

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

MAZDAK POURABDOLLAH TOOTKABONI  
and ARGHAVAN LOUHGHALAM,

*Plaintiff-Petitioners,*

FATEMEH YAGHOUBI MOGHADAM,  
BABAK YAGHOUBI MOGHADAM, ALI  
SANIE, ZAHRASADAT MIRRAZI  
RENANI, LEILY AMIRSARDARY, and  
OXFAM AMERICA, INC.

*Plaintiffs,*

v.

DONALD TRUMP, President of the United States, et  
al.; U.S. DEPARTMENT OF HOMELAND  
SECURITY (“DHS”); U.S. CUSTOMS AND  
BORDER PROTECTION (“CBP”); JOHN KELLY,  
Secretary of DHS; KEVIN K. McALEENAN, Acting  
Commissioner of CBP; and WILLIAM  
MOHALLEY, Boston Field Director, CBP,

*Defendants.*

No.17-cv-10154-NMG

LEAVE TO FILE  
GRANTED ON  
FEBRUARY 3, 2017

**PLAINTIFF-PETITIONERS’ AND PLAINTIFFS’  
RESPONSE IN SUPPORT OF CONTINUATION OF TEMPORARY RESTRAINING  
ORDER AND TO SET BRIEFING SCHEDULE FOR  
EXPEDITED PRELIMINARY INJUNCTION**

President Donald Trump’s January 27, 2017 Executive Order banning individuals from seven majority-Muslim countries (“EO”)<sup>1</sup> already is causing ongoing harm to Massachusetts

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<sup>1</sup>The EO declares “that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in Section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States,” and suspends entry into the United States of nationals from those counties for 90 days, with narrow exceptions not relevant here. The seven countries that the United States government has determined fit the criteria in 8 U.S.C. § 1187(a)(12) are: Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen. According to the terms of the EO, therefore, the “entry into the United States” of non-citizens from those countries is “suspended” from 90 days from the date of the EO. *See* Ex. A.

residents, and to the companies, hospitals, universities, non-profits, and all other forms of commerce that operate in the Commonwealth. Across the country, numerous courts have made preliminary findings that the EO is likely unlawful and on that basis have issued temporary restraining orders or other preliminary relief.<sup>2</sup>

Plaintiff - Petitioners Arghavan Louhghalam and Mazdak Pourabdollah Tootkaboni, and Plaintiffs Fatemeh Yaghoubi Moghadam, Babak Yaghoubi Moghadam, Ali Sanie, Zahrasadat Mirrazi Renani, Leily Amirsardary, and Oxfam America, Inc. (collectively, “Plaintiffs”) respectfully submit that the Temporary Restraining Order entered in this action on January 29, 2017 should likewise remain intact while the parties brief and argue a forthcoming motion for a preliminary injunction.<sup>3</sup>

This case began on January 28, 2017, when two lawful permanent residents filed their petition for habeas corpus and a complaint to challenge their unlawful detention at Logan Airport under the EO. *See* ECF No. 1. On January 29, 2017 this Court issued a temporary restraining order (“TRO”), following the appearance and argument by counsel to Plaintiffs and Defendants. *See* ECF No. 6. The TRO restored the status quo existing prior to the EO, by ordering the federal government (including all of its “officers, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them”) to conduct itself as if no EO had issued, and to take steps to notify affected parties, including airlines, of the same.

The Court based the TRO on two findings of fact, which are as controlling today as they were less than a week ago when the TRO issued:

- “Absent a stay of removal, petitioners and others similarly situated, including lawful permanent residents, citizens, visa-holders, approved refugees and other individuals from nations who are subject to the January 27, 2017 Executive Order, are likely to suffer irreparable harm.” *Id.* ¶ 2.

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<sup>2</sup>*See Darweesh v. Trump*, 1:17-cv-00480 (E.D.N.Y.); *Vayeghan v. Kelly*, 17-0702 (C.D. Cal.); *Mohammed v. Trump*, 2:17-cv-00786 (C.D. Cal.); *see also Aziz v. Trump*, 1:17-cv-116 (E.D. Va.) (granting TRO without specifically addressing likelihood of success).

<sup>3</sup>*See* Fed. R. Civ. P. 65(b)(2); *State of Me. v. Fri.*, 483 F.2d 439, 440 (1st Cir. 1973); 11 Wright and Miller, Federal Practice & Procedure: Civil § 2953 at 521 (1973).

- “The balance of harms favors the issuance of this temporary restraining order and its issuance is in the public interest.” *Id.* ¶ 3.

Notably, each of the individual Plaintiffs in this action is lawfully in the United States.<sup>4</sup> Each followed the process established by the federal government for lawful entry, which requires their thorough background check and vetting, after which a United States Consular Office granted them visas to enter and live in the country. Plaintiffs include a Massachusetts small business owner, two professors at University of Massachusetts, an engineer employed at Becton Dickinson and his sister, an injured man who requires medical treatment by his doctor in Iran, and a linguistics Ph.D. student at University of Massachusetts. *See* Amended Complaint (Compl.) at ¶¶ 52-111. None of the Plaintiffs pose any threat of terrorist activity and none of them has any criminal record in Iran or the United States. All are law-abiding, productive individuals, and Defendants have not introduced any evidence to the contrary.

Plaintiffs allege specific, compelling reasons to travel internationally during the 90-day ban, and explain why their inability to do so is causing irreparable harm. *See id.*<sup>5</sup> If they were not Iranian nationals, and instead nationals of any country in the world other than the seven Muslim-majority countries subject to the EO, they still would be legally entitled to conduct travel abroad, knowing that they could return to the United States.

Oxfam America, Inc. (“Oxfam”) is also a plaintiff. Oxfam is part of a 19-member confederation of non-governmental development organizations—Oxfam International—dedicated to creating lasting solutions to hunger, poverty, and social injustice through long-term partnerships with poor communities around the world, and by responding to life-threatening emergencies. Oxfam operates in five of the seven countries affected by the EO. It is essential for Oxfam’s business that its staff members and civil society partners are able to travel from the affected countries to the U.S. Many people who bear witness on Oxfam’s behalf about their

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<sup>4</sup>The Amended Complaint filed on January 31, 2017 added six (6) individual Plaintiffs and Oxfam. *See* ECF No. 28.

<sup>5</sup>*See also* Affidavit of Mazdak Pourabdollah Tootkaboni, signed February 2, 2017, attached hereto as Exhibit B; Affidavit of Babak Yaghoubi Moghadam, signed February 2, 2017, attached hereto as Exhibit C; Affidavit of Ali Sanie, signed February 2, 2017, attached hereto as Exhibit D; Affidavit of Zahrasadat Mirrazi Renani, signed February 2, 2017, attached hereto as Exhibit E; Affidavit of Leily Amirsardary, signed February 2, 2017, attached hereto as Exhibit F; Affidavit of Raymond C. Offenheiser, signed February 2, 2017, attached hereto as Exhibit G.

experiences and conditions in their countries must come to the U.S. to do so because they cannot safely or legally speak publicly at home.

