NO.17-35105

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF WASHINGTON and STATE OF MINNESOTA, Plaintiffs-Appellees, v. DONALD TRUMP, President of the United States, et al., Defendants-Appellants.	DECLARATION OF NOAH G. PURCELL IN SUPPORT OF RESPONSE TO EMERGENCY MOTION FOR STAY PENDING APPEAL

Pursuant to 28 U.S.C. § 1746(2), I, Noah G. Purcell, hereby declare as follows:

1. I am over the age of eighteen and competent to testify.

2. I am the Solicitor General for the State of Washington. I make this declaration as a representative of the State of Washington ("State") in support of the Response to Emergency Motion Under Circuit Rule 27-3 for Administrative Stay and Motion for Stay Pending Appeal.

3. Attached hereto as **Purcell Declaration Exhibit A** is a true and correct copy of a printout dated February 5, 2017, from the U.S. Department of State,

Bureau of Consular Affairs' website containing an "Important Announcement" dated February 4, 2017, titled "Executive Order on Visas."

4. Attached hereto as **Purcell Declaration Exhibit B** is a true and correct copy of a printout of a news article from the Washington Post dated February 4, 2017, titled "A race to get to the U.S. begins; a wave of travelers arrives in Boston, with others to follow."

5. Attached hereto as **Purcell Declaration Exhibit C** is a true and correct copy of a printout of a news article from Reuters dated February 4, 2017, titled "U.S. moves to resume admitting refugees, including Syrians."

6. Attached hereto as **Purcell Declaration Exhibit D** is a true and correct copy of a printout of a news article from the New York Times dated February 4, 2017, titled "Appeals Court Rejects Request to Immediately Restore Travel Ban."

7. Attached hereto as **Purcell Declaration Exhibit E** is a true and correct copy of a printout dated February 4, 2017, from the U.S. Department of Homeland Security's website containing a press release dated February 4, 2017, titled "DHS Statement on Compliance with Recent Court Order."

8. Attached hereto as **Purcell Declaration Exhibit F** is a true and correct copy of a printout dated February 5, 2017, from the U.S. Customs and Border

Protection's website containing a notice last published February 4, 2017, titled "Protecting the Nation from Foreign Terrorist Entry into the United States."

9. Attached hereto as **Purcell Declaration Exhibit G** is a true and correct copy of a printout dated February 4, 2017, from the airline Emirates' website containing an operational update dated February 4, 2017, titled "Update on US entry requirements – 4th February 2017."

10. Attached hereto as **Purcell Declaration Exhibit H** is a true and correct copy of a printout dated February 5, 2017, from Qatar Airways' website containing a travel alert dated February 4, 2017, titled "Changes to entry requirements to the United States."

11. Attached hereto as **Purcell Declaration Exhibit I** is a true and correct copy of a printout dated February 5, 2017, from Etihad Airways' website containing an announcement titled "US travel restrictions."

12. Attached hereto as **Purcell Declaration Exhibit J** is a true and correct copy of a printout dated February 5, 2017, from Lufthansa's website containing current travel information titled "Immigration restrictions for travel to the USA lifted."

13. On February 5, 2017, I contacted trial counsel for Defendants to propose a briefing schedule for the States' motion for a preliminary injunction. I

propose to have briefing completed by February 17, 2017. Attached hereto as **Purcell Declaration Exhibit K** is a true and correct copy of my email to trial counsel for Defendants dated February 5, 2017. I have not received a reply from Defendants' counsel.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 5th day of February 2017.

s/ Noah G. Purcell
NOAH G. PURCELL

Purcell Declaration Exhibit A

ALERT
FEBRUARY 4, 2017

Important Announcement

Executive Order on Visas

An order issued by a U.S. District court in the state of Washington on February 3 bars the U.S. government from enforcing certain provisions of Executive Order 13769, "Protecting the Nation from Terrorist Attacks by Foreign Nationals," including those related to visas and travel for nationals of Syria, Iraq, Iran, Libya, Somalia, Sudan, and Yemen.

The Department of State had, under the Executive Order, provisionally revoked all valid visas of nationals of those seven countries, with limited exceptions. That provisional revocation is now lifted, and those visas are now valid for travel to the United States, if the holder is otherwise eligible. Individuals whose visas are expired, or were physically cancelled, must apply for a new visa at a U.S. embassy or consulate, absent a Customs and Border Patrol (CBP) decision to grant parole or waive the visa requirement at the port of entry. We are looking further into this issue and will revise this site with any updates.

We are working closely with the Departments of Justice and Homeland Security and we will provide further updates as soon as information is available.

On January 27, 2017, President Trump signed Executive Order 13769 on Protecting the Nation from Terrorist Attacks by Foreign Nationals which directs us to review current screening procedures, while protecting national security – our top priority when issuing visas.

The U.S. government's national security screening and vetting procedures for visitors are constantly reviewed and refined to improve security and more effectively identify individuals who could pose a threat to the United States. We welcome every opportunity to continue to review and improve our systems and procedures. In implementing this executive order, the Department of State had temporarily stopped scheduling appointments and halted processing of immigrant and nonimmigrant visa applications for individuals from Syria, Iraq, Iran, Libya, Somalia, Sudan, and Yemen, with limited exceptions. Processing of those applications has now resumed and appointments will be scheduled.

