

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

**Basam ABOU ASALI,
Jozfin ALSHAAR,
Hassan ABOU ASALI,
Jurjeet ABOU ASALI,
Sara ABOU ASALI and
M.A.A., a minor, by his parents, Hassan and
Jurjeet Abou Asali,**

Petitioners/Plaintiffs,

Case No. _____

v.

**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,
Kevin DONOHUE, Port Director of the
Philadelphia Field Office of CBP,
Donald J. TRUMP, President of United States,
And JOHN DOES 1-5,**

Respondents/Defendants.

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

INTRODUCTION

Basam, Hassan and Ghassan are brothers born in Syria. Ghassan came to the United States many years ago to join family living near Allentown. It was always his dream to unite his family in the U.S., so in 2003, after Ghassan became a U.S. citizen, he started the long process of petitioning to bring his brothers and their families to live with him in Allentown. It took him 13 years, but finally, on December 19, 2016, after numerous background checks and other reviews,

his brothers Basam and Hassan and their wives, Jozfin and Jurjeet, and Hassan's two children, Sara and M.A.A., were issued visas to come to the U.S. to become Permanent Residents. They left Syria on January 27, 2017.

They touched down at Philadelphia International Airport the morning of Saturday, January 28, expecting a joyous reunion with Ghassan, who would take them to Allentown to begin their new lives. But that never happened. Instead, officials of the U.S. Customs and Border Protection took them from their plane, detained them, threatened to imprison them and destroy their visas, and bullied them into agreeing to leave immediately on the plane that brought them, all without allowing them even to speak with Ghassan or tell him what was happening.

This is an action to bring Basam, Hassan and their families back to Philadelphia and reinstate their immigration visas so that they may be reunited with the rest of their family as they intended.

JURISDICTION AND VENUE

1. Jurisdiction is conferred on this court by 28 U.S.C. §§ 1331 1361, 2241, 2243; 42 U.S.C. §1983 and the Habeas Corpus Suspension Clause of the U.S. Constitution. This court has further remedial authority pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq.
2. Venue properly lies within the Eastern District of Pennsylvania because a substantial part of the events or omissions giving rise to this action occurred in the District. 28 U.S.C. § 1391(b).
3. No complaint or petition for a writ of mandamus or habeas corpus has previously been filed in any court to review Petitioners/Plaintiffs' cases.

PARTIES

4. Basam Abou Asali is an adult male citizen of Syria, and the brother of Ghassan Abou Asali, a U.S. citizen living near Allentown, Pennsylvania.
5. Jozfin Alshaaf is an adult female citizen of Syria, and the wife of Basam Abou Asali.
6. Hassan Abou Asali is an adult male citizen of Syria, and the brother of Ghassan Abou Asali, a U.S. citizen living near Allentown, Pennsylvania.
7. Jurjeet Abou Asali is an adult female citizen of Syria, and the wife of Hassan Abou Asali.
8. Sara Abou Asali is an adult female citizen of Syria, and the daughter of Hassan and Jurjeet Abou Asali.
9. M.A.A. is a minor male citizen of Syria, and the son of Hassan and Jurjeet Abou Asali.
10. The U.S. Department of Homeland Security (DHS) is a cabinet department of the United States federal government with the primary mission of securing the United States.
11. U.S. Customs and Border Protection (CBP) is an agency within DHS with the primary mission of detecting and preventing the unlawful entry of persons and goods into the United States.
12. Respondent/Defendant John Kelly is the Secretary of DHS. He is sued in his official capacity.
13. Respondent/Defendant Kevin K. McAleenan is the Acting Commissioner of CBP. Acting Commissioner McAleenan has immediate control over the Petitioners/Plaintiffs and had physical custody of them in the U.S. He is sued in his official capacity.
14. Respondent/Defendant Kevin Donohue is the Port Director of the Philadelphia Field Office of CBP, which has immediate control over the Petitioners/Plaintiffs and had physical custody of them in the U.S. He is sued in his official capacity.

