IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AFGHAN AND IRAQI ALLIES UNDER SERIOUS THREAT BECAUSE OF THEIR FAITHFUL SERVICE TO THE UNITED STATES, ON THEIR OWN AND ON BEHALF OF OTHERS SIMILARLY SITUATED, Plaintiffs, – against – MICHAEL R. POMPEO, et al., Defendants.	Case No. 18-cv-01388-TSC **ORAL ARGUMENT REQUESTED**

PLAINTIFFS' REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THEIR MOTION FOR A PRELIMINARY INJUNCTION

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases **Page(s)**

Cases **Page(s)**

Other Authorities

INTRODUCTION

Defendants' opposition to the Motion for Preliminary Injunction makes no effort and proffers no evidence to rebut Plaintiffs' uncontroverted factual record—a record that includes detailed declarations from the named plaintiffs, a declaration from the former Director for Iraq on the National Security Council at the White House with over 25 years of military experience, and Defendants' own reports admitting to systemic delays in the processing of Special Immigrant Visas ("SIVs") for Afghans and Iraqis who worked on behalf of the U.S. government.[1] Defendants do not dispute that there are systemic delays in SIV processing beyond the nine-month timeframe provided by the SIV statutes. Defendants do not attempt to excuse these delays or to explain why they cannot alleviate these delays. And, significantly, Defendants do not rebut evidence of the dangers that Plaintiffs face every day because of the delays—in fact, they concede in their opposition that the evidence of harm presented in this case is "serious" and that "these are the harms that motivated Congress to create the SIV process."[2] Defs.' Opp. to Preliminary Injunction ("Opp."), Sept. 29, 2018, ECF No. 42, at 10.

Instead, Defendants' opposition is a bald request that this Court disregard *Nine Iraqi Allies Under Serious Threat Because of Their Faithful Service to the United States v. Kerry* (*"Nine Iraqi Allies"*), 168 F. Supp. 3d 268 (D.D.C. 2016) and give the agencies free rein to delay SIV processing and adjudication. But Defendants' position would completely undermine congressional intent in passing the SIV statutes, and especially in passing the amendments that specified a nine-month timeframe for processing and adjudicating SIVs from the first step of

[1] "Plaintiffs" as used in this memorandum refer to the named plaintiffs and putative class members.

[2] Plaintiffs' motion for expedited discovery in support of their preliminary injunction remains pending. Plaintiffs request that the Court allow expedited discovery and an opportunity for Plaintiffs to supplement this motion with additional data on delays.

submitting an application for the Chief of Mission ("COM") approval to the last step of finally approving or denying the visa. This Court should grant Plaintiffs' request for a preliminary injunction, which is a modest request to begin to enforce Congress's determination that SIV applications should be adjudicated promptly rather than languishing for months and years in Defendants' hands.

ARGUMENT

I. DEFENDANTS MISSTATE THE LEGAL STANDARD FOR A PRELIMINARY INJUNCTION.

As an initial matter, Defendants misstate the legal standard for a preliminary injunction and incorrectly argue that Plaintiffs must satisfy "a higher burden of proof" because they seek mandatory preliminary relief. Opp. at 4. The D.C. Circuit has "rejected any distinction between a mandatory and prohibitory injunction" in a case that post-dates the district court cases cited by Defendants. *League of Women Voters of United States v. Newby*, 838 F.3d 1, 7 (D.C. Cir. 2016). Although Plaintiffs' unrebutted record would satisfy even a heightened standard, the well-established standard for preliminary injunction is the four-factor test under *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20-22 (2008), which Plaintiffs amply meet as demonstrated by their Motion for Preliminary Injunction and this reply.

II. PLAINTIFFS HAVE SHOWN LIKELIHOOD OF IRREPARABLE HARM ABSENT INJUNCTIVE RELIEF.

As Plaintiffs established in their moving motion, Plaintiffs are suffering or are likely to suffer irreparable harm of several forms as a result of the unreasonable delay in the adjudication of their SIV applications. *See* Mem. in Support of Mot. for Prelim. Inj. ("PI"), Sept. 7, 2018, ECF No. 34, at 14-16. Defendants do not dispute that Plaintiffs have met the burden of proving that the harm here is "certain, great and actual – not theoretical – and imminent, creating a clear and present need for extraordinary equitable relief to prevent harm." *Fisheries Survival Fund v.*