- Information on the Executive Order and Lawful Permanent Residents (LPR) - DHS
- FAQs on the Executive Order - Department of Homeland Security

Purcell Declaration
Exhibit B

The Washington Post

National

A race to get to the U.S. begins; a wave of travelers arrives in Boston, with others to follow.

By Karen Weintraub, Michael E. Miller and Justin Jouvenal February 4 at 7:37 PM

BOSTON — Most of the more than 40 people from Iran who arrived at Logan International Airport on Saturday afternoon were ecstatic, the first large wave of travelers to come to the United States a week after President Trump banned them from entering the country.

The decision late Friday by a federal judge to temporarily halt Trump's denial of entry to travelers from seven majority-Muslim countries had created an opening — and in a frantic race on the other side of the globe, thousands of people rushed to book flights to the United States, uncertain of how long the opportunity would last.

Flights carrying previously barred travelers reached Logan on Saturday afternoon, with more expected at airports across the country starting Sunday.

But amid the euphoria and excitement, the Jalili family of Iran passed through the checkpoints at Logan and onto American soil in a heartbroken state, even though their dream to emigrate — 10 years in the making — had been revived by the federal judge.

At the last minute, after passing through security in the Tehran airport, officials would not let their oldest daughter, 19-year-old Helya, board the Boston-bound plane. She was kept back with about 15 others whose names were called. They got no explanation.

After a quick and agonizing decision, and with Helya's urging, the rest of the family boarded the plane with heavy hearts. They spent most of the flight crying, next to Helya's empty seat.

The family's plight was emblematic of the confusion that continued Saturday — even as government officials and airlines tried to restore normalcy after a week of chaos surrounding the entry ban — amid protests and legal challenges, and after the issuance of the nationwide stay.

"We were very, very sad last night," said Hamid Jalili. "If [my daughter] will come here tomorrow, our gladness will be complete."

Only a small number of citizens of the seven Middle Eastern and North African countries covered in Trump's banning order arrived at U.S. airports Saturday, but attorneys representing them expected a flood in the coming days.

Becca Heller, the director of the International Refugee Assistance Project (IRAP) in New York, said considerable problems remained as citizens of the seven nations — Libya, Iran, Iraq, Yemen, Somalia, Sudan and Syria — trickled Saturday into the United States.

"It's just completely unclear what coordination is happening.
. . . What we're witnessing is the Wild West of immigration law," she said. "And the people who are suffering are the people who desperately need to come to the U.S."

She said her group is hearing reports from travelers of inconsistencies in how airlines are complying with the judge's order; it appeared that some low-level employees of some carriers were still unaware Saturday that a stay of Trump's ban had been issued.

Nevertheless, Heller urged travelers to book flights soon, given the Trump administration's impending challenge of the stay, which was issued by U.S. District Judge James L. Robart in Seattle but affects the entire nation.

"There's a window right now. No one knows how long the window will last," Heller said. "People that need to get to the United States for an urgent reason should get on a plane as soon as possible."

IRAP was preparing packets of information for travelers to present to authorities if they encounter any problems. The documents explain their right to travel to the United States.

A number of airlines — including Qatar Airways, Etihad Airways, Air France and Lufthansa — announced that they would allow travelers from the seven nations to board flights after the State Department said Saturday that it was restoring visas that had been revoked under Trump's Jan. 27 executive order.

And Department of Homeland Security workers were told at the start of their shifts to start processing travelers with visas as normal.

The Jalili family and others at Logan described few problems when they arrived in the country, a marked change from the previous weekend, when some travelers from countries named in the banning order were detained for hours and some sent out of the country on return flights.

Hamid and Bahareh Jalili and two of their daughters, Helya and Hanya, 13, had been issued immigrant visas to join Hamid's brother, who moved to the United States 40 years ago, and the brothers' recently widowed mother.

They had spent most of the first leg, from Tehran to Frankfurt, Germany, in shock after being separated from Helya.

In Frankfurt, they received text messages from Helya saying that their names had been called just after they left — officials had wanted to keep them, too. But the Seattle judge's decision, which came before they left for Boston, had shifted the situation, and they were hopeful again, Hamid said in halting English.

Arriving in Boston, Bahareh with tears in her eyes and Hanya looking stunned, the family was greeted by a small but enthusiastic crowd of well-wishers, lawyers and relatives of other passengers.

The family applied for visas in 2004. The visas came through at the end of October, and the family decided to leave at the end of January. Then came Trump's entry ban.

Brothers Reza and Hamid had not seen each other in three years. Hamid could not attend their father's funeral last year. He worried that his mother, 84 and with a heart ailment, would die before he could reach the United States.

Reza had tried to reassure Hamid when Trump's executive order was announced. "I said, 'There's no way they can take this away from you.' " Now, he said, "I have egg on my face."

Asked whether the situation had changed his view of the United States, Reza Jalili said: "I've been here 40 years. You cannot change my view now."