15. Respondent/Defendant Donald Trump is the President of the United States. He is sued in his official capacity.
16. Respondents/Defendants John Does 1-5 are unknown agents of the CBP or of state or local governments who worked in concert with the named Respondents/Defendants to deny Plaintiffs entry to the U.S. on January 28, 2017.

STATEMENT OF FACTS

President Trump's January 27, 2017 Executive Order

17. On January 20, 2017, Donald Trump was inaugurated as the forty-fifth President of the United States.
18. One week later, on January 27, President Trump signed an executive order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States," which is attached hereto as Exhibit A and is hereinafter referred to as the "EO."
19. Citing the threat of terrorism committed by foreign nationals, the EO directs a variety of changes to the manner and extent to which non-citizens may seek and obtain admission to the United States, particularly (although not exclusively) as refugees. Among other things, the EO imposes a 120-day moratorium on the refugee resettlement program as a whole; proclaims that "that the entry of nationals of Syria as refugees is detrimental to the interests of the United States," and therefore "suspend[s]" indefinitely their entry to the country; similarly proclaims that "the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests" of the country.
20. Most relevant to the instant action is Section 3(c) of the EO, in which President Trump proclaims "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 that he is therefore "suspend[ing] entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order," with narrow exceptions not relevant here.

21. There are seven countries that fit the criteria in 8 U.S.C. § 1187(a)(12): 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. The Muslim population of each of the countries enumerated in the executive order exceeds 90%.
22. As authority for his action, President Trump cites section 212(f) of the INA, 8 U.S.C. 1182(f), which grants him authority to suspend the entry of a class of aliens by Proclamation if he finds that their entry would be detrimental to the interests of the United States.
23. Proclamations pursuant to 212(f) of the INA have been issued by previous presidents, sometimes multiple times in an administration, normally narrowly tailored towards a particular group of individuals from a country, selected because of some affirmative act to violate the laws of the United States, commit crimes against humanity, or otherwise willingly engage in activities the President deems to be contrary to the interests of the United States, though the spouse and children of the described individual are often included even if they have not made any such affirmative acts. A summary of the Proclamations currently in force appears as Exhibit B to this Complaint.

24. The current EO differs from prior Proclamations pursuant to 212(f) of the INA in that the group to be denied entry is described by passive characteristics, rather than affirmative acts, or the affirmative act of a spouse or parent.

Plaintiffs' Immigration Status Before the EO

25. Plaintiffs are the brothers of U.S. citizen Ghassan Abou Asali and their wives and children. Plaintiffs have waited 13 years for the final processing of their family visas so that they could reunite in the U.S. All members of the family completed security, medical and other background checks as required by the U.S. Embassy prior to being approved for the final Permanent Resident visas on December 19, 2016. From December 19, 2016 until January 28, 2017 the family were in possession of validly issued and lawful visas and did not engage in any activity that would warrant revocation of the same.
26. Each of the Plaintiffs arrived in the Philadelphia International airport on January 28, 2017, carrying the sealed approved visa packages that were given to the family by the U.S. Embassy. Those visa packages were never opened and remained sealed in the possession of the Plaintiffs.
27. The EO was signed while the Petitioners/Plaintiffs were en route to the United States.

Plaintiffs' Arrival in Philadelphia

28. At approximately 7:45 AM on January 28, 2017, the Plaintiffs arrived at the Philadelphia International Airport. While their plane was at the gate, two CBP officers removed them from the plane and detained them. They asked to contact Ghassan Abou Asali, who was waiting for them at the airport gate, but were refused.
29. The CBP officers informed the family that they had two options: 1) they could leave the U.S. on the same plane on which they had just traveled; or 2) they would be arrested and

imprisoned with their visas taken away, with the result that they would not be allowed to re-enter the U.S. for five years. The Plaintiffs understood the CBP officers to say that if the family left immediately they would be able to return to the U.S. in 90 days. The officers stated that their actions were taken in accordance with the EO that had just been issued. The exact content of the officers' statements is unclear, because none of the family were fully fluent in English and the officers did not provide an interpreter.

