on January 1, 2009, Plaintiff Tlaib became the first Muslim-American woman to serve in the Michigan Legislature, and only the second Muslim woman in history to be elected to any state legislature in America. Plaintiff Tlaib suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the "Muslim Ban" as a result of the Defendants sending a message of (1) disfavor and condemnation of her religion of Islam, (2) marginalization and exclusion of Muslims, including herself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over her own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Tlaib has had to change her conduct adversely in that she has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend her religion as a religion of peace on national media outlets and through grassroots efforts.

8. Plaintiff Zahra Biloo is a Muslim American residing in Santa Clara County, California. Plaintiff Biloo is a civil rights attorney and the Executive Director of the Council on American-Islamic Relations, San Francisco Bay Area (CAIR-SFBA), a chapter of the nation's largest Muslim civil rights and civil liberties advocacy organization, and a prominent civil rights activist. Plaintiff Biloo is frequently seen at mosques and universities facilitating trainings and workshops as a part of CAIR's grassroots efforts to empower the American Muslim community and build bridges with allies on civil rights issues. Plaintiff Biloo has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the "Muslim Ban" as a result of the Defendants sending a message of (1) disfavor and condemnation of her religion of Islam, (2) marginalization and exclusion of Muslims, including herself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over her own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Biloo has had to change her conduct adversely in that she has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend her religion as a religion of peace on national media outlets and through grassroots efforts.

9. Plaintiff Nihad Awad is a Muslim American residing in Washington County, D.C. Plaintiff Awad is National Executive Director and co-founder of the Council on American-Islamic Relations (CAIR), the nation's largest Muslim civil rights and civil liberties advocacy organization, and a prominent civil rights activist. As a national leader in the civil rights movement, Plaintiff Awad has led multiple campaigns to defend the rights of Muslims and to help Americans of other faiths better understand Islam. His work includes interfacing

with the U.S. government, facilitating interfaith dialogue, speaking at conferences, conducting training and leadership seminars, and appearing in national and international media to discuss Islam and American Muslims. Plaintiff Awad has testified before both Houses of the U.S. Congress on matters involving Muslims in America. In 1997, he served on the White House Civil Rights Advisory Panel to the Commission on Safety and Security. In the 2000, 2004, 2008, and 2012 presidential elections, Plaintiff Awad was a key figure in creating the Muslim voting bloc. In 2006, he traveled to Iraq on a humanitarian mission to appeal for the release of American journalist Jill Carrol who was kidnapped and later released in Iraq. In September, 2011, Plaintiff Awad traveled to Iran as part of an interfaith delegation to meet with the President of Iran to appeal for the release of two American hikers held by Iran. In 2004, he was named one of National Journal's more than 100 Most Influential People in the United States whose ideas will help shape the debate over public policy issues for the next decade. In 2009, he was named by a Georgetown University publication as one of the 500 most influential Muslims in the world. And in 2010, Arabian Business ranked him as 39th in the "Arabian Business Power 100" list, its annual listing of the most influential Arabs. Plaintiff Awad has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the "Muslim Ban" as a result of the Defendants sending a message of (1) disfavor and condemnation of his religion of Islam, (2) marginalization and exclusion of Muslims, including himself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over his own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Awad has had to change his conduct adversely in that he has been required

to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend his religion as a religion of peace on national media outlets and through grassroots efforts.

10. Plaintiff Corey Saylor is a Muslim American residing in Fairfax County, Virginia. Plaintiff Saylor is the former Director of the Department to Monitor and Combat Islamophobia at the Council on American-Islamic Relations (CAIR), the nation's largest Muslim civil rights and civil liberties advocacy organization, and a prominent civil rights activist. Plaintiff Saylor is an expert on political communications, legislative advocacy, media relations and anti-Islam prejudice in the United States. He is a regular voice on U.S. and international news outlets. Plaintiff Saylor has also run successful advocacy campaigns against corporate giants such as Burger King and Bell Helicopter-Boeing when their actions or advertisements negatively impacted the American Muslim community. Plaintiff Saylor has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the "Muslim Ban" as a result of the Defendants sending a message of (1) disfavor and condemnation of his religion of Islam, (2) marginalization and exclusion of Muslims, including himself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over his own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Saylor has had to change his conduct adversely in that he has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend his religion as a religion of peace on national media outlets and through grassroots efforts. His research as a CAIR director has led him to conclude that the Trump Administration's travel

and visa restrictions continue to fuel anti-Muslim sentiment and hate crimes to an extent never seen before.

11. Plaintiff Dawud Walid is a Muslim American residing in Wayne County, Michigan. Plaintiff Walid is the Executive Director of the Council on American-Islamic Relations, Michigan (CAIR-MI), a chapter of the nation's largest Muslim civil rights and civil liberties advocacy organization, and a prominent civil rights activist. Plaintiff Walid has been interviewed and quoted in approximately 150 media outlets and has lectured at over 50 institutions of higher learning about Islam, interfaith dialogue and social justice. Plaintiff Walid served in the United States Navy under honorable conditions earning two United States Navy & Marine Corp Achievement medals while deployed abroad. He has also received awards of recognition from the city councils of Detroit and Hamtramck and from the Mayor of Lansing as well as a number of other religious and community organizations. Plaintiff Walid has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the "Muslim Ban" as a result of the Defendants sending a message of (1) disfavor and condemnation of his religion of Islam, (2) marginalization and exclusion of Muslims, including himself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over his own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Walid has had to change his conduct adversely in that he has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend his religion as a religion of peace on national media outlets and through grassroots efforts.



