

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PLAINTIFF PACITO; PLAINTIFF  
ESTHER; PLAINTIFF JOSEPHINE;  
PLAINTIFF SARA; PLAINTIFF  
ALYAS; PLAINTIFF MARCOS;  
PLAINTIFF AHMED; PLAINTIFF  
RACHEL; PLAINTIFF ALI; HIAS,  
INC.; CHURCH WORLD SERVICE,  
INC., and LUTHERAN COMMUNITY  
SERVICES NORTHWEST,

Plaintiffs,

v.

DONALD J. TRUMP, in his official  
capacity as President of the United  
States; MARCO RUBIO, in his official  
capacity as Secretary of State; KRISTI  
NOEM, in her official capacity as  
Secretary of Homeland Security;  
ROBERT F. KENNEDY, JR., in his  
official capacity as Secretary of Health  
and Human Services,

Defendants.

CASE NO. 2:25-cv-255-JNW

ORDER RESCINDING COMPLIANCE  
FRAMEWORK ORDER

1 On May 5, 2025, this Court issued a Compliance Framework Order, Dkt. No.  
2 119, establishing specific measures and timelines for implementing its preliminary  
3 injunction, as narrowed by the Ninth Circuit's partial stay and April 21, 2025,  
4 clarification order. *Pacito et al. v. Trump et al.*, No. 25-1313 (9th Cir.), Dkt. Nos. 28,  
5 46. That framework was based on this Court's understanding that approximately  
6 12,000 refugees who had "arranged and confirmable travel plans" as of January 20,  
7 2025, qualified as "Injunction-Protected Refugees."

8 On May 9, 2025, the Ninth Circuit issued a second clarification order that  
9 further refined its three-part test for determining which refugees remain protected  
10 by this Court's preliminary injunction. *Pacito v. Trump*, No. 25-1313, Dkt. 64.1. The  
11 Ninth Circuit explained that its prior order "should be interpreted narrowly, on a  
12 case-by-case basis, to apply to individuals with a strong reliance interest arising  
13 prior to January 20, 2025, comparable to Plaintiff Pacito." *Id.* at 2.

14 This additional refinement narrows the scope of refugees who remain  
15 protected by this Court's preliminary injunction, perhaps substantially so. The  
16 Court's May 5 Compliance Framework, which contemplated processing thousands of  
17 refugee applicants under a categorical approach, is no longer aligned with the Ninth  
18 Circuit's more limited construction. While the three-part test from the April 21  
19 clarification remains intact, the May 9 clarification adds a qualitative assessment  
20 requiring individualized determination of reliance interests comparable to Plaintiff  
21 Pacito's circumstances. This case-by-case approach calls for a different  
22 implementation structure than what was previously contemplated.  
23

1 At the May 1, 2025, status conference, the Government represented that 160  
2 refugees met the three-part criteria and had travel scheduled within two weeks of  
3 the January 20, 2025, USRAP Executive Order. The Government acknowledged  
4 that these individuals' circumstances closely parallel those of Plaintiff Pacito,  
5 effectively conceding that they qualify as Injunction-Protected Refugees under the  
6 Ninth Circuit's clarification orders. Thus, the Court will apply a rebuttable  
7 presumption that these 160 refugees qualify as "Injunction-Protected Refugees"  
8 under the Ninth Circuit's clarification orders. The Government must process, admit,  
9 and provide statutorily mandated resettlement support services to these Injunction-  
10 Protected Refugees immediately.

11 For all other refugee applicants who meet the three-part test but whose  
12 travel was scheduled more than two weeks after January 20, 2025, a case-by-case  
13 determination is now required. To efficiently conduct these individualized  
14 assessments, the Court believes that appointing a Special Master<sup>1</sup> is warranted.

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18 <sup>1</sup> The Court uses the term "master" because that is the language of the Federal  
19 Rules of Civil Procedure. Recently, however, the American Bar Association  
20 recommended to the Judicial Conference of the United States that Rule 53 be  
21 amended to substitute the term "court-appointed neutral" for "court-appointed  
22 master" because "master" is a "very poor term," given its connotations, and an in-  
23 apt description of the actual role. Letter from Mary Smith, President, Am. Bar  
Assoc., to H. Thomas Byron III, Sec. Comm. on Rule Prac. & Procedure, Admin.  
Office of the United States Courts (Feb. 12, 2024) (available at [https://www.uscourts.gov/sites/default/files/24-cv-a\\_suggestion\\_from\\_aba\\_-\\_rule\\_53.pdf](https://www.uscourts.gov/sites/default/files/24-cv-a_suggestion_from_aba_-_rule_53.pdf)). This  
Court would welcome the change.

Accordingly, the Court ORDERS:

1. The Court's May 5, 2025, Compliance Framework Order is RESCINDED.  
Dkt. No. 119.
2. The Court will apply a rebuttable presumption that the approximately 160 refugees who, according to the Government's representations, met the three-part test and had travel scheduled within two weeks of January 20, 2025, qualify as "Injunction-Protected Refugees" under the Ninth Circuit's clarification orders.
3. The Court intends to appoint a Special Master to assist in conducting case-by-case determinations for other refugee applicants who meet the three-part test but require individualized assessment of their reliance interests. The parties must submit, within SEVEN (7) days of this Order, their positions regarding:
  - a. Proposed qualifications for the Special Master;
  - b. Nominations for potential Special Masters; and
  - c. Suggested procedures for the case-by-case evaluation process.

If the parties are unable to reach agreement on a joint submission, they may file separate briefs not to exceed 10 pages each.

Dated this 15th day of May, 2025.

  
Jamal N. Whitehead  
United States District Judge