Oxfam currently expects that several people will be traveling to the U.S. from the affected countries within the next 90 days. Those expected to travel include a representative of a partner organization in Syria, who has been invited to speak at public events in mid-March marking six years since the start of the Syria crisis, to raise awareness and suggest potential solutions to government officials, the media, and the public. Application of the EO will therefore irreparably impair Oxfam's ability to advocate on its behalf and on behalf of the people Oxfam assists in the developing world.<sup>6</sup>

### **ARGUMENT**

#### **I. Extending the Temporary Restraining Order Is Appropriate Where, As Here, The Movants Are Likely To Succeed On The Merits And The Balance Of Harms Weighs In Favor Of The Movants.**

The TRO is properly based on the four factor determination of Plaintiffs' entitlement to equitable relief. *See, e.g., Vaqueria Tres Monjitas, Inc. v. Irizarry*, 587 F.3d 464, 482 (1st Cir. 2009) (citing *Waldron v. George Weston Bakeries, Inc.*, 570 F.3d 5, 9 (1st Cir. 2009); *178 Lowell St. Operating Co., LLC v. Nichols*, 152 F. Supp. 3d 47, 53 (D. Mass. 2016). Since the TRO issued, the EO remains unchanged, and its devastating effect on the constitutional rights of Plaintiffs continues.<sup>7</sup>

##### **A. Plaintiffs have demonstrated a likelihood of success in their claims.**

The Amended Complaint, supported by the sworn declarations submitted with this Memorandum at Exhibits B-G, establish a strong likelihood that Plaintiffs will succeed on the

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<sup>6</sup>See Affidavit of Raymond C. Offenheiser, signed February 2, 2017, attached hereto as Exhibit G.

<sup>7</sup>The February 1, 2017 White House Memo entitled "Authoritative Guidance on Executive Order Entitled 'Protecting the Nation from Foreign Terrorist Entry into the United States,'" ECF No. 50-1 (February 1 Memo)—which purports to interpret the EO to exclude lawful permanent residents—neither officially amends the EO nor addresses the two individual Plaintiffs who are not lawful permanent residents.

merits of all of their claims.<sup>8</sup> Plaintiffs address only a few examples here, namely, the Equal Protection Claim (Count I) and the First Amendment Claim (Count V).

1. Probability of Success on the Equal Protection Claims

The individual Plaintiffs have demonstrated that they are likely to succeed on the Equal Protection claims alleged in Count I of the Amended Complaint. In addition to discriminating on its face on the basis of Plaintiffs' country of origin, the EO also discriminates on the basis of religion. In fact, this is the rare case in which the government has publicly disclosed its intention to discriminate against Plaintiffs based on their religion. President Trump has publicly stated his support for a "total and complete shutdown of Muslims entering the United States," reportedly directed his advisors to implement that "shutdown" using the language of the law, and then enacted the resulting prohibition on seven majority-Muslim countries just one week after coming into office. *See* Amended Complaint at ¶¶ 29-30. The EO not only discriminates against Muslims; through its provisions favoring refugee admission of religious minorities, the EO also implements President Trump's policy to favor Christians over Muslims from Muslim-majority countries. *See* Amended Complaint at ¶ 31.

The Fifth Amendment's Equal Protection Clause prohibits classifications on the basis of national origin and on religion—including laws or policies enacted with discriminatory intent or applied in a discriminatory manner—unless narrowly tailored to serve a compelling government interest. *Larson v. Valente*, 456 U.S. 228, 244, 246 (1982); *Anderson ex rel. Dowd v. City of Boston*, 375 F.3d 71, 82-83 (1st Cir. 2004) (citing *Village of Arlington Heights v. Metropolitan Housing Dev. Corp.*, 429 U.S. 252, 265 (1977)); *Rubinovitz v. Rogato*, 60 F.3d 906, 910 (1st Cir. 1995).

The EO is not narrowly tailored to serve a compelling interest. First, it does not serve a compelling interest—and, in fact, does not serve a legitimate interest at all—because its purpose

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<sup>8</sup>The individual Plaintiffs also have demonstrated that they are also likely to succeed on the Establishment Clause claims (Count II), Due Process claims (Count III) and APA claims (Count IV) for the reasons alleged in the Amended Complaint.

is to discriminate against Muslims, not to promote security. In fact, because its purpose was to implement a discriminatory campaign promise, the EO was developed without the advice of the agencies responsible for homeland security, defense, and the admission of immigrants. Amended Complaint at ¶ 32. Second, even if that were not the case, the EO is rationally related, much less narrowly tailored, to serve any interest in security. It applies a blanket prohibition affecting tens of thousands of visa holders who have already been thoroughly vetted by the U.S. government, without any reason to believe that any of them pose a risk to national security.

<b>Foreign State</b>	<b><i>Nonimmigrant</i> Visas Issued in FY2015</b>
<b>Iran</b>	35,363
<b>Iraq</b>	13,499
<b>Syria</b>	10,061
<b>Yemen</b>	4,525
<b>Sudan</b>	5,080
<b>Libya</b>	3,303
<b>Somalia</b>	331
	<b>72,162</b>

*Figure 1: See U.S. State Department Detail Table*

*“Nonimmigrant Visa Issuances by Visa Class and by Nationality”<sup>9</sup>*

Individual Plaintiffs therefore are likely to succeed in their claim that the EO violates their equal protection right to be free from religious and national origin discrimination.

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<sup>9</sup>See Glenn Kessler, *The number of people affected by Trump’s travel ban: About 90,000*, Wash Post. (Jan. 30, 2017).

2. Probability of Success on Oxfam's First Amendment Claims

Plaintiff Oxfam has demonstrated that it is likely to succeed on the First Amendment Claims alleged in Count V of the Amended Complaint. The First Amendment protects the right “to receive information and ideas.” *Kleindienst v. Mandel*, 408 U.S. 753, 763 (1972) (quotation omitted). This includes to the right to “hear, speak, and debate with” non-immigrants and lawful permanent residents. *American Academy of Religion v. Napolitano*, 573 F.3d 115, 117 (2d Cir. 2009) (quotation marks omitted); *American Sociological Ass’n v. Chertoff*, 588 F. Supp. 2d 166, 169 (D. Mass 2008). The preservation of this right is particularly important for academic, research, and policy organizations, whose very missions require a robust exchange of ideas among diverse groups of people. *Cf. Kleindienst*, 408 U.S. at 763. The First Amendment also protects “the right to petition the government for redress.” U.S. CONST. Amend. I.