12. Plaintiff Basim Elkarra is a Muslim American residing in Sacramento County, California. Plaintiff Elkarra is the Executive Director of the Council on American-Islamic Relations, Sacramento Valley (CAIR-SAC), a chapter of the nation's largest Muslim civil rights and civil liberties advocacy organization, and a prominent civil rights activist. Plaintiff Elkarra is a former board member of the Sacramento chapter of the American Civil Liberties Union, and serves on the Executive Board of the California Democratic Party. He also serves on the City of Sacramento Community Police Commission. In 2011, the United States Embassy in London sent Plaintiff Elkarra to England to meet young British Muslims as part of a strategy to promote civic engagement. Plaintiff Elkarra has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the "Muslim Ban" as a result of the Defendants sending a message of (1) disfavor and condemnation of his religion of Islam, (2) marginalization and exclusion of Muslims, including himself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over his own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Elkarra has had to change his conduct adversely in that he has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend his religion as a religion of peace on national media outlets and through grassroots efforts. Moreover, Plaintiff Elkarra has in-laws in Syria that he is unable to bring to visit him in the United States pursuant to the Proclamation.

13. Plaintiff Hussam Ayloush is a Muslim American residing in Riverside County, California. Plaintiff Ayloush is the Executive Director of the Council on American-Islamic

Relations, Los Angeles (CAIR-LA), a chapter of the nation's largest Muslim civil rights and civil liberties advocacy organization, and a prominent civil rights activist and community organizer. Ayloush is a fourth-term elected Delegate to the California Democratic Party (CDP). He also serves on the board of the Muslim American Homeland Security Congress (MAHSC). Plaintiff Ayloush has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the "Muslim Ban" as a result of the Defendants sending a message of (1) disfavor and condemnation of his religion of Islam, (2) marginalization and exclusion of Muslims, including himself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over his own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Ayloush has had to change his conduct adversely in that he has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend his religion as a religion of peace on national media outlets and through grassroots efforts. Ayloush also has Syrian relatives who, because of the Proclamation, cannot now come to visit him and his family in the United States.

14. Plaintiff Alia Salem is a Muslim American residing in Dallas County, Texas. Plaintiff Salem is the former Executive Director of the Council on American-Islamic Relations, Dallas/Fort Worth (CAIR-DFW), a chapter of the nation's largest Muslim civil rights and civil liberties advocacy organization, and a prominent civil rights activist working for social justice, understanding and empowerment in her community. Plaintiff Salem's work with CAIR-DFW has been featured on local, national and international media outlets. Plaintiff Salem has suffered and will continue to suffer an ongoing concrete harm, in addition to

psychological and spiritual consequences, since the initial announcement of the “Muslim Ban” as a result of the Defendants sending a message of (1) disfavor and condemnation of her religion of Islam, (2) marginalization and exclusion of Muslims, including herself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over her own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Salem has had to change her conduct adversely in that she has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend her religion as a religion of peace on national media outlets and through grassroots efforts.

15. Plaintiff Adam Soltani is a Muslim American residing in Oklahoma County, Oklahoma. Plaintiff Soltani is the Executive Director of the Council on American-Islamic Relations, Oklahoma (CAIR-OK), a chapter of the nation’s largest Muslim civil rights and civil liberties advocacy organization, and a prominent civil rights activist. Plaintiff Soltani currently serves as the chair of the Oklahoma Conference of Churches’ Religions United Committee and planning committee member for OKC’s Jewish-Muslim Film Institute. He is also a former member of the Oklahoma Democratic Party Religious Education Committee, former board member of the Interfaith Alliance of Oklahoma, and a former member of Islamic Society of Greater Oklahoma City Executive Committee. Plaintiff Soltani has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the “Muslim Ban” as a result of the Defendants sending a message of (1) disfavor and condemnation of his religion of Islam, (2) marginalization and exclusion of Muslims, including himself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over his

own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Soltani has had to change his conduct adversely in that he has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend his religion as a religion of peace on national media outlets and through grassroots efforts. Moreover, Plaintiff Soltani has family in Iran that he is unable to bring to visit him in the United States pursuant to the Proclamation.

16. Plaintiff Imran Siddiqi is a Muslim American residing in Maricopa County, Arizona. Plaintiff Siddiqi is the Executive Director of the Council on American-Islamic Relations, Oklahoma (CAIR-AZ), a chapter of the nation's largest Muslim civil rights and civil liberties advocacy organization. Plaintiff Siddiqi is a writer and prominent civil rights activist. He has written extensively on the subject of Islamophobia, Middle East Affairs, and issues affecting American Muslims. Plaintiff Siddiqi has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the "Muslim Ban" as a result of the Defendants sending a message of (1) disfavor and condemnation of his religion of Islam, (2) marginalization and exclusion of Muslims, including himself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over his own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Siddiqi has had to change his conduct adversely in that he has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend his religion as a religion of peace on national media outlets and through grassroots efforts. Plaintiff Siddiqi's online activism has brought him

into direct contact with evidence that the public understands the defendants' repeated attempts to establish visa restrictions on several countries to be an attempt to stigmatize Islam and disfavor Muslims.

17. Plaintiff Julia Shearson is a Muslim American residing in Cuyahoga County, Ohio. Plaintiff Shearson is the Executive Director of the Cleveland chapter of the Council on American-Islamic Relations, Ohio (CAIR-OH), a chapter of the nation's largest Muslim civil rights and civil liberties advocacy organization, and a prominent civil rights activist. She has delivered hundreds of lectures and trainings on Islam and Muslims, civil and human rights, diversity, Islamophobia, and immigration justice. She was recently honored together with 22 area women for her leadership, activism, and community service in an art exhibit entitled "Reflections: The Many Facets of Stephanie Tubbs Jones" installed at Cleveland Hopkins Airport in memory of the late Congresswoman Stephanie Tubbs Jones. Before joining CAIR-OH, Shearson served in the field of education for over 10 years, teaching at Ohio University, Jewish Vocational Services in Boston and at the Summer School and Division of Continuing Education at Harvard University. Plaintiff Shearson has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the "Muslim Ban" as a result of the Defendants sending a message of (1) disfavor and condemnation of her religion of Islam, (2) marginalization and exclusion of Muslims, including herself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over her own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Shearson has had to change her conduct adversely in that she has been required to assist and advocate on behalf of Muslims

targeted by the Muslim Ban and defend her religion as a religion of peace on national media outlets and through grassroots efforts. Shearson has seen directly how, in her own community, the defendants' attempts to impose visa and travel restrictions have catalyzed and legitimized anti-Muslim activism.