He said he was upset that such a thing could happen in what he called a country of immigrants, "but at the same time, I want to thank the other half of America that has nothing to do with this."

The Jalilis were not the only travelers who had to scramble to get on flights.

Syrian national Nael Zaino had spent three days at airports, unable to sleep because his cellphone kept buzzing with the latest news about Trump's temporary ban on refugees and the U.S. courts' reaction to the ban.

Zaino's wife and 18-month-old son had received asylum and entered the United States last year; now he was increasingly desperate to join them.

At the airport in Istanbul, where he has lived since fleeing Syria two years ago, Zaino was told a half-hour before his flight was scheduled to leave that he would not be allowed on. He had already twice been barred from boarding U.S.-bound flights.

He went to find a place to sit and wait for his next chance, when his name was called. The court had just reversed the U.S. entry ban and Zaino would be allowed to fly. He grabbed his bags and ran full-tilt to the gate, the last to board the Boston flight.

He was still nervous when he landed, worried that he would be sent back.

It sank in that he was safe, he said, only when a customs officer handed his passport back to him.

"He told me go start your new life with your son. Choose a very good doctor for him, a very good school," Zaino said in accented but fluid English, choking back emotion.

As some waited for loved ones at airports, protesters in New York, Miami, the District and other cities around the world turned out to express anger at the entry ban. Hundreds gathered near the White House in Lafayette Square.

Many in the crowd wore Statue of Liberty foam crowns or displayed posters with the Statue of Liberty's face plastered with the words: "Silence Equals Violence."

Jessica Fix, 27, of the District, attended Saturday's protest at the White House just as she did the previous week. She said she is Jewish and that her ancestors had migrated to the United States from Russia.

"In my opinion, this is how the Holocaust started," said Fix, a senior at the University of Baltimore. "It's important to come out and fight for people who are too scared to."

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Back at Logan Airport, immigration lawyer Susan Church spent the afternoon keeping a record of arriving foreigners and offering pro bono services from American lawyers.

As people from the listed countries walked out of customs and into Logan's lobby, lawyers and others cheered and offered them flowers, pastries and gift bags.

Church welcomed most of them, shaking their hands and saying, "I'm sorry."

Kate Jubboori, from the Boston suburb of Hopkinton, stopped at Logan just before 6 p.m. to drop off goody bags for arriving migrant children. Jubboori, whose father-in-law migrated to the United States from Iraq in the 1960s, said the family had toys left over from her son's fourth birthday party earlier Saturday. She had printed labels that said "Welcome home" on the small gold-colored bags. Asked why she made the effort, Jubboori said she was "just being a human."

Ian Shapira and Abigail Hauslohner in Washington, Vera Haller in New York, Steve Freiss in Detroit, Leah Sotille in Portland, Ore., Lornet Turnbull in Seattle, Camille Pendley in Atlanta, Mark Guarino in Chicago, Francisco Alvarado in Miami and Rob Kuznia contributed to this report.

Michael E. Miller is a reporter on the local enterprise team. Follow @MikeMillerDC

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Exhibit C

POLITICS | Sat Feb 4, 2017 | 10:29pm EST

U.S. moves to resume admitting refugees, including Syrians

FILE PHOTO - An internally displaced Syrian boy looks out his tent in the Bab Al-Salam refugee camp, near the Syrian-Turkish border, northern Aleppo province, Syria December 26, 2016. REUTERS/Khalil Ashawi

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By **Julia Edwards Ainsley** | WASHINGTON
U.S. moves to resume admitting refugees, including Syrians

The U.S. State Department on Saturday moved to begin admitting refugees, including Syrians, as soon as Monday after a federal judge on Friday blocked a Trump administration temporary ban on refugee admissions.An email from the State Department's refugee office reviewed by Reuters Saturday said the U.S. government is working with its legal team and interagency and overseas partners to comply with the ruling.

Trump's Jan. 27 executive order had suspended refugee admissions for 120 days and indefinitely barred Syrian refugees but U.S. Judge James Robart in Seattle on Friday blocked the president's order.

A U.S. State Department official told Reuters on Saturday that officials "expect some refugees to arrive Monday."

The U.S. instructed the International Organization for Migration "to rebook refugees of all nationalities, including Syrians, who were" to schedule to arrive since the Trump's order was signed, the email said.

"We are focusing on booking refugee travel through February 17. We are asking that arrivals resume this Monday, the first normal travel day of the week, if possible. We are aware that some refugees may not be ready to depart on short notice," the email said.

A United Nations spokesman, Leonard Doyle, told the New York Times about 2,000 refugees were ready to travel.

Refugees do not usually enter on weekends, a U.S. official said, as the department hews to a strict set of rules on how their admissions are processed.

Other travelers from seven Muslim majority countries affected by President Donald Trump's week-old curb on immigration can rework their flights after the judge's order, as long as they have valid visas.

Refugees fleeing war, hunger and persecution have less autonomy. Advocates working on their behalf urged the government to move quickly on admitting them.

International Refugee Assistance Project Director Becca Heller called for "the instant resumption of the U.S. Refugee Admissions Program to immediately take the most vulnerable refugees out of harm's way."