The EO significantly burdens Oxfam's First Amendment rights. In-person meetings with individuals from the affected countries enable Oxfam to receive critical information from their overseas colleagues and are essential to its ability to carry out its activities in the United States. Ex G ¶6. Many of these individuals could not share this information remotely “because they cannot safely or legally speak publicly at home.” *Id.* ¶10. In addition, international visits are critical to the organization because they “provide opportunities for people who are intimately familiar with country conditions to bear witness on Oxfam's behalf in direct communication with members of the organization's key American constituencies,” including “lawmakers in the United States' House of Representatives and Senate and members of the executive branch.” *Id.* ¶¶ 6-7. For example, right before President Trump signed the EO, Oxfam was “requested to send [its] Country Director from one of the listed countries to Washington to brief on a key, time-sensitive issue under consideration across the White House, the Department of the Treasury, and the Department of State.” *Id.* ¶8. “To comply with the United States Government's own timeline for action,” the meeting was to be held within the 90-day period of the visa ban.” Because of the EO, “that meeting will now be impossible.” *Id.*

The EO therefore burdens Oxfam's right to both "hear, speak and debate with" non-immigrants and to petition the government. It is neither substantially related to an important government interest, nor narrowly tailored to a compelling government interest. Indeed, the EO is not even justified by any facially legitimate and bona fide reason. Consequently, Oxfam is likely to succeed in its claim that Defendants' enforcement of the EO and exclusion of Oxfam's employees and affiliates residing and working in the affected countries violates the First Amendment rights of Oxfam, its employees, and affiliated representatives and professionals.

**B. Plaintiffs will suffer irreparable harm if the TRO is not extended.**

Enforcement of the Executive Order will inflict irreparable harm on plaintiffs. First, the Executive Order does not disclaim the authority to re-detain Arghavan Louhghalam and Mazdak Pourabdollah Tootkaboni, without notice, at any time. Second, the Executive Order will prevent plaintiffs from undertaking international travel to attend to important family, health, and career needs.<sup>10</sup> Plaintiffs Fatemeh and Babak Yaghoubi Moghadam will be unable to visit their brother in Iran, who recently suffered a heart attack, while Plaintiff Zahra Renani will be unable to comfort her parents in the wake of her brother's tragically sudden death in Iran. Compl., ¶¶ 70-72, 78-80; Ex. E, ¶ 8. Plaintiff Ali Sanie will be denied the medical care he needs to return to a normal life. Ex. D ¶¶ 3-5, 7-9. And plaintiff Leily Amirsardary will be unable to grow her business. Ex. F ¶¶ 8-11.

Even if these plaintiffs had no uniquely urgent plans to leave and return to the United States, they still would be irreparably harmed by the Executive Order. If one of their family members suddenly has a health crisis overseas, if a career suddenly requires international travel, or if an educational or cultural opportunity suddenly presents itself, each plaintiff will have to

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<sup>10</sup>The various press releases and other clarifications issued by the government since January 27 cannot moot this case because they do not amend the EO itself, and thus do not rescind the *authority* it purports to create. *United States v. W.T. Grant Co.*, 345 U.S. 629, 630 (1961). ("[V]oluntary cessation of allegedly illegal conduct does not deprive the tribunal of power to hear and determine the case[.]"). Moreover, the February 1 memo does not alleviate the harm, as plaintiffs "have seen the government quickly shift what it has been saying numerous times over the past week" and "feel that the U.S. government could change its position at any time." Ex. C ¶8; *see also* Ex. B ¶8. If anything, this scramble to cabin the chaos unleashed by the EO highlights the need for temporary injunctive relief; unlike a press release or memo issued by a party in litigation, a TRO is more capable of ensuring predictable behavior while a preliminary injunction motion is litigated.



choose between staying in the United States or leaving without any hope of return. Indeed, that is why noncitizens work so hard to secure visas, and why the government so thoroughly vets them: *visas deliver the freedom to leave and come back*. To say that the withdrawal of that right is not irreparably harmful unless people had imminent plans to leave would be like saying that house arrest does not irreparably harm someone who had prior plans to stay home for the day.

Oxfam also will be irreparably harmed. Precisely because it works to help people in countries hardest hit by poverty and life-threatening hardship, its work *requires* bringing in people from around the world to strategize, problem-solve, and petition public officials in the United States to take concrete steps to alleviate suffering in other countries. Ex. G ¶¶ 6-11. These meetings often must be in person because “[m]any people who bear witness on [Oxfam’s] behalf about their experiences and conditions in their countries must come to the United States to do so because they cannot safely or legally speak publicly at home.” *Id.* ¶ 10. By prohibiting people in the banned countries from coming to the United States, the Executive Order makes it immeasurably harder for Oxfam to address the unique needs of people in those countries and to persuade public officials that those people deserve even more developmental assistance, education funding and humanitarian relief – not baseless targeting and marginalization.

Finally, extending the TRO is necessary to prevent irreparable harm to people all over the world.<sup>11</sup> Just today, the airline Lufthansa issued this alert:

Admission will be refused to visitors with a passport issued by 7 countries - Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen - and holding a valid immigrant or non-immigrant visa for the US.

\* \* \*

Due to a decision (Temporary Restraint Order) by the District Court in Massachusetts, the above mentioned Order is suspended on flights to BOS for the time being until

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<sup>11</sup>Because the document purportedly issued by Edward J. Ramotowski on January 27, 2017 stating “I hereby revoke all valid nonimmigrant and immigrant visas of nationals of Iraq, Iran, Libya, Somalia, Sudan, Syria and Yemen” was issued “in implementation of section 3(c)” of the EO, any reliance on the letter would also violate the TRO. ECF No. 23-1.

February 5th, 2017. All passengers with valid travel documents are eligible to board on LH-flights to BOS.<sup>12</sup>

If the TRO is lifted, this beacon of hope will instantaneously disappear. People who had been issued visas by the U.S. government may be stranded overseas or at connecting destinations. Confusion will be rampant. People might even be stuck at airports, caught between the international location they have departed and a country that will suddenly no longer accept them.

## **II. The balance of harm weighs in plaintiffs' favor.**

The events of the last week demonstrate that the balance of harms overwhelmingly warrants extending the TRO. It is, in fact, a case study in imposing harm on people and organizations for no good reason.

Notwithstanding the TRO's existence and the relief that has been ordered in other cases, the government has apparently succeeded in implementing the Executive Order to some extent. Some people have been detained at airports. Others, including the five individual plaintiffs added to the amended complaint, can no longer make plans to leave the country. *See* Ex. B ¶6; Ex. C ¶5; Ex. D ¶9; Ex. E ¶11; Ex. F ¶11. Many noncitizens abroad have been prevented from returning to their homes, jobs, and lives in the United States.<sup>13</sup> And businesses and organizations, including Oxfam, have had their work cut off at the legs. *See* Ex. G ¶ 11.

On the other side of the ledger, there is essentially nothing. The government has not identified *any* harm that has been abated by abruptly stranding overseas scores of people who seek to return to their jobs and studies in the United States, preventing the overseas travel of many more who already live and work in this country, and keeping out other previously vetted travelers. Because the EO inflicts senseless harm on thousands of people and the institutions, and brings no known benefits, the balance of harms weighs heavily in Plaintiffs' favor.

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<sup>12</sup><http://www.lufthansa.com/de/en/Travel-information> (last visited Feb. 2, 2017).

<sup>13</sup>*See, e.g.,* Thomas Erdbrink, *Unable to Enter U.S., and Still Stranded Abroad*, N.Y. Times (Jan. 31, 2017).