30. The family repeatedly asked to be able to call or speak to their waiting family, but were refused. Seeing no other option, the Plaintiffs agreed to leave the U.S. immediately. At or around 9:57 AM, Ghassan Abou Asali received a phone call from a CBP officer who said the family was leaving.
31. At no time did the CBP officers ask the Plaintiffs anything other than to confirm their country of origin as Syria. No questions were asked about fear of return; no information was provided as to asylum or asylum processes; and no officer reviewed the Plaintiffs' approved visas. The sealed envelopes from the U.S. consulate were never opened and remain sealed to this day. This is relevant because, for the purpose of any individualized review as contemplated by section 3(g) of the EO, a review of the internal contents of the package is essential.
32. The Plaintiffs' understanding was that they would be imprisoned and removed if they attempted to remain in the U.S. They also believed that accepting a return to Syria would result in the continuing validity of their Permanent Resident visas.
33. Upon information and knowledge, the CBP had already arranged for the return flights prior to the family even arriving in Philadelphia.

34. The Plaintiffs were terrified by the events of the morning. On the flight back to Qatar and Lebanon Plaintiff Basam Abou Asali had to have oxygen administered to him because of faintness and possible heart palpitations.
35. The CBP officers took Plaintiffs' visa packages and the family did not receive them back until they arrived back in Lebanon, although when they changed planes in Qatar they were permitted to look at and take photos of their visas which had been marked "revoked" by the Philadelphia CBP. The revocation was not in accordance with what they understood would happen when they agreed to leave the U.S.
36. The Plaintiffs have returned to Damascus, Syria. They are anxiously waiting to return to the U.S. on the LPR visas that were approved by the U.S. Embassy on December 19, 2016. In Syria, a country currently in a state of war, Plaintiffs face a risk of death, serious bodily injury, or persecution. Furthermore, without an injunction, they will be irreparably harmed by the loss of companionship with family members in the United States, and will be forced to undergo an expensive and cumbersome visa application process that could separate them from their U.S. family for months or years.
37. The case of *Darweesh v. Trump* (EDNY No, 17-00480) was filed in the Eastern District of New York at approximately 5:30 AM on January 28, 2017. That filing requested class certification for individuals affected by the EO: "refugees, visa holders and other individuals from nations subject to the January 27, 2017 Executive Order." The Petitioners/Plaintiffs are members of that class because they arrived in the U.S. after that filing. Later on January 28, 2017 the Honorable Ann Donnelly signed a TRO protecting all members from any actions that would remove any individuals who are members of the class. Judge Donnelly certified the class as nationwide.

COUNT ONE

VIOLATION OF PETITIONERS/ PLAINTIFFS' RIGHTS AS MEMBERS OF A PROTECTED CLASS

38. Petitioners/Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
39. The Petitioners/Plaintiffs were physically present in the U.S. in the Philadelphia International Airport during the time in which a class action for individuals affected by the EO had been filed and was pending in the Eastern District of New York. That action resulted in a Temporary Restraining Order, prohibiting the use of the EO to remove persons, like the Petitioners/Plaintiffs, who arrived in the U.S. with valid travel documents. The Petitioners/Plaintiffs are members of this protected class and should be provided the same relief, to wit: return to the U.S. to complete their admission process. *Darweesh v. Trump*, 17-cv-480 E.D.N.Y., January 28, 2017.
40. Respondents/Defendants' actions refusing access to family or counsel and refusing their release from custody are the same as actions in related cases in two other jurisdictions.