During the week of the ban, the government admitted 843 refugees - but no Syrian refugees, government figures show. Officials previously told Reuters that they were "in transit" and had already been cleared for resettlement before the ban took effect.

For refugee families, they are trying to keep expectations in check and hope they do not end up back where they started.

Ayham Oubeid, a Syrian living in Cleveland, has been waiting for over a year for his brother George's family to come to the United States as refugees. His brother, who has health issues, is living in Dubai on a work visa that covers him, his six-year-old daughter and five-months pregnant wife.

George left his job and moved the family out of their apartment when he was told they would be resettled in the United States on Feb. 13. But the family's plane tickets were

PICTURES

canceled when Trump announced the temporary ban. Without George's job, the family could lose the work visa and be sent back to Syria in the midst of its deadly civil war.

U.S. moves to resume admitting refugees, including Syrians

Upon hearing of the judge's ruling from Friday, Oubeid called George. He was careful not to be too hopeful, knowing the judge's order could be overturned.

"I don't want to get excited. I don't want my brother to get excited. Because it was hard for him when he lost everything and was told he couldn't come," Oubeid said.

(Reporting by Julia Edwards and David Shepardson in Washington, Alex Dobuzinskis in Los Angeles; Editing by Mary Milliken, Dan Grebler and Diane Craft)

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U.S. Judge James Robart emerged from relative obscurity on Saturday as the first justice to come under fire from the president since he took office after his temporary order to lift Donald Trump's immigration ban.

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LYON, France Donald Trump's first two weeks in office have left some European politicians leaders aghast but are drawing cheers from France's far-right National Front (FN) as its leader Marine Le Pen launches her own bid for power.

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U.S. moves to resume admitting refugees, including Syrians

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Purcell Declaration
Exhibit D

The New York Times | https://nyti.ms/2kzzP5O

POLITICS

Appeals Court Rejects Request to Immediately Restore Travel Ban

By MARK LANDLER FEB. 4, 2017

WEST PALM BEACH, Fla. — A federal appeals court early Sunday rejected a request by the Justice Department to immediately restore President Trump's targeted travel ban, deepening a legal showdown over his authority to tighten the nation's borders in the name of protecting Americans from terrorism.

In the legal back and forth over the travel ban, the United States Court of Appeals for the Ninth Circuit in San Francisco said a reply from the Trump administration was now due on Monday.

The ruling meant that travelers from seven predominantly Muslim nations — Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen — as well as vetted refugees from all nations could, for now, continue to enter the country. Those foreigners had been barred by an executive order signed by the president on Jan. 27.

After a Federal District Court in Seattle blocked Mr. Trump's order nationwide on Friday, the Justice Department appealed the ruling late Saturday, saying that the president had the constitutional authority to order the ban and that the court ruling "second-guesses the president's national security judgment."

On Saturday night, as Mr. Trump arrived at a Red Cross gala at Mar-a-Lago, his waterfront Florida resort, where he was spending the first getaway weekend of his presidency, reporters asked him if he was confident he would prevail in the government's appeal. "We'll win," he replied. "For the safety of the country, we'll win."

The legal maneuvering led Mr. Trump to lash out at Judge James Robart of the Federal District Court in Seattle throughout the day, prompting criticism that the president had failed to respect the judicial branch and its power to check on his authority.

In a Twitter post on Saturday, Mr. Trump wrote, "The opinion of this so-called judge, which essentially takes law-enforcement away from our country, is ridiculous and will be overturned!"

The Justice Department's filing sought to have the United States Court of Appeals for the Ninth Circuit block the Seattle judge's decision and asked that the lower court's ruling be stayed pending the appeal.

In its argument for an appeal, the Justice Department had said the president had an "unreviewable authority" to suspend the entry of any class of foreigners. It said the ruling by Judge Robart was too broad, "untethered" to the claims of the State of Washington, and in conflict with a ruling by another federal district judge, in Boston, who had upheld the order.

The Ninth Circuit court moved quickly to reject the administration's appeal, a measure of the urgency and intense interest in the case.

The Justice Department argued that the president acted well within his constitutional authority. Blocking the order, it concluded, "immediately harms the

public by thwarting enforcement of an Executive Order issued by the President, based on his national security judgment."

Judge Robart, who was appointed by President George W. Bush, declared in his ruling on Friday that "there's no support" for the administration's argument that "we have to protect the U.S. from individuals" from the affected countries.

His ruling also barred the administration from enforcing its limits on accepting refugees. The State Department said Saturday that refugees, including Syrians, could begin arriving as early as Monday. Syrians had faced an indefinite ban under the executive order.

Despite Mr. Trump's vehement criticism of the ruling and the certainty that it would be appealed, the government agencies at the center of the issue, the State Department and the Department of Homeland Security, moved quickly to comply.

Lawrence Bartlett, the State Department's director of refugee resettlement, wrote in a departmental email that officials were working to rebook travel for refugees who had previously been scheduled to leave for the United States over a three-week period that will end Feb. 17. A State Department official said the extended time frame accounted for the fact that some refugees will have to make difficult journeys back to airports from refugee camps.