**III. The TRO is in the public interest.**

The public interest will not be served by allowing confusion, chaos, and suffering to continue unabated while this case unfolds. Together with this motion, Plaintiffs and the Commonwealth are submitting declarations that describe just some of the ways the public will be harmed if temporary relief is not extended. These declarations demonstrate that the EO irreparably harms not only individuals, but also the critical educational, business, technology, and policy institutions that depend to a large extent on the talents of individuals from around the world, including the seven countries impacted by the EO. *See* Ex. G (Oxfam); ECF No. 52 (University of Massachusetts, University of Massachusetts Medical School, Boston College, Boston Architectural College, TripAdvisor; Nano-C, Inc., The Broad Institute). Because stranding individuals overseas and preventing the back-and-forth travel of those who live and work in the United States has created chaos and impeded the day-to-day function of vital sectors of civil society and the economy, extending the TRO is in the public interest.

**CONCLUSION**

Accordingly, for all of the reasons detailed above, Plaintiffs respectfully request that the TRO remain intact while the parties brief and argue a forthcoming motion for a preliminary injunction.

Respectfully submitted,

/s/ Susan Church

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Date: February 3, 2017

**CERTIFICATE OF SERVICE**

I, Michael S. Gardener, hereby certify that the foregoing document will be filed through the ECF system on February 3, 2017, which will cause counsel for all parties to be electronically served.

Respectfully submitted,

/s/ Michael S. Gardener  
Michael S. Gardener

**CERTIFICATE OF COMPLIANCE WITH L.R. 7.1**

I, Matthew R. Segal, hereby certify that I have conferred with counsel for the defendants in an effort to resolve or narrow the issues raised by this motion. Defendants oppose the extension of the TRO.

Respectfully submitted,

/s/ Matthew R. Segal  
Matthew R. Segal

# Exhibit A

**The White House**

Office of the Press Secretary

For Immediate Release

January 25, 2017

# Executive Order: Border Security and Immigration Enforcement Improvements

## EXECUTIVE ORDER

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### BORDER SECURITY AND IMMIGRATION ENFORCEMENT IMPROVEMENTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (INA), the Secure Fence Act of 2006 (Public Law 109 367) (Secure Fence Act), and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104 208 Div. C) (IIRIRA), and in order to ensure the safety and territorial integrity of the United States as well as to ensure that the Nation's immigration laws are faithfully executed, I hereby order as follows:

Section 1. Purpose. Border security is critically important to the national security of the United States. Aliens who illegally enter the United States without inspection or admission present a significant threat to national security and public safety. Such aliens have not been identified or inspected by Federal immigration officers to determine their admissibility to the United States. The recent surge of illegal immigration at the southern border with Mexico has placed a significant strain on Federal resources and overwhelmed agencies charged with border security and immigration enforcement, as well as the local communities into which many of the aliens are placed.

Transnational criminal organizations operate sophisticated drug- and human-trafficking networks and smuggling operations on both sides of the southern border,

contributing to a significant increase in violent crime and United States deaths from dangerous drugs. Among those who illegally enter are those who seek to harm Americans through acts of terror or criminal conduct. Continued illegal immigration presents a clear and present danger to the interests of the United States.

Federal immigration law both imposes the responsibility and provides the means for the Federal Government, in cooperation with border States, to secure the Nation's southern border. Although Federal immigration law provides a robust framework for Federal-State partnership in enforcing our immigration laws and the Congress has authorized and provided appropriations to secure our borders the Federal Government has failed to discharge this basic sovereign responsibility. The purpose of this order is to direct executive departments and agencies (agencies) to deploy all lawful means to secure the Nation's southern border, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely.

Sec. 2. Policy. It is the policy of the executive branch to:

- (a) secure the southern border of the United States through the immediate construction of a physical wall on the southern border, monitored and supported by adequate personnel so as to prevent illegal immigration, drug and human trafficking, and acts of terrorism;
- (b) detain individuals apprehended on suspicion of violating Federal or State law, including Federal immigration law, pending further proceedings regarding those violations;
- (c) expedite determinations of apprehended individuals' claims of eligibility to remain in the United States;
- (d) remove promptly those individuals whose legal claims to remain in the United States have been lawfully rejected, after any appropriate civil or criminal sanctions have been imposed; and
- (e) cooperate fully with States and local law enforcement in enacting Federal-State partnerships to enforce Federal immigration priorities, as well as State monitoring and detention programs that are consistent with Federal law and do not undermine Federal immigration priorities.



Sec. 3. Definitions. (a) "Asylum officer" has the meaning given the term in section 235(b)(1)(E) of the INA (8 U.S.C. 1225(b)(1)).

(b) "Southern border" shall mean the contiguous land border between the United States and Mexico, including all points of entry.

(c) "Border States" shall mean the States of the United States immediately adjacent to the contiguous land border between the United States and Mexico.

(d) Except as otherwise noted, "the Secretary" shall refer to the Secretary of Homeland Security.

(e) "Wall" shall mean a contiguous, physical wall or other similarly secure, contiguous, and impassable physical barrier.

(f) "Executive department" shall have the meaning given in section 101 of title 5, United States Code.

(g) "Regulations" shall mean any and all Federal rules, regulations, and directives lawfully promulgated by agencies.

(h) "Operational control" shall mean the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

Sec. 4. Physical Security of the Southern Border of the United States. The Secretary shall immediately take the following steps to obtain complete operational control, as determined by the Secretary, of the southern border:

(a) In accordance with existing law, including the Secure Fence Act and IIRIRA, take all appropriate steps to immediately plan, design, and construct a physical wall along the southern border, using appropriate materials and technology to most effectively achieve complete operational control of the southern border;

(b) Identify and, to the extent permitted by law, allocate all sources of Federal funds for the planning, designing, and constructing of a physical wall along the southern border;

(c) Project and develop long-term funding requirements for the wall, including preparing Congressional budget requests for the current and upcoming fiscal years; and

(d) Produce a comprehensive study of the security of the southern border, to be completed within 180 days of this order, that shall include the current state of southern border security, all geophysical and topographical aspects of the southern border, the availability of Federal and State resources necessary to achieve complete operational control of the southern border, and a strategy to obtain and maintain complete operational control of the southern border.

Sec. 5. Detention Facilities. (a) The Secretary shall take all appropriate action and allocate all legally available resources to immediately construct, operate, control, or establish contracts to construct, operate, or control facilities to detain aliens at or near the land border with Mexico.

(b) The Secretary shall take all appropriate action and allocate all legally available resources to immediately assign asylum officers to immigration detention facilities for the purpose of accepting asylum referrals and conducting credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1225(b)(1)) and applicable regulations and reasonable fear determinations pursuant to applicable regulations.

(c) The Attorney General shall take all appropriate action and allocate all legally available resources to immediately assign immigration judges to immigration detention facilities operated or controlled by the Secretary, or operated or controlled pursuant to contract by the Secretary, for the purpose of conducting proceedings authorized under title 8, chapter 12, subchapter II, United States Code.

Sec. 6. Detention for Illegal Entry. The Secretary shall immediately take all appropriate actions to ensure the detention of aliens apprehended for violations of immigration law pending the outcome of their removal proceedings or their removal from the country to the extent permitted by law. The Secretary shall issue new policy guidance to all Department of Homeland Security personnel regarding the appropriate and consistent use of lawful detention authority under the INA, including the termination of the practice commonly known as "catch and release," whereby aliens are routinely released in the United States shortly after their apprehension for violations of immigration law.