COUNT TWO

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, THE CONVENTION AGAINST TORTURE, THE FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998, IMPLEMENTING REGULATIONS [ACCARDI DOCTRINE]

41. Petitioners/Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
42. The Immigration and Nationality Act and implementing regulations, including 8 U.S.C. § 1225(b)(1) (expedited removal), 8 C.F.R. §§ 235.3(b)(4), 208.30, and 1003.42; 8 U.S.C. § 1158 (asylum), and 8 U.S.C. § 1231(b)(3) (withholding of removal), and the United

Nations Convention Against Torture (öCATö), implemented in the Foreign Affairs Reform and Restructuring Act of 1998 (öFARRAö), Pub.L. No. 105-277, div. G, Title XXII, § 2242, 112 Stat. 2681, 2681-822 (1998) (codified at 8 U.S.C. § 1231 note), entitle Petitioners/Plaintiffs to an opportunity to apply for asylum, withholding of removal, and CAT relief. These provisions also entitle Petitioners/Plaintiffs to a grant of withholding of removal and CAT relief upon a showing that they meet the applicable legal standards. Respondents/Defendants' actions in seeking to return Petitioners/Plaintiffs to Syria, taken pursuant to the EO, deprive Petitioners/Plaintiffs of their statutory and regulatory rights.

43. Respondents/Defendants' actions in seeking to expel Petitioners/Plaintiffs, taken pursuant to the EO, deprives Petitioners/Plaintiffs of their statutory and regulatory rights in violation of *Accardi v. Shaughnessy*, 347 U.S. 260 (1954). Respondents/Defendants' failure to follow the required regulations prejudicially deprived plaintiffs of fundamental due process and statutory rights, and this denial of process was so egregious as to shock the conscience.
44. The complete lack of individual assessment of Petitioners/Plaintiffs' cases violates the *Accardi* doctrine, which prohibits blacklists and also violates the instructions within the EO itself.

COUNT THREE

FIFTH AMENDMENT – PROCEDURAL DUE PROCESS DENIAL OF RIGHT TO APPLY FOR ASYLUM

45. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

46. Procedural due process requires that the government be constrained before it acts in a way that deprives individuals of liberty interests protected under the Due Process Clause of the Fifth Amendment. Additionally, due process requires that arriving immigrants be afforded those statutory rights granted by Congress and the principle that “[m]inimum due process rights attach to statutory rights.” *Dia v. Ashcroft*, 353 F.3d 228, 239 (3d Cir. 2003) (alteration in original) (quoting *Marincas v. Lewis*, 92 F.3d 195, 203 (3d Cir. 1996)).
47. The United States government is obligated by United States and international law to hear the asylum claims of noncitizens presenting themselves at United States borders and ports of entry. The Immigration and Nationality Act provides that “[a]ny alien who is physically present in the United States or who arrives in the United States . . . irrespective of such alien’s status, may apply for asylum in accordance with this section or, where applicable, section 235(b).” 8 U.S.C. § 1158(a)(1); *see also id.* § 1225(b)(1)(A)(ii).
48. Congress has given asylum seekers the right to present evidence to an Immigration Judge, 8 U.S.C. § 1229a(b)(4)(B), the right to move to reconsider any decision that the applicant is removable, 8 U.S.C. § 1229a(c)(5), and the right to judicial review by a court of appeals of final agency orders denying asylum on the merits and directing removal, 8 U.S.C. § 1252(a)(2)(B)(ii).
49. Consistent with these United States statutory and international law obligations, individuals arriving at United States ports of entry must be afforded an opportunity to

apply for asylum or other forms of humanitarian protection and be promptly received and processed by United States authorities.

50. Having presented themselves at a United States port of entry, Plaintiffs were entitled to apply for asylum and to be received and processed by United States authorities.
51. Respondents' actions in denying Plaintiffs the opportunity to apply for asylum, taken pursuant to the EO, violate the procedural due process rights guaranteed by the Fifth Amendment.

COUNT FOUR

FIFTH AMENDMENT – PROCEDURAL DUE PROCESS DENIAL OF RIGHT TO WITHHOLDING/CAT PROTECTION

52. Petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
53. Under United States law as well as human rights conventions, the United States may not return (*refouler*) a noncitizen to a country where she may face torture or persecution. *See* 8 U.S.C. § 1231(b); United Nations Convention Against Torture (CAT), implemented in the Foreign Affairs Reform and Restructuring Act of 1998 (FARRA), Pub. L. No. 105-277, div. G, Title XXII, § 2242, 112 Stat. 2681, 2681-822 (1998) (codified as Note to 8 U.S.C. § 1231).
54. Respondents' actions in seeking to return Petitioners to Syria taken pursuant to the EO, deprive Petitioners of their rights under 8 U.S.C. § 1231(b) and the Convention Against Torture without due process of law.