A United Nations spokesman, Leonard Doyle, said about 2,000 refugees were ready to travel.

Airlines, citing American customs officials, were telling passengers from the seven countries that their visas were once again valid. Those carriers, however, have yet to report an uptick in travel, and there appeared to be no rush to airports by visa holders in Europe and the Middle East intent on making their way to the United States.

Etihad Airways, the United Arab Emirates' national carrier, said in a statement: "Following advice received today from the U.S. Customs and Border Protection unit at Abu Dhabi Airport, the airline will again be accepting nationals from the seven

countries named last week." Other Arab carriers, including Qatar Airways, issued similar statements.

A group of advocacy organizations that had worked to overturn the executive order and help immigrants and refugees stranded at airports issued a statement on Saturday afternoon encouraging travelers "to rebook travel to the United States immediately."

"We have been in contact with hundreds of people impacted by the ban, and we are urging them to get on planes as quickly as possible," Clare Kane, a law student intern at the Jerome N. Frank Legal Services Organization at Yale Law School, one of the groups involved, said in a statement.

But some officials were being more cautious, advising travelers to wait for further clarity. The American Embassy in Baghdad said it was waiting for additional guidance from Washington. "We don't know what the effect will be, but we're working to get more information," the embassy told The Associated Press in a statement.

The Department of Homeland Security said it had suspended implementation of the order, including procedures to flag travelers from the countries designated in Mr. Trump's order. It said it would resume standard inspection procedures. But in a statement, the department defended the order as "lawful and appropriate."

In his first statement on the matter on Friday evening, the White House press secretary, Sean Spicer, described the Seattle judge's action as "outrageous." Minutes later, the White House issued a new statement deleting the word outrageous.

Mr. Trump's Twitter post showed no such restraint. It recalled the attacks he made during the presidential campaign on a federal district judge in California who was presiding over a class-action lawsuit involving Trump University.

Democrats said the president's criticism of Judge Robart was a dangerous development. Senator Patrick J. Leahy of Vermont, a member of the Judiciary Committee, said in a statement that Mr. Trump seemed "intent on precipitating a constitutional crisis." Gov. Jay Inslee of Washington, whose state filed the suit that

led to the injunction, said the attack was “beneath the dignity” of the presidency and could “lead America to calamity.”

Senator Chuck Schumer of New York, the Democratic leader, said in a statement that Mr. Trump’s outburst could weigh on the confirmation process for Judge Neil M. Gorsuch, the president’s nominee for the Supreme Court.

Until now, Mr. Trump had been comparatively restrained about the multiple federal judges who have ruled against parts of his immigration order, even as he staunchly defended its legality. Some analysts had speculated that he did not want a repeat of the storm during the campaign when he accused Judge Gonzalo P. Curiel of having a conflict of interest in the Trump University case because the judge’s family was of Mexican heritage. Mr. Trump, who had painted Mexicans as rapists and criminals, settled that case after the election.

But on Saturday morning, Mr. Trump let loose, and in the afternoon he unleashed another volley of attacks on the ruling. In one Twitter message, he questioned why a judge could “halt a Homeland Security travel ban,” which would allow “anyone, even with bad intentions,” to enter the country. An hour later, he complained about the “terrible decision,” saying it would let “many very bad and dangerous people” pour into the country.

Earlier, Mr. Trump had asserted, without evidence, that some Middle Eastern countries supported the immigration order. “Interesting that certain Middle-Eastern countries agree with the ban,” he wrote. “They know that if certain people are allowed in it’s death & destruction!”

The Washington State case was filed on Monday, and it was assigned to Judge Robart that day. He asked for briefs on whether the state had standing to sue, with the last one due on Thursday. On Wednesday, Minnesota joined the suit.

On Friday evening, Judge Robart issued a temporary restraining order, requiring the government to revert to its previous immigration policies as the case moved forward. He found that the states and their citizens had been injured by Mr. Trump’s order.

"The executive order adversely affects the states' residents in areas of employment, education, business, family relations and freedom to travel," Judge Robart wrote. He said the states had been hurt because the order affected their public universities and their tax bases.

Still, Judge Robart's order left many questions, said Josh Blackman, a professor at South Texas College of Law in Houston.

"Does the executive order violate the equal protection of the laws, amount to an establishment of religion, violate rights of free exercise, or deprive aliens of due process of law?" Professor Blackman asked. "Who knows? The analysis is bare bones, and leaves the court of appeals, as well as the Supreme Court, with no basis to determine whether the nationwide injunction was proper."

While large crowds had yet to materialize at airports, there were individual stories of people trying to enter the country.

Nael Zaino, 32, a Syrian who had tried unsuccessfully for nearly a week to fly to the United States to join his wife and American-born son, was allowed to board a flight from Istanbul and then Frankfurt late Friday. He landed in Boston around 1 p.m. Saturday and emerged from immigration two hours later, said his sister-in-law Katty Alhayek.

Mr. Zaino was believed to be among the first revoked visa holders to enter the United States since the executive order went into effect. His advocates had sought a waiver for him from the State Department, citing family reunification. "Mine must be a very special case," Mr. Zaino said by phone from Istanbul.