Sec. 7. Return to Territory. The Secretary shall take appropriate action, consistent with the requirements of section 1232 of title 8, United States Code, to ensure that aliens described in section 235(b)(2)(C) of the INA (8 U.S.C. 1225(b)(2)(C)) are returned to the territory from which they came pending a formal removal proceeding.

Sec. 8. Additional Border Patrol Agents. Subject to available appropriations, the Secretary, through the Commissioner of U.S. Customs and Border Protection, shall take all appropriate action to hire 5,000 additional Border Patrol agents, and all appropriate action to ensure that such agents enter on duty and are assigned to duty stations as soon as is practicable.

Sec. 9. Foreign Aid Reporting Requirements. The head of each executive department and agency shall identify and quantify all sources of direct and indirect Federal aid or assistance to the Government of Mexico on an annual basis over the past five years, including all bilateral and multilateral development aid, economic assistance, humanitarian aid, and military aid. Within 30 days of the date of this order, the head of each executive department and agency shall submit this information to the Secretary of State. Within 60 days of the date of this order, the Secretary shall submit to the President a consolidated report reflecting the levels of such aid and assistance that has been provided annually, over each of the past five years.

Sec. 10. Federal-State Agreements. It is the policy of the executive branch to empower State and local law enforcement agencies across the country to perform the functions of an immigration officer in the interior of the United States to the maximum extent permitted by law.

(a) In furtherance of this policy, the Secretary shall immediately take appropriate action to engage with the Governors of the States, as well as local officials, for the purpose of preparing to enter into agreements under section 287(g) of the INA (8 U.S.C. 1357(g)).

(b) To the extent permitted by law, and with the consent of State or local officials, as appropriate, the Secretary shall take appropriate action, through agreements under section 287(g) of the INA, or otherwise, to authorize State and local law enforcement officials, as the Secretary determines are qualified and appropriate, to perform the functions of immigration officers in relation to the investigation, apprehension, or detention of aliens in the United States under the direction and the supervision of the

Secretary. Such authorization shall be in addition to, rather than in place of, Federal performance of these duties.

(c) To the extent permitted by law, the Secretary may structure each agreement under section 287(g) of the INA in the manner that provides the most effective model for enforcing Federal immigration laws and obtaining operational control over the border for that jurisdiction.

Sec. 11. Parole, Asylum, and Removal. It is the policy of the executive branch to end the abuse of parole and asylum provisions currently used to prevent the lawful removal of removable aliens.

(a) The Secretary shall immediately take all appropriate action to ensure that the parole and asylum provisions of Federal immigration law are not illegally exploited to prevent the removal of otherwise removable aliens.

(b) The Secretary shall take all appropriate action, including by promulgating any appropriate regulations, to ensure that asylum referrals and credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1125(b)(1)) and 8 CFR 208.30, and reasonable fear determinations pursuant to 8 CFR 208.31, are conducted in a manner consistent with the plain language of those provisions.

(c) Pursuant to section 235(b)(1)(A)(iii)(I) of the INA, the Secretary shall take appropriate action to apply, in his sole and unreviewable discretion, the provisions of section 235(b)(1)(A)(i) and (ii) of the INA to the aliens designated under section 235(b)(1)(A)(iii)(II).

(d) The Secretary shall take appropriate action to ensure that parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.

(e) The Secretary shall take appropriate action to require that all Department of Homeland Security personnel are properly trained on the proper application of section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) and section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)), to ensure that unaccompanied alien children are properly

processed, receive appropriate care and placement while in the custody of the Department of Homeland Security, and, when appropriate, are safely repatriated in accordance with law.

Sec. 12. Authorization to Enter Federal Lands. The Secretary, in conjunction with the Secretary of the Interior and any other heads of agencies as necessary, shall take all appropriate action to:

(a) permit all officers and employees of the United States, as well as all State and local officers as authorized by the Secretary, to have access to all Federal lands as necessary and appropriate to implement this order; and

(b) enable those officers and employees of the United States, as well as all State and local officers as authorized by the Secretary, to perform such actions on Federal lands as the Secretary deems necessary and appropriate to implement this order.

Sec. 13. Priority Enforcement. The Attorney General shall take all appropriate steps to establish prosecution guidelines and allocate appropriate resources to ensure that Federal prosecutors accord a high priority to prosecutions of offenses having a nexus to the southern border.

Sec. 14. Government Transparency. The Secretary shall, on a monthly basis and in a publicly available way, report statistical data on aliens apprehended at or near the southern border using a uniform method of reporting by all Department of Homeland Security components, in a format that is easily understandable by the public.

Sec. 15. Reporting. Except as otherwise provided in this order, the Secretary, within 90 days of the date of this order, and the Attorney General, within 180 days, shall each submit to the President a report on the progress of the directives contained in this order.

Sec. 16. Hiring. The Office of Personnel Management shall take appropriate action as may be necessary to facilitate hiring personnel to implement this order.

Sec. 17. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,  
January 25, 2017.

# Exhibit B

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

MAZDAK POURABDOLLAH TOOTKABONI  
and ARGHAVAN LOUHGHALAM,

*Plaintiff-Petitioners,*

FATEMEH YAGHOUBI MOGHADAM,  
BABAK YAGHOUBI MOGHADAM,  
ALI SANIE, ZAHRASADAT MIRRAZI  
RENANI, LEILY AMIRSARDARY, and  
OXFAM AMERICA, INC.

*Plaintiffs,*

v.

No.17-cv-10154-NMG

DONALD TRUMP, President of the United  
States; U.S. DEPARTMENT OF HOMELAND  
SECURITY (“DHS”); U.S. CUSTOMS AND  
BORDER PROTECTION (“CBP”); JOHN  
KELLY, Secretary of DHS; KEVIN K.  
MCALEENAN, Acting Commissioner of CBP;  
and WILLIAM MOHALLEY, Boston Field  
Director, CBP,

*Respondents-Defendants.*

**AFFIDAVIT OF MAZDAK POURABDOLLAH TOOTKABONI**

Mazdak Pourabdollah Tootkaboni, hereby affirms,

1. I am one of the Petitioner-Plaintiffs in this case.
2. My wife Petitioner-Plaintiff Arghavan Louhghalam and I are Iranian nationals, we are Muslim, and we both are lawful permanent residents of the United States.
3. My wife and I are also professors on the faculty of the University of Massachusetts-Dartmouth. I am an associate professor in the UMass-Dartmouth College of Engineering. I obtained a Ph.D. in 2009 in civil engineering, specializing



in Structural Mechanics, from Johns Hopkins University and have been on the faculty at UMass-Dartmouth since 2010. My research is cross-disciplinary and focuses on developing techniques that help structural mechanics community move towards more reliable, resource-efficient and resilient solutions for civil infrastructures. I am a recipient of the NSF early CAREER award in 2014, a recipient of University of Massachusetts President's Science and Technology award for 2014-2015, and a recipient of UMass-Dartmouth Chancellor's Sponsored Research Recognition award in 2015. I am an associate member of American Society of Civil Engineers (ASCE) and a member of Engineering Mechanics Institute (EMI).