18. Plaintiff Namira Islam is a Muslim American residing in Oakland County, Michigan. Plaintiff Islam is the Co-Founder and Executive Director of the Muslim Anti-Racism Collaborative (MuslimARC), a faith-based human rights education organization which focuses on racial justice. Plaintiff Islam has worked in the areas of prisoner rights, and on international law and war crimes at the United Nations in The Hague, Netherlands. Plaintiff Islam has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the "Muslim Ban" as a result of the Defendants sending a message of (1) disfavor and condemnation of her religion of Islam, (2) marginalization and exclusion of Muslims, including herself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over her own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Islam has had to change her conduct adversely in that she has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend her religion as a religion of peace on national media outlets and through grassroots efforts.

19. Plaintiff Karen Dabdoub is a Muslim American residing in Hamilton County, Ohio. Plaintiff Dabdoub is the Executive Director of the Cincinnati chapter of the Council on American-Islamic Relations, Ohio (CAIR-OH), a chapter of the nation's largest Muslim civil rights and civil liberties advocacy organization, and a prominent civil rights activist. Plaintiff

Dabdoub has served the community since 2006 as a commissioner with the Cincinnati Human Relations Commission and was the president of CHRC from 2009 - 2011. She is a founding member of Muslim Mothers Against Violence, a local group founded in 2005 by Muslim women to take a stand against violence, abroad and at home. She has been a member of the Martin Luther King Coalition of Cincinnati since 2006. She is a former member of the FBI Multi-Cultural Advisory Council and the Kentucky Commission on Human Rights Community Advisory Committee. She was a member of Friends of Open House – Cincinnati Chapter, an international organization that worked to bring about peace and understanding between Palestinians and Israelis. Plaintiff Dabdoub appears in the documentary “A Visit to a Mosque in America,” an educational documentary, filmed locally, that has received national recognition and commendation. Plaintiff Dabdoub has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the “Muslim Ban” as a result of the Defendants sending a message of (1) disfavor and condemnation of her religion of Islam, (2) marginalization and exclusion of Muslims, including herself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over her own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Dabdoub has had to change her conduct adversely in that she has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend her religion as a religion of peace on national media outlets and through grassroots efforts.

20. Plaintiff Jim Sues is a Muslim American residing in Bucks County, Pennsylvania. Plaintiff Sues is the Executive Director of the New Jersey chapter of the Council

on American-Islamic Relations, New Jersey (CAIR-NJ), a chapter of the nation's largest Muslim civil rights and civil liberties advocacy organization, and a prominent civil rights and interfaith relations activist. Plaintiff Sues is also a Marketing Professional in the field of Telecommunications. Besides launching start-ups and acting as a Telecommunications Consultant, he spent 20 years at IBM filling various Marketing roles such as Product Manager, Solutions Manager, and Strategy Team Lead. Plaintiff Sues is guest lecturer for Comparative Religion courses at Drew University and multiple community colleges. He also provides diversity training for corporations and local churches. Plaintiff Sues is a member of the south Orange – Maplewood Clergy Association and has served on the Board of Directors of various Muslim organizations including Majlis Ash-Shoora of New Jersey and the NIA Masjid in Newark, NJ. Plaintiff Sues has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the "Muslim Ban" as a result of the Defendants sending a message of (1) disfavor and condemnation of his religion of Islam, (2) marginalization and exclusion of Muslims, including himself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over his own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Sues has had to change his conduct adversely in that he has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend his religion as a religion of peace on national media outlets and through grassroots efforts.

21. Plaintiff Hanif Mohebi is a Muslim American residing in San Diego County, California. Plaintiff Mohebi is the Executive Director of the San Diego chapter of the Council



on American-Islamic Relations, San Diego (CAIR-SD), a chapter of the nation's largest Muslim civil rights and civil liberties advocacy organization, and a prominent civil rights activist. He has appeared in both local and national media outlets and has worked to bridge the gap between minorities and the American public. He has emerged as a guest speaker at high schools, universities, companies and community events on variety of topics ranging from Concepts of World Citizenship to The Cycle of Love, to History of Anti-Civil Liberties Legislations. Plaintiff Mohebi has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the "Muslim Ban" as a result of the Defendants sending a message of (1) disfavor and condemnation of his religion of Islam, (2) marginalization and exclusion of Muslims, including himself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over his own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Mohebi has had to change his conduct adversely in that he has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend his religion as a religion of peace on national media outlets and through grassroots efforts.

22. Plaintiff Jaylani Hussein is a Muslim American residing in Ramsey County, Minnesota. Plaintiff Hussein is the Executive Director of the San Diego chapter of the Council on American-Islamic Relations, Minnesota (CAIR-MN), a chapter of the nation's largest Muslim civil rights and civil liberties advocacy organization, and a prominent civil rights activist. Plaintiff Hussein worked as the Community Liaison Officer at Metro State University and as a Planner for the Minnesota Department of Agriculture. In 2013, he created Zeila

Consultants to develop and offer cross-cultural training workshops on East African cultures. He has presented on the Somali Culture to diverse public and private organizations across the US. He specializes in the areas of urban planning, community development, youth development (with over 8 years of experience in working in juvenile treatment centers for court adjudicated youth), legal and civil rights. Plaintiff Hussein has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the “Muslim Ban” as a result of the Defendants sending a message of (1) disfavor and condemnation of his religion of Islam, (2) marginalization and exclusion of Muslims, including himself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over his own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Hussein has had to change his conduct adversely in that he has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend his religion as a religion of peace on national media outlets and through grassroots efforts.