Jewell, 236 F. Supp. 3d 332, 336 (D.D.C. 2017) (finding, in a situation far different from the present case, that plaintiffs did not show irreparable harm where injuries would only result from events that may occur years later) (quoting *Power Mobility Coal. v. Leavitt*, 404 F. Supp. 2d 190, 204 (D.D.C. 2005)) (Chutkan, J.). Indeed, Defendants concede that Plaintiffs' evidence of harm articulated in a series of declarations—including of risk of death, torture, or severe physical injury—is "serious" and that "these are the harms that motivated Congress to create the SIV process." Opp. at 10; *see also* Decl. of Col. (Ret.) Steven Miska ("Miska Decl."), Sept. 7, 2018, ECF No. 34-2; Decl. of John Doe-Alpha ("Alpha Decl."), May 8, 2018, ECF No. 3-5; Decl. of Jane Doe-Bravo ("Bravo Decl."), May 14, 2018, ECF No. 3-6; Decl. of John Doe-Charlie ("Charlie Decl."), Apr. 28, 2018, ECF No. 3-7; Decl. of Jane Doe-Delta ("Delta Decl."), Apr. 15, 2018, ECF No. 3-8; Decl. of John Doe-Echo ("Echo Decl."), Apr. 27, 2018, ECF No. 3-9.

Defendants only argue that that this irreparable harm is not cognizable because "the harms Plaintiffs articulate are not addressed in terms of the timeliness of the visa adjudication." Opp. at 10-11. But Defendants could not be more wrong in their characterization of Plaintiffs' evidence. Every additional day that Defendants delay the processing of their SIV applications exposes Plaintiffs to the additional risk of living in life-threatening situations and leaves them hanging in the uncertainty of whether they should be planning alternatives for their lives. *See* Alpha Decl. ¶ 15; Bravo Decl. ¶¶ 14-15; Charlie Decl. ¶ 15; Delta Decl. ¶¶ 13-14; Echo Decl. ¶ 13; *see also* Miska Decl. ¶ 30 ("Every day matters when facing these extreme risks, and when the SIV processing is delayed it severely prejudices the Contractors and their families by prolonging the time that they live at risk of this severe harm."). And mounting delays magnify this irreparable harm, as information critical to Plaintiffs' SIV applications becomes harder to obtain the more time passes. *See* PI at 16.

To the extent Defendants are arguing that the SIV statutes do not address Plaintiffs' harms "in terms of the timeliness of the visa adjudication," Opp. at 10-11, the argument is both incorrect, *see infra* at 2-3, and irrelevant as it does not undermine the irreparable harm that Plaintiffs are suffering. And Defendants' argument that the statute contemplates addressing this harm through another means of offering immediate protection, Opp. at 11, consists of a one-sentence assertion that is not supported by any evidence showing that this alternative form of protection is in fact available to Plaintiffs. To the contrary, the uncontroverted factual record here shows that Plaintiffs are reliant on the prompt adjudication of SIV applications for their safety and that they will continue to suffer this intolerable, irreparable harm absent the relief that they seek through this motion.

III. PLAINTIFFS ARE LIKELY TO PREVAIL ON THEIR CLAIMS.

A. Whether the Nine-Month Timeframe Is a Mandatory Deadline Is Irrelevant to Whether Plaintiffs Have Stated an Unreasonable Delay Claim.

Defendants' argument that Plaintiffs have not stated a claim because the nine-month timeframe in the SIV statutes is not a mandatory deadline, Opp. at 5-8, is wrong for several reasons. As an initial matter, for Defendants to prevail on this argument this Court would have to disregard Judge Gladys Kessler's well-reasoned decision in *Nine Iraqi Allies*, as Defendants explicitly conceded in their Motion to Dismiss briefing. *See* Reply to Motion to Dismiss, Sept. 28, 2018, ECF No. 43, at 2 ("Plaintiffs are absolutely correct that Defendants ask this Court to disregard the holding in *Nine Iraqis*."). The Court should not do so, as Judge Kessler's decision finding that the plaintiffs there stated a similar unreasonable delay claim and that the nine-month timeframe applies to all steps of SIV processing was squarely rooted in the unreasonable delay case law, the language of the SIV statutes, and their legislative history. *See Nine Iraqi Allies*, 168 F. Supp. 3d at 293, 296.

In any event, Defendants continue to misunderstand the crux of Plaintiffs' unreasonable delay claim: Plaintiffs need not show that the nine-month timeframe is a mandatory deadline in order to state the claim, but only need to show, as they did, that Defendants have failed to take discrete action that they are required to take: the adjudication of Plaintiffs' SIVs. *See* PI at 16-18; *see also Mashpee Wampanoag Tribal Council, Inc. v. Norton*, 336 F.3d 1094, 1099-1100 (D.C. Cir. 2003) (holding that an unreasonable delay claim under the APA can be stated even where there is no mandatory deadline for action and noting that the government's argument to the contrary "reflects a misunderstanding of the nature of [plaintiffs'] claim"). Defendants have not disputed that they have a mandatory duty to process and adjudicate SIVs under the relevant statutes and regulations, nor can they. *See* 22 C.F.R. § 42.81(a); AAPA § 602(b)(2)(D); RCIA § 1244(b)(4); *Nine Iraqi Allies*, 168 F. Supp. 3d at 293 n.22, 295-96 (concluding that Defendants' duty to adjudicate SIVs within a reasonable time is not a discretionary duty). This mandatory duty, and the failure to satisfy the duty, is sufficient to state the claim. *See Nine Iraqi Allies*, 168 F. Supp. 3d at 296.