4. In January, 2017, my wife and I traveled to Marseille, France to attend a week-long workshop on Mechanics of Porous Materials (e.g. cement, concrete, soil) organized through the AMU (Aix-Marseille University)-MIT-CNRS joined lab with the support of MIT Energy Initiative.

5. We returned, flying in to Logan Airport on January 28, 2017 from Paris Charles de Gaulle Airport. We were detained by Customs and Border Patrol officers for nearly four hours, for no apparent reason other than the President's Executive Order affecting immigrants and refugees, the details of which we learned about after we were released. We were asked why we were in France and what our occupations were in US.

6. I am greatly concerned about the Executive Order. As a professor of engineering, I frequently attend meetings and conferences, and share research and ideas with others from my field around the world, including other faculty, students,

and researchers. Intellectual inquiry, debate, and discussion internationally are critical to the development of my research. Meeting with others in person is critical to the thorough exchange of ideas and is entirely different from communicating in other ways. If the court's order staying the Executive Order does not remain in effect, I fear that it will be applied to me again and I cannot travel with the fear that I could not return.

7. I am also worried that if the Executive Order were applied to me again, it would make it impossible for me to leave the United States to visit my mother in Iran who is seventy years old and suffers from depression. Both she and I rely on my regular visits to see her. I would not be able to visit her if I feared being unable to return to my wife, my life, my work, and my home in the United States. Being separated from close family is difficult enough on a daily basis but being prevented from visiting for this reason is beyond distressing.

8. While I understand the Counsel to the President has issued a memo saying the EO now does not apply to lawful permanent residents like me, I am still afraid to travel because I have seen what people, caught off-guard and stranded in the middle of fast-paced changes and quick shifts in laws and policies, have been through over the past few days.

Signed under the penalty of perjury this 2<sup>nd</sup> day of February, 2017.

A handwritten signature in blue ink, appearing to read 'Mazdak', followed by a long, wavy horizontal line.

---

Mazdak Pourabdollah Tootkaboni

# Exhibit C

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

MAZDAK POURABDOLLAH TOOTKABONI  
and ARGHAVAN LOUHGHALAM,

*Plaintiff-Petitioners,*

FATEMEH YAGHOUBI MOGHADAM,  
BABAK YAGHOUBI MOGHADAM,  
ALI SANIE, ZAHRASADAT MIRRAZI  
RENANI, LEILY AMIRSARDARY, and  
OXFAM AMERICA, INC.

*Plaintiffs,*

v.

No.17-cv-10154-NMG

DONALD TRUMP, President of the United  
States; U.S. DEPARTMENT OF HOMELAND  
SECURITY ("DHS"); U.S. CUSTOMS AND  
BORDER PROTECTION ("CBP"); JOHN  
KELLY, Secretary of DHS; KEVIN K.  
MCALEENAN, Acting Commissioner of CBP;  
and WILLIAM MOHALLEY, Boston Field  
Director, CBP,

*Respondents-Defendants.*

**AFFIDAVIT OF BABAK YAGHOUBI MOGHADAM**

Babak Yaghoubi Moghadam hereby affirms,

1. I am one of the Plaintiffs in this case.
2. I am an Iranian national, I am Muslim, and a lawful permanent resident of the United States.
3. I have a Ph.D. in mechanical engineering from the University of Washington, an M.S. degree in mechanical engineering from Ferdowsi University, and a B.S. degree in mechanical engineering from Iran University of Science & Technology.

4. I obtained my permanent resident status through the National Interest Waiver program based on the importance of my knowledge, skills, and experience to the United States. I am currently employed as a senior engineer by Becton Dickinson, a global medical technology company, and my current work is making medical devices to treat diabetes patients. Previously, I worked on developing ten-to-fifteen minute diagnostic tests to be used in doctors' offices, saving patients the need to go to hospitals for tests for infectious diseases like HIV.

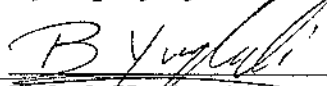
5. I have close family members living in Iran, including my parents, my brother Behrouz, my grandmother, and aunts and uncles. Behrouz recently suffered a major heart attack and I had been planning to visit him and my other relatives in Iran or other nearby countries. Since I learned of the President's Executive Order preventing non-U.S. citizens from Iran from returning to the U.S., I have put all plans of international travel aside. I cannot take the risk of not being allowed to return to my home here in the United States, to my work, and to my fiancé and sister with whom I live.

6. In addition, my employer has advised all non-citizen employees from Iran and other affected countries not to travel abroad because of the Executive Order. International travel is very important to the development of my work and to advancement within my company. I work for a global company with offices in more than 10 countries around the world. We frequently work on projects in collaboration with our development teams abroad and I need to be able to travel to contribute to these activities and grow within the company.

7. I grew up in Iran where, like other young people, I lived under the country's conservative religious social restrictions. I experienced stress and uncertainty on a daily basis because the government can change the laws that severely affect people's lives without any notice. I have been living in the U.S. for the past seven years, where I felt secure and confident that if I work hard and contribute to my society, I will be able to achieve my goals and plan for my future. In the last two weeks however, with the Executive Order on immigration, every day I am expecting the U.S. government to take new actions that can jeopardize my life, career and loved ones, just because of the country in which I was born and my religion.

8. While I understand the Counsel to the President has issued a memo saying the EO now does not apply to lawful permanent residents like me, I am still afraid because I have seen the government quickly shift what it has been saying numerous times over the past week. I feel that the U.S. government could change its position at any time. I have no certainty that if I travel abroad, the government will allow me to return, especially in light of the singling out of people based on religion and national origin.

Signed under the penalty of perjury this 2nd day of February, 2017.

  
Babak Yaghoubi Moghadam

# Exhibit D

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

MAZDAK POURABDOLLAH TOOTKABONI, and

ARGHAVAN LOUHGHALAM,

*Petitioners,*

v.

DONALD TRUMP, President of the United States, et al.,

*Respondents.*

Civil Action No. 17-cv-10154

**DECLARATION OF ALI SANIE**

I, Ali Sanie, hereby declare as follows:

1. My name is Ali Sanie. I am an Iranian citizen and a Lawful Permanent Resident (“LPR”) of the United States. I reside in Quincy, MA. I have been a LPR since 2010. My sister, Sepideh Sanie, is a United States citizen and resides in Braintree, MA.
2. I am Muslim.
3. I work as a cashier at a grocery store in Braintree, MA. I work seven days a week and I developed serious neck issues as a result. I went to the Emergency Room because of the pain that I was in and I was told I may need neck surgery.
4. I want to see a doctor in Iran for any potential surgery because I know my old doctor there and I can have family and friends in Iran care for me after any surgery. My father resides in Iran.
5. I have been wanting to go back to Iran for a long time. I finally booked a trip to Iran for January 30, 2017. The pain in my neck had become unbearable. I had to travel at this



time to arrive in time to have any treatment for my severe neck pain before Persian or Iranian New Year on March 20, 2017 and to have time to recover afterwards before coming back to the United States.