23. Plaintiff John Robbins is a Muslim American residing in Middlesex County, Massachusetts. Plaintiff Robbins is the Executive Director of the Massachusetts chapter of the Council on American-Islamic Relations, Massachusetts (CAIR-MA), a chapter of the nation’s largest Muslim civil rights and civil liberties advocacy organization, and a prominent civil rights activist. Plaintiff Robbins is a dedicated and experienced community organizer, nonprofit leader, and public intellectual. He holds a Ph.D. in English, and completed a postdoctoral fellowship at Tufts University. A dedicated educator, he has taught algebra to high-risk youth at a public high school in Maryland, English to refugee and orphan children

in Turkey, and literature at Cornell and Tufts Universities. His writings have appeared in numerous outlets including Fortune, Time, Muslim Matters, the Hill, the Jewish Journal, the Boston Globe, and the Boston Herald, and he is a regular contributor at the Huffington Post. Dr. Robbins sits on the board of directors of Cooperative Metropolitan Ministries, the greater Boston area's oldest interfaith social justice network. Plaintiff Robbins has suffered and will continue to suffer an ongoing concrete harm, in addition to psychological and spiritual consequences, since the initial announcement of the "Muslim Ban" as a result of the Defendants sending a message of (1) disfavor and condemnation of his religion of Islam, (2) marginalization and exclusion of Muslims, including himself, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over his own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. In fact, Plaintiff Robbins has had to change his conduct adversely in that he has been required to assist and advocate on behalf of Muslims targeted by the Muslim Ban and defend his religion as a religion of peace on national media outlets and through grassroots efforts. Plaintiff Robbins intends to invite Plaintiff John Doe No. 12 to speak to the local Massachusetts community about the effects of the Muslim Ban, however is unable bring him to the United States to speak due to the likelihood that Plaintiff John Doe No. 12 will be unable to renew his student visa under the EO-2 based on his Muslim religious status and Iranian national origin.

24. Defendant Donald J. Trump is the current President of the United States of America. Defendant Trump issued the Proclamation, which is the subject of this action. Defendant Trump is being sued in his official capacity, only.

25. Defendant Elaine Duke is the current Secretary of the U.S. Department of Homeland Security. Defendant Kelly is responsible for implementing the Proclamation, which is the subject of this action. Defendant Kelly is being sued in his official capacity, only.

26. Defendant Rex Tillerson is the Secretary of State. The U.S. Department of State is responsible for issuing visas and implementing the Muslim Proclamation. The Secretary of the U.S. Department of State position is currently vacant.

### **Jurisdiction and Venue**

27. Under U.S. Const. Art. III §2, this Court has jurisdiction because the rights sought to be protected herein are secured by the United States Constitution. Jurisdiction is proper pursuant to 28 U.S.C. § 1331, 5 U.S.C. § 702, 5 U.S.C. § 706, the United States Constitution, and federal common law.

28. This action also seeks declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § § 2201-02, Rules 57 and 65 of the Federal Rules of Civil Procedure, and pursuant to the general, legal, and equitable powers of this Court.

29. A substantial part of the unlawful acts alleged herein were committed within the jurisdiction of the United States District Court for the Eastern District of Virginia.

30. Venue is proper under 42 U.S.C. § 1391(e) as to the Defendants because Defendants are officers or employees of the United States sued in their official capacity and because this judicial district is where a substantial part of the events or omissions giving rise to the claims occurred.

### **Factual Background**

#### **Defendant Trump's Unconstitutional Executive Order Banning Muslims from Entering the United States**

31. The Proclamation is the as-promised outcome of Defendant Trump's hateful, year-long campaign which was fueled, in significant part, by a desire to stigmatize Islam and Muslims.

32. Defendant Trump has often repeated his bigoted views on Islam and Muslims in a variety of contexts—in print, on television, and via official campaign statements. The Proclamation is the legal manifestation of those bigoted views.

33. Defendant Trump's views on Islam are unequivocal. On or about March 10, 2016, in an interview aired on CNN, Defendant Trump declared that he thinks "Islam hates us."

34. His statements regarding Islam and Muslims give rise to the inference that the EO-2 is motivated by a bare desire to inflict harm on this faith and those that belong to it.

35. In addition to Defendant Trump's statements regarding Islam and Muslims, the history of the EO-2 reveals its unlawful, discriminatory purpose. On December 7, 2015, while campaigning, Defendant Trump called for "a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on."

36. Defendant Trump's rationale for this proposal included sweeping condemnations of Islam, the second largest religion in the world with over 1.6 billion people. His condemnation incorrectly surmised that Islam's religious traditions, which he referred to as "Sharia", "authoriz[e] such atrocities as murder against non-believers who won't convert, beheadings and more unthinkable acts that pose great harm to Americans, especially women."

37. Subsequent to his nomination as the Republican candidate for the presidency, Defendant Trump began using facially neutral language to describe his anti-Muslim policy. This neutral language suggested that a Trump administration would stop immigration “from any nation that has been compromised by terrorism.”

38. On or about July 24, 2016, however, Defendant Trump conceded that the neutral language was simply a veneer intended to subdue the public controversy generated by his discriminatory plan. To that end, in an interview on NBC, Defendant Trump explained the following: “People were so upset when I used the word Muslim. Oh, you can’t use the word Muslim...And I’m OK with that, because I’m talking territory instead of Muslim.”