B. Each of the Factors Considered in Adjudicating an Unreasonable Delay Claim Favors Plaintiffs' Requested Relief.

Because Plaintiffs have stated an unreasonable delay claim, this claim should be adjudicated by reference to the six *TRAC* factors that guide the court's inquiry into whether an agency's delay warrants judicial intervention. *See Telecomm. Research & Action Ctr. v. Fed. Commc'n. Comm'n*, 750 F.2d 70, 80 (D.C. Cir. 1984) ("*TRAC*"); PI at 18-24. Defendants' brief missive on the application of *TRAC* factors to the delays experienced by Plaintiffs, Opp. 9-10, does nothing to counter Plaintiffs' showing that they are likely to prevail on the *TRAC* analysis.

1. The "rule of reason" factors (factors 1 and 2) favor relief.

With respect to the rule of reason, "the first and most important" of the *TRAC* factors, *In re People's Mojahedin Org. of Iran*, 680 F.3d 832, 837 (D.C. Cir. 2012), Defendants appear to argue that neither the nine-month timeframe nor the general structure of the SIV statutes provide a rule of reason against unreasonable delay, but it is not immediately clear why this would be so. *TRAC* provides that a "rule of reason" may be found in a "timetable or other indication of the speed" with which Congress "expects the agency to proceed." *TRAC*, 750 F.2d at 80. It is hard to imagine what the nine-month timeframe is, if not a "timetable or other indication of speed." *See Nine Iraqi Allies*, 168 F. Supp. 3d at 293 (holding that the SIV statutes provide such a timetable).

Each of Defendants' arguments against the rule of reason factor is misguided. First, to the extent that Defendants are arguing that the nine-month timeframe does not provide a rule of reason because it is not a mandatory deadline, they miss the mark. The SIV statutes *do* provide a mandatory deadline by "instructing that Defendants shall process SIV applications within nine months." *Nine Iraqi Allies*, 168 F. Supp. 3d at 293.[3] But even if they did not, a statute does not need to contain mandatory deadlines in order to provide a "rule of reason" against the challenged delay. *See, e.g., In re Am. Rivers & Idaho Rivers United*, 372 F.3d 413, 419 (D.C. Cir. 2004) (finding unreasonable delay under the TRAC factors even where there is no mandatory deadline for action); *Cobell v. Norton*, 240 F.3d 1081, 1096-97 (D.C. Cir. 2001) (same). Whether the nine-month timeframe is a mandatory deadline or not, it is evident that it at least supplies a "rule

[3] Defendants are wrong that the nine-month timeframe is not mandatory because of the use of the word "should" instead of "shall." *See* Opp. at 6-8. Words must be understood in their context and "strong expressions of congressional . . . policy" favoring a prompt adjudication process weighs in favor of interpreting the timeframe as mandatory. *See Doe v. Hampton*, 566 F.2d 265, 281-82 (D.C. Cir. 1977) (holding that the use of the word "should" instead of "shall" is not automatically determinative of whether the provision is directory rather than mandatory).

of reason," along with other indicators—such as reporting obligations regarding speed of adjudication and designation of SIV coordinators to improve efficiency. *See* PI at 20-21; *Muwekma Tribe v. Babbitt*, 133 F. Supp. 2d 30, 39 (D.D.C. 2000) (holding that, even absent a statutory deadline, the rule of reason weighs in favor of relief where Congress did not intend petitions "to languish in the review process indefinitely"); *Netherton v. Thomas*, No. 85-0397, 1985 WL 56670, at *2 (D.D.C. Mar. 27, 1985) (holding that although Congress did not set a particular deadline for action, it charged the agency with acting "promptly," which weighs in favor of rule of reason), *vacated as moot*, No. 85-0397, 1985 WL 56672 (D.D.C. May 10, 1985).