6. I pre-paid three months of my rent and my employer arranged to have coverage for my job for three month for this trip. I saved up money and planned for a trip for two years to be able to make a trip back to Iran.
7. I purchased gifts for my family in Iran. I had scheduled an MRI, physical therapy and time for surgery if necessary in Iran. I cannot work until I have medical help because I am in so much pain and I choose to seek help with a doctor in Iran and with my father and friends in Iran to help me.
8. I was emotionally very upset when I had to abort my long-awaited trip to Iran just at the last minute. I was crying and now I am confused about what my future will hold.
9. I cannot go to work at my job because my replacement has been hired. I am afraid to travel to Iran at this time because I fears that, if I leave the United States, I will not be permitted to return to the United States.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 2, 2017.

  
\_\_\_\_\_  
Ali Sanie

# Exhibit E

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

ARGHAVAN LOUHGHALAM and,  
MAZDAK POURABDOLLAH TOOTKABONI

*Plaintiff-Petitioners,*

FATEMEH YAGHOUBI MOGHADAM,  
BABAK YAGHOUBI MOGHADAM,  
ALI SANIE, ZAHRASADAT MIRRAZI  
RENANI, LEILY AMIRSARDARY, and  
OXFAM AMERICA, INC.

*Plaintiffs,*

v.

No.17-cv-10154-NMG

DONALD TRUMP, President of the United  
States; U.S. DEPARTMENT OF HOMELAND  
SECURITY (“DHS”); U.S. CUSTOMS AND  
BORDER PROTECTION (“CBP”); JOHN  
KELLY, Secretary of DHS; KEVIN K.  
McALEENAN, Acting Commissioner of CBP;  
and WILLIAM MOHALLEY, Boston Field  
Director, CBP,

*Defendants.*

**AFFIDAVIT OF ZAHRASADAT MIRRAZI RENANI**

I, Zahrasadat Mirrazi Renani, state under oath that:

1. I am an Iranian national with an F-1 student visa. I obtained that visa before moving to the United States in September 2016.
2. I reside in Amherst, Massachusetts.

3. I am completing my first year of a five-year doctoral program in linguistics at the University of Massachusetts Amherst, one of the most respected linguistics programs in the world. My academic focus is in syntax and semantics. I earned straight As in my first semester.

4. I am Muslim.

5. My parents, a teacher and a businessman, live in Iran. My only sibling, a younger brother, died just eight months ago of a stroke while mountain climbing.

6. I chose to study in America despite achieving the highest score of 3,000 students on the annual examination for admission into postgraduate linguistics programs in Iran. I promised, however, to visit my parents often.

7. I made my first visit to my parents on December 14, 2016. I spent my entire winter break with them, returning to the University of Massachusetts Amherst on January 21, 2017.

8. I had planned to visit my parents again in late March during Norooz, a time of New Year observance in Iranian culture, when families traditionally come together to reflect and celebrate. My parents and I are still reckoning with my brother's tragic death, so reuniting to comfort one another and our extended family is uniquely important this year. I had planned to leave for Iran on March 11, 2017, the day my spring break begins.

9. I also had planned to attend the West Coast Conference on Formal Linguistics in Calgary Canada, and to arrive there on April 27, 2017. This conference is among the most prestigious in my field of research. I already have researched, drafted and submitted an abstract for presentation at the conference, on "Double-Object Construction in the Persian Language." The opportunity to present to such an accomplished audience would be an invaluable step forward in my academic career.

10. I have been awarded full funding of my doctoral studies—worth over \$290,000—but that funding is conditioned upon my continued fulfillment of class requirements and the teaching and research responsibilities of an “Assistantship” which I hold at the University of Massachusetts Amherst.

11. Put simply, the January 27, 2016 Executive Order has put me in an unfair predicament: I must forfeit two invaluable opportunities for my family reunion and my professional growth; or I must forfeit the opportunity I have earned to pursue my doctorate in formal linguistics. As a consequence, I am refraining from any international travel. If I make either of my planned trips abroad, I am afraid I will not be able to return to the United States.

12. I have done nothing in my life which would cause me to pose any threat of terrorist activity. I have no criminal record in the United States or Iran.

Signed under the pains and penalties of perjury this 2<sup>nd</sup> day of February, 2017.

*Zahrasadat Mirrazi Renani*  
\_\_\_\_\_  
Zahrasadat Mirrazi Renani

# Exhibit F

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

ARGHAVAN LOUHGHALAM and,  
MAZDAK POURABDOLLAH TOOTKABONI

*Plaintiff-Petitioners,*

FATEMEH YAGHOUBI MOGHADAM,  
BABAK YAGHOUBI MOGHADAM, ALI  
SANIE, ZAHRASADAT MIRRAZI  
RENANI, LEILY AMIRSARDARY, and  
OXFAM AMERICA, INC.

*Plaintiffs,*

v.

No.17-cv-10154-NMG

DONALD TRUMP, President of the United States;  
U.S. DEPARTMENT OF HOMELAND  
SECURITY ("DHS"); U.S. CUSTOMS AND  
BORDER PROTECTION ("CBP"); JOHN KELLY,  
Secretary of DHS; KEVIN K. McALEENAN,  
Acting Commissioner of CBP; and WILLIAM  
MOHALLEY, Boston Field Director, CBP,

*Defendants.*

**AFFIDAVIT OF LEILY AMIRSARDARY**

I, Leily Armirsardary, state the following under penalty of perjury:

1. I am an Iranian national and a lawful nonimmigrant in F-1 status, residing in Boston, Massachusetts.

2. I was born in Iran and attended high school in France, where I am a resident. I attended Wellesley College in Massachusetts on an F-1 student visa, and graduated from Wellesley with a bachelor's degree in 2016.

3. I obtained Optional Practical Training ("OPT") in July 2016 through U.S. Citizenship and Immigration Services.

4. In 2016, I founded Anara, a Boston-based women's luxury footwear startup company that produces shoes and regionally-inspired accessories. Anara is hoping to launch its first line of products in June 2017.

5. Anara is funded by U.S and foreign investors, and will soon join a university affiliated incubator, the Harvard Innovation Lab. In addition, Anara currently receives some operational support from Harvard Business School students. The company is on track to raise a convertible note from angel investors and venture capital groups. Several United States-based angel investors have already committed to investing, and investment will begin in the coming weeks.

6. Once successfully launched, Anara will hire its own employees. Currently, however, I am solely responsible for nearly every aspect of Anara's operations, ranging from designing the products to raising capital for the company.

7. I have worked tirelessly to build Anara, and the company is a few short months from being able to launch its products.

8. Anara's test products (currently limited to footwear) are manufactured in Italy. It is crucial that I travel to Italy every six to eight weeks to source materials for Anara and oversee its manufacturing process. Before the EO, I was legally entitled to, and did, travel from



the United States to and from Italy to conduct business for Anara. I last traveled there in November 2016, and I must travel again to Italy to source materials and oversee the manufacturing process for Anara no later than March, 2017.