39. In fact, on January 27, 2017, hours before signing EO-1, Defendant Trump explained during an interview with the Christian Broadcasting Network that his order was “going to help [persecuted Christians]” as opposed to Muslims. His answer made clear that Defendant Trump’s intention in crafting the Muslim Ban was to treat foreign nationals in the seven identified countries differently based on their faith.

40. The underlying unlawful discriminatory purpose of EO-1 is evidenced by the recent admissions by close associates of Defendant Trump, such as Rudolf Giuliani’s recent admission that the President asked him to find legal ways to implement what he called “a Muslim Ban.” On January 28, 2017, during a Fox News interview, Giuliani, who is a close advisor to the Defendant Trump, boasted that after then-candidate Donald Trump announced his Muslim Ban—which explicitly prohibited Muslims from obtaining entry into the United States—Giuliani was asked to “show [Donald Trump] the right way to do [the Muslim Ban] legally.” Giuliani then conceded that he formed a commission to find a way to accomplish the EO-1’s scope without mentioning Islam or Muslims.

41. The language of EO-1 corroborates Defendant Trump's admission that the facially neutral language is simply a pretext. That Order did not exclude persons based on where they are from but on what religion they belong to. Section 5 suspended all grounds for persecution and allows only one: "religious-based persecution." However, religious-based persecution could only be claimed by individuals who are not Muslim. Thus, EO-1 constituted a religious gerrymander—drawing distinctions that exclude the disfavored group—Muslims—while leaving others untouched.

42. Since the signing of the EO-1, several federal courts around the country issued stays.

43. On January 28, 2017, Judge Brinkema in the Eastern District of Virginia issued a Temporary Restraining Order that forbade Defendants "from removing petitioners—lawful permanent residents at Dulles International Airport—for a period of 7 days from the issuance of that Order. That Order is attached an exhibit.

44. On the same day, the United States District Court of the Western District of Washington granted an emergency stay of removal that prohibits Defendants "from removing John Doe I and Joe Doe II from the United States." That Order is also attached as an exhibit.

45. Again on the same day, the United States District Court for the Eastern District of New York granted an emergency stay of removal, finding that the petitioners "have a strong likelihood of success in establishing that the removal of the petitioner and others similarly situated violates their rights to Due Process and Equal Protection." That Order is also attached as an exhibit.

46. On January 29, 2017, the United States District Court for the District of Massachusetts granted a Temporary Restraining Order against parts of the Original Proclamation, finding that the petitioners had established a “strong likelihood of success in establishing that the detention and/or removal of the petitioners and others similarly situated would violate their rights to Due Process and Equal Protection.” That Order is also attached as an exhibit.

47. That same day, the United States District Court for the Central District of California prohibited the defendants “from barring Petitioner’s return to the United States” because he had “demonstrated a strong likelihood of success in establishing that removal violates the Establishment Clause” as well as other constitutional and statutory provisions. That Order is also attached as an exhibit.

48. On February 2, 2017, the United States District Court for the Eastern District of Michigan (Southern Division) issued an order temporarily enjoining the United States from applying Sections 3(c) and 3(e) of the Original Proclamation. That Order is also attached as an exhibit.

49. On February 9, 2017, the Ninth Circuit Court delivered a unanimous decision upholding a temporary restraining order issued by the United States District Court for the Western District of Washington enjoining and restraining Sections 3(c) and 5(a)-(c) of the EO-1.

50. The unlawful effects and purpose of EO-1 persisted through the issuance of EO-2, issued on March 6, 2017.

51. EO-2 was supposed to go into effect on March 16, 2017.



52. EO-2 created a framework that although neutral on its face, allows case-by-case waivers such that the unlawful goals and intent of the Original Proclamation could still be implemented on a discretionary and nonreviewable basis.

53. As such, the EO-2 created a framework that although mostly <sup>1</sup>neutral on its face, allows case-by-case waivers such that the unlawful goals and intent of the Original Proclamation could still be implemented on a discretionary and nonreviewable basis.

54. The Proclamation, issued on September 24, 2017, is the latest iteration of the defendants attempt to stigmatize Islam and marginalize Muslims. This executive action purports to be the product of a “worldwide review” of visa procedures in order to determine which countries’ nationals should be restricted in their ability to get US visas.

55. This process did not actually apply its own stated criterion. Countries with adequate processes were still banned and countries with inadequate processes were left unaffected. Five of the six countries affected by EO-2 were still affected by the Proclamation.

56. The addition of North Korea and Venezuela is insulting window dressing to the religious animus that still underlies this executive action.

57. Overall, the Proclamation bars approximately 138 million Muslim nationals from six Muslim-majority nations, which is more than 85% of the people affected by the Proclamation.

58. The Proclamation also treats immigrant and nonimmigrant visas differently in a manner that does not correspond to the rationale of the executive action itself and can only be explained by animosity to Muslims moving to the United States permanently—a rationale that the defendants would later confirm in their opposition to so-called chain migration.

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<sup>1</sup> EO-2 is not neutral on its face. Its reference to “honor killings” is a phrase anti-Muslim groups and media outlets use to describe instances of Muslims committing domestic violence, and its embrace and rationalization of EO-1 incorporate the religious gerrymander of EO-1.

59. Plaintiffs have suffered and will continue to suffer an ongoing concrete harm and spiritual and psychological consequences since the initial announcement of the “Muslim Ban” as a result of the Defendants having sent a message to the broader American public of (1) disfavor and condemnation of their religion of Islam, (2) marginalization and exclusion of Muslims, including Plaintiffs, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over their own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. *McCreary Cnty. v. ACLU*, 545 U.S. 844, 860 (2005); *Moss v. Spartanburg County Sch. Dist. Seven*, 683 F.3d 599, 607 (4th Cir. S.C. 2012); *Catholic League for Religious & Civ. Rights v. City & County of San Francisco*, 567 F.3d 595 (9th Cir. 2009).