Iranians, many of them students on their way to American universities, also rushed to book flights to transfer destinations in other Persian Gulf countries, Turkey and Europe. Pedram Paragomi, a 33-year-old Iranian medical student bound for the University of Pittsburgh, who had been caught up in the initial chaos over the travel ban, flew to Frankfurt on Saturday, where he was to transfer to a flight to Boston.

"I'm anxious," he said from Frankfurt. "The rules keep on changing, but I think I will make it this time."

Reporting was contributed by Alexander Burns, Russell Goldman, Nicholas Kulish and Somini Sengupta from New York; Adam Liptak, Gardiner Harris, Ron Nixon, Eric Lichtblau and Noah Weiland from Washington; and Thomas Erdbrink from Tehran.

A version of this article appears in print on February 5, 2017, on Page A1 of the New York edition with the headline: Administration Files an Appeal of Travel Ruling.

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Official website of the Department of Homeland Security

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DHS Statement on Compliance with Recent Court Order

Release Date: February 4, 2017

For Immediate Release
Office of the Press Secretary
Contact: 202-282-8010

WASHINGTON - In accordance with the judge's ruling, DHS has suspended any and all actions implementing the affected sections of the Executive Order entitled, “Protecting the Nation from Foreign Terrorist Entry into the United States."

This includes actions to suspend passenger system rules that flag travelers for operational action subject to the Executive Order.

DHS personnel will resume inspection of travelers in accordance with standard policy and procedure.

At the earliest possible time, the Department of Justice intends to file an emergency stay of this order and defend the president's Executive Order, which is lawful

and appropriate. The order is intended to protect the homeland and the American people, and the president has no higher duty and responsibility than to do so.

###

Topics: Immigration Enforcement (/topics/immigration-enforcement), International (/topics/international)

Keywords: immigration (/keywords/immigration), DOJ (/keywords/doj), international travel (/keywords/international-travel)

Last Published Date: February 4, 2017

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Exhibit F

Official website of the Department of Homeland Security

U.S. Customs and Border Protection

Protecting the Nation from Foreign Terrorist Entry into the United States

In accordance with the judge's ruling, DHS has suspended any and all actions implementing the affected sections of the Executive Order entitled, “Protecting the Nation from Foreign Terrorist Entry into the United States."

This includes actions to suspend passenger system rules that flag travelers for operational action subject to the Executive Order.

DHS personnel will resume inspection of travelers in accordance with standard policy and procedure.

At the earliest possible time, the Department of Justice intends to file an emergency stay of this order and defend the President's Executive Order, which is lawful and appropriate. The Order is intended to protect the homeland and the American people, and the President has no higher duty and responsibility than to do so.

Individuals who may be affected by this Executive Order may visit the CBP INFO Center website for additional information. On the webpage, travelers may also request additional guidance by clicking on the ‘Email us your Question’ button

Below are the actions taken in accordance with the Executive Order signed January 27, 2017.

CBP Executive Order Actions	
Recommended Denial of Boarding	1,222
Visa holders granted waivers	87

(Statistics are valid as of February 2, 2017)

Download a PDF **of the Questions and Answers**

Questions and Answers about the Executive Order

- When did enforcement of the Executive Order start?
- Does this affect travelers at all ports of entry?
- How many people are currently detained at Ports of Entry as a result of the Executive Order?
- What do the two exemptions in the Executive Order mean? How are they applied to individual cases?
- What is the process for considering an individual for an exemption under the Executive Order?
- Does “from one of the seven countries” mean citizen, national or born in?
- How does the lawsuit/stay affect DHS operations in implementing this executive order?
- Does this Executive Order apply to green card holders from one of the seven countries listed?
- Will nationals of restricted countries with valid green cards (LPRs) be allowed to return to the United States?
- How many Lawful Permanent Residents have not been allowed to enter pursuant to the Exception to the Executive Order?
- Has CBP been pressuring detainees to either withdraw their applications for admission into the country or sign documents rescinding their green cards? There are reports that CBP is confiscating green cards.
- Does this Executive Order apply to dual nationals of the seven countries who want to enter the United States? If they apply for entry based on their citizenship from one of the countries NOT on the list, will they be allowed entry?
- Can a dual national traveling with a passport from an unrestricted country travel to the United States?

Can a dual national who holds nationality with a restricted country and is currently overseas, apply for an immigrant or nonimmigrant visa to the United States?

How does the Executive Order affect college students from the seven countries, such as F1/J1/M1 visa holders? Are they included in the Executive Order? What kind of guidance is being given to foreign students from these countries legally in the U.S.?

Can USCIS continue refugee interviews of religious minorities and for countries with which we have an agreement?

Will the U.S. accept emergency requests to process a refugee who will then travel?

Can the exception for refugee admission be used in I-730 cases (family members following to join) for the petition of refugee/asylee relatives?

What about refugees who are considered to be “in transit?”

Does the Executive Order apply to those currently being adjudicated for naturalization?

Will Canadian immigrants affected by the Executive Order be eligible for entry to the United States?