COUNT FIVE

VIOLATION OF THE FIRST AMENDMENT – ESTABLISHMENT CLAUSE

55. Petitioners/Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
56. The EO exhibits hostility to a specific religious faith, Islam, and gives preference to other religious faiths, principally Christianity. The EO therefore violates the Establishment Clause of the First Amendment by not pursuing a course of neutrality with regard to different religious faiths.

COUNT SIX

VIOLATION OF THE FIFTH AMENDMENT EQUAL PROTECTION CLAUSE

57. Petitioners/Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
58. The EO discriminates against Petitioners/Plaintiffs on the basis of their country of origin and imputed religion, without sufficient justification, and therefore violates the equal protection component of the Due Process Clause of the Fifth Amendment.
59. Additionally, the EO was substantially motivated by animus toward and has a disparate impact on Muslims and those perceived to be Muslims based on their ethnicity or national origin, which also violates the equal protection component of the Due Process Clause of the Fifth Amendment.
60. Respondents/Defendants have demonstrated an intent to discriminate against Petitioners/Plaintiffs on the basis of religion through repeated public statements that make clear the EO was designed to prohibit the entry of Muslims to the United States. *See* Michael D. Shear; Helene Cooper, Trump Bars Refugees and Citizens of 7 Muslim Countries, N.Y. Times (Jan. 27, 2017), (President Trump] ordered that Christians and

others from minority religions be granted priority over Muslims.ö); Carol Morello, Trump Signs Order Temporarily Halting Admission of Refugees, Promises Priority for Christians, Wash. Post (Jan. 27, 2017).

61. Applying a general law in a fashion that discriminates on the basis of religion in this way violates Petitioners/ Plaintiffs' rights to equal protection under the Fifth Amendment Due Process Clause. *Hayden v. County of Nassau*, 180 F.3d 42, 48 (2d Cir. 1999); *Yick Wo v. Hopkins*, 118 U.S. 356, 373-74 (1886). Petitioners/Plaintiffs satisfy the Supreme Court's test to determine whether a facially neutral law ó in the case, the EO and federal immigration law ó has been applied in a discriminatory fashion. The Supreme Court requires an individual bringing suit to challenge the application of a law bear the burden of demonstrating a "prima facie case of discriminatory purpose." *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266-67 (1977). This test examines the impact of the official action, whether there has been a clear pattern unexplainable on other grounds besides discrimination, the historical background of the decision, the specific sequence of events leading up to the challenged decision, and departures from the normal procedural sequence. *Id.*
62. Here, President Donald Trump and senior staff have made clear that the EO will be applied to primarily exclude individuals on the basis of their national origin and being Muslim. See, e.g., Donald J. Trump, Donald J. Trump Statement On Preventing Muslim Immigration, (Dec. 7, 2015), <https://www.donaldjtrump.com/press-releases/donald-j-trump-statement-on-preventing-muslim-immigration> ("Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country and DHS's representatives can figure out what is going on.ö); Abby Phillip and Abigail

Hauslohner, Trump on the Future of Proposed Muslim Ban, Registry: –You know my plansø Wash. Post (Dec. 22, 2016). Further, the President has promised that preferential treatment will be given to Christians, demonstrating the special preferences and discriminatory impact that the EO has upon Petitioners/Plaintiffs who, upon information and belief, are perceived to be Muslim based on their national origin or ethnicity. See *supra*.

63. Thus, Respondents/Defendants have applied the EO with forbidden animus and discriminatory intent in violation of the equal protection of the Fifth Amendment and violated Petitioners/Plaintiffsøequal protection rights.