**COUNT I**  
**VIOLATION OF THE FIRST AMENDMENT**  
**TO THE UNITED STATES CONSTITUTION**  
**(Establishment Clause)**

**(On behalf of all Plaintiffs)**

60. The foregoing allegations are realleged and incorporated herein.

61. The EO-2 creates a framework that although neutral on its face, allows case-by-case waivers such that the unlawful goals and intent of the Muslim Ban – the denial of entry of Muslim into the United States – could still be implemented on a discretionary and nonreviewable basis.

62. Defendants’ unique application of the Proclamation to Muslims, insofar as it allows for the (1) suspension of entry of Muslim immigrants and Muslim nonimmigrants originating from the Predominantly Muslim Countries from entering the United States, (2)

prohibition of Muslim immigrants and Muslim nonimmigrants originating from the Predominantly Muslim Countries and who reside lawfully in the United States from engaging in international travel and reentering the United States, and the (3) prohibition of Muslim immigrants and Muslim nonimmigrants originating from the Predominantly Muslim Countries and who are lawfully pursuing the education in the United States from renewing their lawful immigrant or nonimmigrant status, treats Islam on less than equal terms with other religious and non-religious groups, thereby creating a denominational preference against Islam as a religion.

63. Defendants have deprived and continue to deprive Plaintiffs and similarly situated Muslims originating from the Predominantly Muslim Countries their right to be free from religious discrimination in violation of the Establishment Clause to the First Amendment to the United States Constitution by signing the EO-2 whose purpose and effect is to discriminate on the basis of religion.

64. Defendant Trump's EO-2 imposes upon Islam—the religion to which all of the Plaintiffs belong—the stigma of government disfavor. This condemnation, which has been cast to the general public via the Proclamation, which the Proclamation implement via a non-reviewable and discretionary framework, signals to Plaintiffs' fellow citizens that their faith is uniquely threatening and dangerous insofar as it is the only religion singled out for disfavored treatment.

65. Plaintiffs have suffered and will continue to suffer an ongoing concrete harm and spiritual and psychological consequences since the initial announcement of the "Muslim Ban" as a result of the Defendants having sent a message to the broader American public of (1) disfavor and condemnation of their religion of Islam, (2) marginalization and exclusion

of Muslims, including Plaintiffs, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over their own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. *McCreary Cnty. v. ACLU*, 545 U.S. 844, 860 (2005); *Moss v. Spartanburg County Sch. Dist. Seven*, 683 F.3d 599, 607 (4th Cir. S.C. 2012); *Catholic League for Religious & Civ. Rights v. City & County of San Francisco*, 567 F.3d 595 (9th Cir. 2009).

66. Defendants' unlawful actions caused Plaintiffs and similarly situated Muslims irreparable harm, and accordingly they are entitled to injunctive and declaratory relief, in addition to all such other relief this Court deems just and proper including costs and attorneys' fees in this action.

67. Plaintiffs are entitled to declaratory relief, and the issuance of a preliminary and permanent injunction in the form described in the Prayer for Relief below.

WHEREFORE, Plaintiffs request this Honorable Court grant declaratory and injunctive relief in the form described in the Prayer for Relief below, plus all such other relief this Court deems just and proper including costs and attorneys' fees incurred in this action.

**COUNT II**  
**VIOLATION OF THE FIFTH AMENDMENT**  
**TO THE UNITED STATES CONSTITUTION**  
**(Jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 702)**  
**(Equal Protection)**  
**(On behalf of the John Doe and Jane Doe Plaintiffs)**

68. The foregoing allegations are realleged and incorporated herein.

69. The EO-2 creates a framework that although neutral on its face, allows case-by-case waivers such that the unlawful goals and intent of the Muslim Ban – the denial of entry of Muslim into the United States – could still be implemented on a discretionary and nonreviewable basis.

70. Defendants' unique application of the EO-2 to Muslims, insofar as it allows for the (1) suspension of entry of Muslim immigrants and Muslim nonimmigrants originating from the Predominantly Muslim Countries from entering the United States, (2) prohibition of Muslim immigrants and Muslim nonimmigrants originating from the Predominantly Muslim Countries and who reside lawfully in the United States from engaging in international travel and reentering the United States, and the (3) prohibition of Muslim immigrants and Muslim nonimmigrants originating from the Predominantly Muslim Countries and who are lawfully pursuing the education in the United States from renewing their lawful immigrant or nonimmigrant status, treats Islam on less than equal terms with other religious and non-religious groups, thereby creating a denominational preference against Islam as a religion.

71. By creating a framework that allows for the implementation of a Muslim Ban – the denial of entry of Muslim into the United States – through a discretionary and nonreviewable waiver process, Defendants have treated them like second-class citizens.

72. Moreover, by preventing the student John Doe Plaintiffs and other similarly situated Muslims originating from the Predominantly Muslim Countries and lawfully residing in the United States who are pursuing their education, from engaging in international travel and returning home in the United States, in order to avoid risking forfeiting their F-1 status, Defendants have treated them like second-class citizens.

73. Moreover, by subjecting Muslims originating from the Predominantly Muslim Countries to a discretionary and nonreviewable waiver process to obtain a visa, including family-based visas, solely based on their national origin, Defendants have treated them like second-class citizens.

74. Defendants' above-described actions are motivated by the religious status of the John and Jane Doe Plaintiffs and other similarly situated non-USC Muslims originating from the Predominantly Muslim Countries and on the basis of their constitutionally-protected free exercise of religion.