Can Canadian immigrants affected by the Executive Order apply for an immigrant or nonimmigrant visa to the United States?

Will Iraqi Passport holders with a valid Special Immigrant Visa be eligible for entry to the United States?

How many aliens with special immigrant visas have been denied entry?

Has CBP issued clear guidance to CBP officers at Ports of Entry on the Executive Order and the court orders?

What coordination is being done between CBP and the carriers?

What additional screening will nationals of restricted countries (as well as any visa applications) undergo as a result of the Executive Order?

Does CBP have the authority to search individuals’ electronics?

What happened to the two men at JFK who were released?

Last published: Saturday, February 4, 2017 - 11:23

Tags: Border Security

Purcell Declaration
Exhibit G

(/us/english/)

Operational updates

Check flight status

Flight suspension () Security alert () Operational changes ()

News flash

Last updated: February 4, 2017, 17:40 Dubai (GMT+4)

Update on US entry requirements - 4th February 2017

As directed by the U.S. Customs and Border Protection (CBP), nationals of the seven affected countries listed below and all refugees seeking admission presenting a valid, unexpired U.S. visa or Lawful Permanent Resident (LPR) card (Green Card) will be permitted to travel to the United States.

Entry requirements to the U.S. may change, and travellers are advised to check the latest information prior to travel.

Emirates will continue to comply with guidance provided by the U.S. Customs and Border Protection.

Last updated: 28 January 2017, 22:07 Dubai (GMT+4)

Changes to entry requirements to the United States

The U.S Customs and Border Protection has issued an Immigration Advisory Notice with regards to new U.S immigration entry requirements affecting the nationals of the following countries:

Sudan, Libya, Somalia, Syria, Iran, Iraq, Yemen

Nationals from these countries may travel to the U.S. only if they are in possession of a permanent resident card (Green card) or any of the below visas:

- A1 & A2 (Government Officials and immediate family)
- C2 (Travel to U.N.)

- G1 & G2 (Representative & employees of international organisations)
- G3 & G4 (Representatives to and employees of international organisations)
- NATO

For more information, please visit the U.S. Customs and Border Protection site (http://www.cbp.gov/).

Emirates is offering rebooking and refund options for affected passengers who are booked to fly to/from the USA between 28 January and 28 February. Terms and conditions apply.

Please contact your booking agent if you need to change your travel arrangements.

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Flight suspension

We don't have any updates at the moment.

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Security alert

We don't have any updates at the moment.

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Operational changes

Last updated: April 25, 2016, 11:06 Dubai (GMT+4)

UAE visa for GCC residence permit holders

As of April 29, 2016, GCC residence permit holders will need to apply for a UAE visa (/us/english/plan_book/essential_information/visa_passport_information/uae_visas.aspx) before arriving in Dubai.

Last updated: April 11, 2016, 11:48 Dubai (GMT+4)

Baggage policy for Africa

For tickets issued on or after April 15, 2016

For itineraries beginning from any destination in Africa, the piece concept applies. Customers beginning their journey in Africa are allowed two bags of up to 23 kg each in Economy Class, and two bags of up to 32 kg each in First Class or Business Class. This will apply regardless of the country in which the ticket was purchased. If the free baggage allowance is exceeded, excess charges apply.

For tickets issued before April 15, 2016

The baggage allowance for passengers with tickets issued before this date on journeys originating in Africa will continue to be based on the weight concept. This applies regardless of the date of travel. If the free baggage allowance is exceeded, excess charges apply.

To see details of the baggage policies and the excess baggage rates for your trip, please use our baggage allowance calculator (/us/english/plan_book/essential_information/baggages/baggage_calculator.aspx).

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Purcell Declaration
Exhibit H

Travel alerts

Manage booking
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oneworld

Changes to entry requirements to the United States

Update 4 February 2017

عملاً بتوجيهات إدارة الجمارك و حماية الحدود في الولايات المتحدة الأمريكية يسمح لحاملي جنسيات الدول السبعة المبينة أدناه و جميع طالبي اللجوء الحاملين لتأشيرات دخول سارية المفعول إلى الولايات المتحدة الأمريكية أو من يحملون إقامة دائمة أو غرين كارد بالسفر إلى الولايات المتحدة الأمريكية .

السودان , ليبيا , الصومال , سوريا , إيران , العراق , اليمن

As directed by the U.S. Customs and Border Protection (CBP), nationals of the seven affected countries listed below and all refugees seeking admission presenting a valid, unexpired U.S. visa or Lawful Permanent Resident (LPR) card (Green Card) will be permitted to travel to the United States and will be processed accordingly upon arrival.