COUNT SEVEN

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT

64. Petitioners/Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
65. Respondents/Defendants detained and mistreated Petitioners/Plaintiffs solely pursuant to an executive order issued on January 27, 2017, which expressly discriminates against Petitioners/Plaintiffs on the basis of their country of origin and was substantially motivated by animus toward Muslims.
66. The EO exhibits hostility to a specific religious faith, Islam, and gives preference to other religious faiths, principally Christianity.
67. The INA forbids discrimination in issuance of visas based on a personø race, nationality, place of birth, or place of residence. 8 U.S.C. §1152(a)(1)(A).
68. The INA and implementing regulations, including 8 U.S.C. §1225(b)(1) (expedited removal), 8 C.F.R. §§ 235.3(b)(4), 208.30, and 1003.42; 8U.S.C. § 1158 (asylum), and 8

U.S.C. § 1231(b)(3) (withholding of removal), and the United Nations Convention Against Torture (öCATö), implemented in the Foreign Affairs Reform and Restructuring Act of 1998 (öFARRAö), Pub.L. No.105-277, div. G, Title XXII, § 2242, 112 Stat. 2681, 2681-822 (1998) (codified at 8 U.S.C. § 1231 note), entitle Petitioners/Plaintiffs to an opportunity to apply for asylum, withholding of removal, and CAT relief.

69. Defendants' actions in detaining and mistreating Petitioners/Plaintiffs were arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, in violation of APA § 706(2)(A); contrary to constitutional right, power, privilege, or immunity, in violation of APA § 706(2)(B); in excess of statutory jurisdiction, authority, or limitations, or short of statutory right, in violation of APA § 706(2)(C); and without observance of procedure required by law, in violation of § 706(2)(D).

COUNT EIGHT

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1152

70. Petitioners/Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
71. The EO discriminates against Petitioners/Plaintiffs on the basis of their nationality, without sufficient justification, and therefore violates 8 U.S.C. § 1152.

COUNT NINE

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1153

72. Petitioners/Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

73. Petitioners/Plaintiffs have valid U.S. visas and approved legal permanent resident status, and denial of admission into the United States violates 8 U.S.C. § 1153.

COUNT TEN

VIOLATION OF THE FIFTH AMENDMENT, NARROWLY TAILORED EXCEPTIONS TO DUE PROCESS TO SERVE A COMPELLING STATE INTEREST

74. Petitioners/Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.
75. Visa revocations or denials that implicate Constitutional rights must be supported by "a facially legitimate and bona fide reason." *Kerry v. Din*, 135 S. Ct. 2128, 2140 (2015) (Kennedy, J., concurring) (citing *Kleindienst v. Mandel*, 408 U.S. 753, 770 (1972)).
76. In contrast to previous Proclamations under 212(f) of the INA, the current EO is not issued "on the basis of a facially legitimate and bona fide reason." On the contrary, not only is the EO overbroad, and contrary to the statutory prohibition on discrimination in the issuance of immigrant visas on the basis of national origin, 8 U.S.C. § 1152(a)(1)(A), it is not facially legitimate or bona fide for the President to claim that it serves a compelling state interest to deny entry to a large class of foreign nationals who are not accused of committing any affirmative acts that contradict the interests of the United States.

PRAYER FOR RELIEF

WHEREFORE, Petitioners/Plaintiffs pray that this Court grant the following relief:

- (1) Issue an Order or a Writ of Mandamus or Habeas Corpus requiring Defendants to return Petitioners/Plaintiffs to the U.S. at government expense;

- (2) Enter a judgment declaring that Respondents/Defendants' detention and removal/refusal to admit the Petitioners/Plaintiffs is unauthorized by statute and contrary to law;
- (3) Issue an order vacating the revocation of the Petitioners /Plaintiffs' visas, or in the alternative, declaring the revocation to be unlawful;
- (4) Issue an Order requiring Petitioner/Plaintiff's admission to the United States per the terms of the Immigration and Nationality Act and their already approved visas for Lawful Permanent Residence;
- (5) Award Petitioner/Plaintiffs reasonable costs and attorneys' fees; and
- (6) Grant any other and further relief that this Court may deem fit and proper.

DATED: January 31, 2017

Respectfully submitted,

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