75. Defendants' actions lack a compelling interest insofar as their true purpose is to ban Muslims originating from the Predominantly Muslim Countries from entering the United States based solely on their religious beliefs.

76. Defendants' above-described actions will have a discriminatory effect upon and disparately impact the John and Jane Doe Plaintiffs and other similarly situated non-USC Muslims originating from the Predominantly Muslim Countries, and not non-USCs of other faiths originating from the same Predominantly Muslim Countries.

77. Defendants' actions also not narrowly tailored insofar as they are entirely and demonstrably ineffectual and obvious alternatives exist.

78. Defendants' above-described actions do not serve a compelling state interest or a legitimate or public purpose, nor are they the least restrictive means or narrowly tailored to achieve any such interest.

79. Plaintiffs have suffered and will continue to suffer an ongoing concrete harm and spiritual and psychological consequences since the initial announcement of the "Muslim Ban" as a result of the Defendants having sent a message to the broader American public of

(1) disfavor and condemnation of their religion of Islam, (2) marginalization and exclusion of Muslims, including Plaintiffs, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over their own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. *McCreary Cnty. v. ACLU*, 545 U.S. 844, 860 (2005); *Moss v. Spartanburg County Sch. Dist. Seven*, 683 F.3d 599, 607 (4th Cir. S.C. 2012); *Catholic League for Religious & Civ. Rights v. City & County of San Francisco*, 567 F.3d 595 (9th Cir. 2009).

80. Defendants' unlawful actions caused the John and Jane Doe Plaintiffs and other similarly situated non-USC Muslims originating from the Predominantly Muslim Countries harm, and accordingly they are entitled to injunctive and declaratory relief, in addition to all such other relief this Court deems just and proper including costs and attorneys' fees in this action.

81. The John and Jane Doe Plaintiffs are entitled to declaratory relief, and the issuance of a preliminary and permanent injunction in the form described in the Prayer for Relief below.

WHEREFORE, Plaintiffs request this Honorable Court grant declaratory and injunctive relief in the form described in the Prayer for Relief below, plus all such other relief this Court deems just and proper including costs and attorneys' fees incurred in this action.

**COUNT III**  
**UNLAWFUL AGENCY ACTION IN VIOLATION OF THE ADMINISTRATIVE PROCEDURE**  
**ACT, 5 U.S.C. §§ 702, 706**  
**(Jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. § 702)**

**(On behalf of all Plaintiffs)**

82. The foregoing allegations are realleged and incorporated herein.

83. The EO-2 creates a framework that although neutral on its face, allows case-by-case waivers such that the unlawful goals and intent of the Original Proclamation could still be implemented on a discretionary and nonreviewable basis.

84. Defendants' unique application of the EO-2 to Muslims, insofar as it allows for the (1) suspension of entry of Muslim immigrants and Muslim nonimmigrants originating from the Predominantly Muslim Countries from entering the United States, (2) prohibition of Muslim immigrants and Muslim nonimmigrants originating from the Predominantly Muslim Countries and who reside lawfully in the United States from engaging in international travel and reentering the United States, and the (3) prohibition of Muslim immigrants and Muslim nonimmigrants originating from the Predominantly Muslim Countries and who are lawfully pursuing the education in the United States from renewing their lawful immigrant or nonimmigrant status, treats Islam on less than equal terms with other religious and non-religious groups, thereby creating a denominational preference against Islam as a religion, should be set aside as unlawful pursuant to 5 U.S.C. § 706.

85. Defendants' actions as described above are arbitrary and capricious, shock the conscience, violate the decencies of civilized conduct, are so brutal and offensive that they do not comport with the traditional ideas of fair play and decency, lack even a rational relationship to any legitimate government interest, and have substantially burdened and unduly deprived Plaintiffs and similarly situated Muslims their constitutionally protected rights, including their right to be free from discrimination on the basis of religion, the right to be free from condemnation by the government on the basis of their religion, the right to



be free from being singled out by the government for disfavored treatment on the basis of their religion, liberty interests in engaging in international travel and returning home in the United States, their international human rights, their rights to freedom of association, their rights to freedom from false stigmatization and nonattainder, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

86. Defendants' above-described unlawful actions that mandate or permit the above-described treatment of the John and Jane Doe Plaintiffs and other similarly situated non-USC Muslims originating from the Predominantly Muslim Countries, constitute an adverse action against them motivated by their religious beliefs and practices and an action that targets religious conduct for distinctive treatment, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

87. By creating a framework that allows for the implementation of a Muslim Ban – the denial of entry of Muslim into the United States – through a discretionary and nonreviewable waiver process, Defendants have treated them like second-class citizens, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

88. By preventing the student John Doe Plaintiffs and other similarly situated non-USC Muslims originating from the Predominantly Muslim Countries lawfully residing in the United States from engaging in international travel and returning home in the United States without risking forfeiting their F-1 status, Defendants have treated them like second-class citizens, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

89. Moreover, by subjecting Muslims originating from the Predominantly Muslim Countries to a discretionary and nonreviewable waiver process to obtain a visa, including

family-based visas, solely based on their national origin, Defendants have treated them like second-class citizens, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

90. Defendants' above-described conduct was prompted or substantially caused by Plaintiffs' and such other similarly situated Muslims' religious identity, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

91. Defendants have deprived and continue to deprive Plaintiffs and similarly situated Muslims their right to be free from religious discrimination in violation of the Establishment Clause to the First Amendment to the United States Constitution by issuing the EO-2 whose purpose and effect is to discriminate on the basis of religion, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

92. Defendant Trump's Proclamation imposes upon Islam—the religion to which all of the Plaintiffs belong—the stigma of government disfavor. This condemnation, which has been broadcast to the general public pursuant to the Proclamation, signals to Plaintiffs' fellow citizens that their faith is uniquely threatening and dangerous insofar as it is the only religion singled out for disfavored treatment, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

93. Defendants' actions also not narrowly tailored insofar as they are entirely and demonstrably ineffectual and obvious alternatives exist, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

94. Defendants' actions lack a compelling interest insofar as their true purpose is to ban Muslims originating from these Predominantly Muslim Countries from entering the United States based solely on their religious beliefs, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

95. Imposition of such a burden is not in furtherance of a compelling government interest nor is it the least restrictive means of furthering any governmental interest, compelling or otherwise, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

96. Defendants' above-described actions will have a discriminatory effect upon and disparately impact the John and Jane Doe Plaintiffs and similarly situated non-USC Muslims originating from the Predominantly Muslim Countries, and not non-USCs of other faiths, and should be set aside as unlawful pursuant to 5 U.S.C. § 706.