Sudan, Libya, Somalia, Syria, Iran, Iraq, Yemen

28 January 2017

نظرا للتغيرات الجديدة من قبل ادارة الهجرة والجوازات في الولايات المتحدة سوف تتغير متطلبات الدخول لمواطنين الدول التالية الى الولايات المتحدة الامريكية:
السودان،ليبيا،الصومال،سوريا،ايران، العراق واليمن
ويمكن لحاملي الجنسيات المذكورة السفر الى الولايات المتحدة في حال حملهم لبطاقة الاقامة الدائمة (البطاقة الخضراء) او اي من التأشيرات التالية:

A1 و A2 (ممثلي الحكومات و الاقرباء المباشرين)
C2
G1و G2 (ممثلين و موظفين المنظمات الدولية)
G3 and G4 (ممثلين و موظفين المنظمات الدولية)
NATO

يرجى التواصل مع وكيل سفركم في حال الحاجة الى تغير الحجوزات.
للمزيد من المعلومات يرجى زيارة موقع ادارة الهجرة والجوازات الامريكية.

Per an Immigration Advisory Notice from U.S Customs and Border Protection with regards to new U.S immigration entry requirements affecting the nationals of the following countries

Sudan, Libya, Somalia, Syria, Iran, Iraq, Yemen

Nationals from these countries may travel to the U.S. only if they are in possession of a permanent resident card (Green card) or any of the below visas:

A1 - A2 (Government Officials and immediate family)
C2 (Travel to U.N.)
G1 - G2 (Representative & employees of international organisations)
G3 - G4 (Representatives to and employees of international organisations)
NATO

Please contact your booking agent if you require amendment to your travel arrangements.
For more information, please visit the U.S. Customs and Border Protection site.

Galaxy Note 7

Effective immediately, passengers are not permitted to bring Samsung Galaxy Note 7 devices on board the aircraft or in checked luggage. This prohibition applies to all flights.

ابتداء من الان يمنع حمل اجهزة سامسونج جالاكسي نوت ٧ على متن الطائرة او حملها في الامتعة المسجلة على جميع رحلات الخطوط الجوية القطرية

Updated on 15/10/2016 @ 09:55 GMT

Zika Virus

Passengers considering travel to Zika-affected nations may find more information here:

Contact us

Find your local Qatar Airways office contact details.

World Health Organisation
Centers for Disease Control and Prevention
United Nations World Tourism Organisation

For latest flight status information please use the flight status panel at the top of this page.

Flight status updates can also be found at
http://fs.qatarairways.com/fltstatus/pages/flight_status.jsf

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Purcell Declaration
Exhibit I

Announcement

US travel restrictions

Following advice received today from the U.S. Customs and Border Protection unit at Abu Dhabi Airport, the airline will again be accepting nationals from the seven countries - Iran, Iraq, Sudan, Somalia, Syria, Yemen and Libya – who were listed in changes to U.S. immigration entry requirements last week. Acceptance will naturally be subject to checks completed by U.S. authorities, as existed prior to the issuance of the Executive Order on 27 January.

Our customer service offices around the world will be working to ensure that the information is shared with passengers, and we will provide updated advice and assistance to our guests so their journeys can go ahead as planned. The Etihad Airways contact centre can also be contacted on +971 2 599 0000.

For more information, please contact a U.S. Consulate or visit the U.S. Customs and Border Protection website.

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Exhibit J

Lufthansa

(/de/en/Homepage)

Current travel information

See below for the latest news about our current flight operation.

Immigration restrictions for travel to the USA lifted −

The United States federal court has blocked the travel ban to the USA with immediate effect.

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 are again allowed to travel to the USA.
However, short notice changes to the immigration regulations may occur at any time. The final decision regarding immigration lies with the US authorities.

Travel to/ via Canada: Electronic Travel Authorization (eTA) mandatory as of 10 November 2016 +

Samsung Galaxy Note 7 banned on all flights +

Passport Controls within the Schengen Area +

Current travel information for flights within the European Community +

No lithium battery-powered personal devices on board +

Information for transport of weapons with departures ex Brussels +

Important changes for US-entry regulations have been +

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imposed on short notice

Air Passenger Duty (APD): Who is exempt from paying APD? +

Secure Flight +

All about your booking

Here you can check the current status of your booking, change your booking if necessary, check in directly and make use of many other services related to your booking.

→ My Bookings (https://www.lufthansa.com/deeplink/cockpit?country=DE&language=en)

Lufthansa on Twitter

With Lufthansa's Twitter channel you can receive the latest news about flight services at any time.

→ Follow Lufthansa on Twitter (https://twitter.com/)

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Exhibit K

From: Purcell, Noah (ATG)
To: michelle.bennett@usdoj.gov; arjun.garg@usdoj.gov
Cc: Melody, Colleen (ATG)
Subject: Schedule for preliminary injunction briefing
Date: Sunday, February 05, 2017 12:11:31 PM

Counsel:

It was nice meeting you on Friday. I write to confer about the preliminary injunction briefing schedule as directed by the court. Washington and Minnesota propose the following:

1. Plaintiffs' motion for a preliminary injunction filed by 11:59pm PST on February 9, 2017

2. Defendants' opposition filed by 11:59pm PST on February 15, 2017

3. Plaintiffs' reply filed by 11:59pm on February 17, 2017

The order indicates that the court itself will handle hearing scheduling.

Please let me know if this schedule is acceptable to the Department. My office will prepare a pleading.

Sincerely,

Noah Purcell

Solicitor General

Washington State Attorney General's Office

1125 Washington Street SE

Olympia, WA 98504

(360) 753-2536