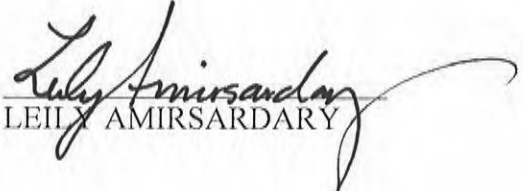
9. Anara's business plan also includes sourcing materials from and working with manufacturers from Spain, India and Thailand. Prior to launching these types of products, it is crucial that I be able to travel to other destinations to source these products and accessories.

10. My regular travel to outside of the United States, and my right to return to the United States after my travel, is crucial to the success of my small business Anara.

11. As a consequence of the EO, however, I am refraining from traveling abroad because I am afraid I will be unable to return.

12. I have always entered the United States lawfully, and been inspected and vetted thoroughly by the United States of America. I have never committed a crime, either in Iran or the United States, and I have never engaged in any terrorist activity, nor do I hold any views sympathetic to terrorists or those who wish to harm the United States of America.

Signed this 2<sup>nd</sup> day of February, 2017 under the pains and penalties of perjury pursuant to the laws of the United States of America.

  
LEILY AMIRSARDARY

# Exhibit G

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

ARGHAVAN LOUHGHALAM and,  
MAZDAK POURABDOLLAH TOOTKABONI

*Plaintiff-Petitioners,*

FATEMEH YAGHOUBI MOGHADAM,  
BABAK YAGHOUBI MOGHADAM,  
ALI SANIE, ZAHRASADAT MIRRAZI  
RENANI, LEILY AMIRSARDARY, and  
OXFAM AMERICA, INC.

*Plaintiffs,*

v.

No.17-cv-10154-NMG

DONALD TRUMP, President of the United  
States; U.S. DEPARTMENT OF HOMELAND  
SECURITY ("DHS"); U.S. CUSTOMS AND  
BORDER PROTECTION ("CBP"); JOHN  
KELLY, Secretary of DHS; KEVIN K.  
McALEENAN, Acting Commissioner of CBP;  
and WILLIAM MOHALLEY, Boston Field  
Director, CBP,

*Defendants.*

**AFFIDAVIT OF RAYMOND C. OFFENHEISER**

I, Raymond C. Offenheiser, being duly sworn, depose and say:

1. I am the President and Chief Executive Officer of Plaintiff Oxfam America, Inc. ("Oxfam"). I submit this affidavit in support of the Amended Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief filed on February 1, 2017 of plaintiffs Fatemeh Yaghouhi Moghadam, Babak Yaghoubi Moghadam, Ali Sanie, Zahrasadat Mirrazi Renani, Leile Amirsardary, and Oxfam America, Inc. to enjoin defendants Donald Trump, U.S. Department of Homeland Security, U.S. Customs and Border Protection, John Kelly, Kevin K. McAleenan, and William Mohalley, from enforcing

President Trumps' Executive Order ("EO") of January 27, 2016, which bars entry into the United States by nationals of seven Muslim-majority countries. I make this affidavit based on personal knowledge.

2. Oxfam's principal place of business is in Massachusetts.

3. Oxfam is part of a 19-member confederation of non-governmental development organizations -- Oxfam International -- dedicated to creating lasting solutions to hunger, poverty, and social injustice through long-term partnerships with poor communities around the world, and by responding to life-threatening emergencies. Oxfam and all Oxfam International organizations seek to challenge the structural barriers that foster conflict and human suffering and limit people from gaining the skills, resources, and power to become self-sufficient.

4. Oxfam and its affiliated organizations fund development and humanitarian relief projects in more than 90 countries, collaborating on strategic, long-term efforts to help build strong local organizations that can promote self-sufficiency and alleviate the issues of global poverty. Oxfam and our affiliates advocate for changes in international policies related to trade, conflict, funding for education, development assistance, debt relief and other issues, as well as work to educate and mobilize the public and raise awareness about global poverty.

5. Oxfam operates in five of the seven countries affected by the EO -- all but Libya and Iran. Oxfam's humanitarian mission is crucial in those countries; for example, we are one of the few international non-governmental organizations still allowed to function in Sudan, bringing much-needed relief to displaced populations in Darfur and beyond.

6. Oxfam regularly brings staff members and civil society partners from the affected countries to the United States. These visits are essential for internal purposes, so that our American staff can obtain information from their overseas colleagues that enable the

organization to carry out its activities in the United States. These visits are critical for external purposes as well, as they provide opportunities for people who are intimately familiar with country conditions to bear witness on Oxfam's behalf in direct communications with members of the organization's key American constituencies. This includes speaking to key Congressional constituencies, donors, and potential donors about conditions, and about Oxfam's operations, in those countries, and these efforts are essential for keeping our programs in those countries funded and operational.

7. In addition, Oxfam regularly brings people from the affected countries to the United States to speak with American governmental officials, including lawmakers in the United States' House of Representatives and Senate and members of the executive branch (including representatives of the White House, the Department of State, and the Department of the Treasury) as well as the United Nations' Security Council mission in New York. These meetings and discussions enable Oxfam to educate governmental officials generally about political and humanitarian conditions in the affected countries, and also to answer specific questions helpful in shaping policy and practice with respect to countries where the United States' government often has limited insight because of ongoing conflict.

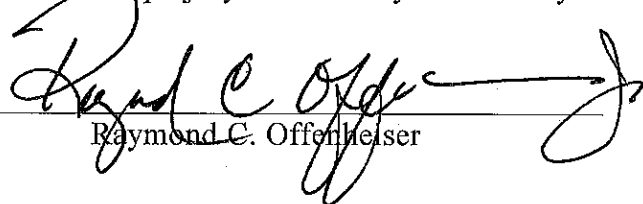
8. Oxfam frequently brings representatives from the affected countries to the United States for this purpose at the request of the governmental officials themselves. For example, just prior to the signing of the EO, we were requested to send our Country Director from one of the listed countries to Washington to brief on a key, time-sensitive issue under consideration across the White House, the Department of the Treasury, and the Department of State. The meeting was to be held within the 90-day period of the visa ban in order to comply with the United States Government's own timeline for action, but that meeting will now be impossible.

9. Oxfam currently expects to bring several other people to the United States from the affected countries within the next 90 days. This includes a representative of one of our Syrian partner organizations, who has been invited to speak to public events in mid-March marking six years since the start of the Syria crisis, to raise awareness and suggest potential solutions to government officials, the media, and the public. Much of this analysis comes from inside besieged areas of Syria where information is extremely difficult to come by and can only be provided securely in person in the United States. Another major component of these meetings surrounds ongoing discussions with Congress and the Department of the Treasury on the exclusion of a growing number of civil society organizations from financial services needed to deliver life-saving aid in Syria.

10. Many people who bear witness on our behalf about their experiences and conditions in their countries must come to the United States to do so because they cannot safely or legally speak publicly at home.

11. Application of the EO will therefore severely impair Oxfam's ability to advocate on its behalf and on behalf of the people Oxfam assists in the developing world. The EO will also prevent Oxfam and our representatives from addressing members of Oxfam's key Executive and Congressional constituencies and responding to specific inquiries made by them, therefore impacting the federal government's ability to properly effectuate foreign policy and programs in areas directly affected by Oxfam's work.

Signed under the pains and penalties of perjury this 2nd day of February 2017.

  
Raymond C. Offenheiser