97. Plaintiffs have suffered and will continue to suffer an ongoing concrete harm and spiritual and psychological consequences since the initial announcement of the "Muslim Ban" as a result of the Defendants having sent a message to the broader American public of (1) disfavor and condemnation of their religion of Islam, (2) marginalization and exclusion of Muslims, including Plaintiffs, based on the false messaging that Muslims are prone to commit terrorism, (3) the endorsement of all religions over their own, (4) Muslims are outsiders, dangerous, and not full members of the political community, and (5) all non-adherents of Islam are insiders and therefore favored. *McCreary Cnty. v. ACLU*, 545 U.S. 844, 860 (2005); *Moss v. Spartanburg County Sch. Dist. Seven*, 683 F.3d 599, 607 (4th Cir. S.C. 2012); *Catholic League for Religious & Civ. Rights v. City & County of San Francisco*, 567 F.3d 595 (9th Cir. 2009).

98. Defendants' unlawful actions caused Plaintiffs and similarly situated Muslims harm, and accordingly they are entitled to injunctive and declaratory relief, in addition to all such other relief this Court deems just and proper including costs and attorneys' fees in this action.

99. Plaintiffs are entitled to declaratory relief, and the issuance of a preliminary and permanent injunction in the form described in the Prayer for Relief below.

WHEREFORE, Plaintiffs request this Honorable Court grant declaratory and injunctive relief in the form described in the Prayer for Relief below, plus all such other relief this Court deems just and proper including costs and attorneys' fees incurred in this action.

**COUNT V**  
**VIOLATION OF THE UNITED STATES CONSTITUTION**  
**(Violation of the Immigration and Nationality Act)**

**(On behalf of all Plaintiffs)**

1. The foregoing allegations are realleged and incorporated herein.
2. Defendant Trump does not have the authority to give any person preference or priority or to discriminate in the issuance of an immigrant visa on the basis of a "person's race, sex, nationality, place of birth, or place of residence," and therefore the Proclamation is an unconstitutional overreach in violation of Section 202(a)(1) of the INA.
3. Defendant Trump does not have the authority to suspend the entry of "all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions" on the basis of religion, and therefore the Proclamation is an unconstitutional overreach that is inconsistent with the First Amendment right to equal protection of the laws.
4. The Proclamation is a factually baseless, biased and bigoted effort to discriminate against a targeted group that even if one would to accept its purported basis, is not in any way related to the Proclamation's purported goals.

5. Further, the Proclamation is an irrational and arbitrary use of power, and as such is an unconstitutional executive overreach.

### Prayer for Relief

WHEREFORE, Plaintiffs respectfully request:

1. A speedy hearing of this action under Rule 57 of the Federal Rules of Civil Procedure;
2. A declaratory judgment that Defendants' EO-2 violates the First and Fifth Amendments to the United States Constitution and the Administrative Procedure Act;
3. A declaratory judgment that Defendants' EO-2 is an unconstitutional overreach in violation of Section 202(a)(1) of the INA and the First Amendment right to equal protection;
4. An injunction that requires Defendants to remedy the constitutional violations identified above, including prohibiting Defendants from engaging in the following:
  - (1) requiring visa applications filed by non-USCs originating from the Predominantly Muslim Countries to be subjected to case-by-case waivers such that applicants are denied their visa applications on the basis of religion or national origin, pursuant to the unconstitutional terms specified in the EO-2;
  - (3) prohibiting student visa holders originating from the Predominantly Muslim Countries and who lawfully reside in the United States from engaging in international travel and renewing their student visas to reenter the United States and continue their education, pursuant to the unconstitutional terms specified in the EO-2; and,
  - (4) prohibiting non-USCs originating from the Predominantly Muslim Countries and who lawfully reside in the United States from renewing their lawful immigrant or nonimmigrant status, pursuant to the unconstitutional terms specified in the EO-2;
5. A trial by jury;

6. An award of attorneys' fees, costs, and expenses of all litigation, pursuant to 28 U.S.C. § 2412; and,
7. Such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

NOW COME Plaintiffs, by and through their undersigned counsel, and hereby demand trial by jury of the above-referenced causes of action.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_

—  
Gadeir Abbas\*

Council on American-Islamic  
Relations (CAIR)  
453 New Jersey Avenue SE

Ph: (202) 488-8787  
Fax: (202) 488-0833  
lfmasri@cair.com

*Licensed in VA; not in DC  
Practice limited to federal matters*

/s/ Lena Masri

LENA F. MASRI (P73461)  
Attorney for Plaintiff  
National Litigation Director  
453 New Jersey Ave, SE  
Washington, DC 20003  
Phone: (202) 488-8787

AKEEL & VALENTINE, PLLC

BY: /s/ Shereef Akeel  
SHEREEF H. AKEEL (P54345)  
Attorney for Plaintiffs  
888 W. Big Beaver Rd., Ste. 910  
Troy, MI 48084  
Phone: (248) 269-9595  
shereef@akeelvalentine.com

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