Second, to the extent that Defendants are arguing that the rule-of-construction provision allowing the Secretary to take longer than nine months in certain "high-risk cases" forecloses relief, Opp. at 6-7, 9, that argument proves too much. Defendants have not offered any evidence that they have designated any case, much less the cases of named plaintiffs, as "high-risk." Defendants' reading of the statute, which would allow the Secretary to take longer than nine months to adjudicate SIV applications whenever he wants, Opp. at 7, would "allow the national security exception to swallow the nine-month rule in its entirety." *Nine Iraqi Allies*, 168 F. Supp. 3d at 294-295 (rejecting the same argument). To give meaning to both the nine-month provision and the rule-of-construction provision, the latter must be read as creating an exception to the nine-month timeframe for high risk cases, as the *Nine Iraqi Allies* court held. *See id.*

Third, to the extent that Defendants are arguing that the statutory structure is aimed towards institutional efficiency rather than speedy adjudication, Opp. at 7, the former does not preclude, and is in fact entirely consistent with, the latter. That there is a "protection of aliens" section within the SIV statutes that directs the Secretary of State to make a reasonable effort to take steps to protect applicants who are in imminent danger, *id.*, does not detract from, and in

fact supports, Congress's intent that SIV adjudication occur quickly given the dangerous circumstances in which the Plaintiffs live. Moreover, Defendants have offered no evidence that they are implementing the "protection of aliens" section in a way that alleviates the concerns raised by SIV delays. The "protection of aliens" is part of the SIV statutory structure that provides an indicator of the "rule of reason" against the existing delays.

Finally, Defendants' argument that the nine-month timeframe only applies to a part of the SIV application process, Opp. at 4-5, is unsupported by the plain language of the statute. Congress specified that "all steps under the control of the respective departments incidental to the issuance of [SIVs] . . . should be completed not later than 9 months after the date on which an eligible alien submits all required materials to complete an application for such visa." AAPA § 602(b)(4)(A); RCIA § 1242(c)(1).[4] The nine-month timeframe applies to every part of the SIV process starting from the submission of COM application, which is the first of the multiple sequential steps that a person who qualifies for a SIV must take to apply for the SIV, and that first step is clearly "incidental to the issuance" of the SIV. *See Nine Iraqi Allies*, 168 F. Supp. 3d at 275-76, 293 (concluding that "the timeline applies to each of the 14 steps in the SIV adjudication process identified in the Joint Reports that are within Defendants' control, including 'administrative processing' and 'COM Approval'"); *Airaj v. United States*, No. 15-983 (ESH), 2016 WL 1698260, at *9 (D.D.C. Apr. 27, 2016) ("In every meaningful sense, COM approval was conceived, and is administered, as one stepping stone along the path to [SIV] issuance"),

[4] Elsewhere, Defendants have also argued that because of the statutes' use of the word "eligible alien," the nine-month timeframe applies "only to those aliens who have been determined to be eligible by a consular officer at the visa application interview, which can only be known in retrospect." Opp. at 11; Mot. to Dismiss, Aug. 13, 2018, ECF 30, at 33-34. But the natural reading of "eligible" is "qualified to participate," not the strained *post hoc* meaning that Defendants urge. *See* Opp. to Mot. to Dismiss, Sept. 7, 2018, ECF 36, at 17-18. Defendants' attempt to read all meaning out of the SIV statutes by applying the nine-month timeframe only "in hindsight," Opp. at 11, should be rejected.

aff'd sub no m. Airaj v. United States Dep't of State, No. 16-5193, 2017 WL 2347797 (D.C. Cir. Mar. 30, 2017).

The interpretation already adopted by two courts in this District is the only interpretation that is consistent with Congress's use of the term "application" throughout the SIV statutes. For example, in the reporting section of the statutes that is intended to monitor improvements to processing, Congress required the agencies to report on "[t]he total number of applications that are pending due to" various failures, including the failure "to receive approval from the [COM]." RCIA § 1248 (f)(2)(E); AAPA § 602 (b)(12)(B)(v). Congress further required a report on reasons for COM denial to "[SIV] applicants." RCIA § 1248 (f)(2)(H); AAPA § 602 (b)(12)(B)(viii). And in setting an "application deadline" for the Iraqi SIVs, Congress set it as a deadline to apply for COM approval. RCIA § 1244(c)(3)(C)(iii). These repeated uses of the word "application" clearly indicate that Congress understood "an application for [an SIV]" to be pending once the application for COM approval is submitted and an "SIV applicant" to include those applicants at the COM stage. Defendants' irrational insistence otherwise, which would strip all meaning from Congress's intent to expedite SIV processing, should be rejected.

2. The prejudice factors (factors 3 and 5) favor relief.

Defendants do not dispute that the third factor, the human health and welfare at stake, favors relief, but argue that the fifth factor, "the nature and extent of the interests prejudiced by the delay," weighs in their favor because it "is addressed by the statute where the agencies are given the discretion to keep applications as pending even where the time exceeds nine months." Opp. at 10. It is not clear how this is so. Plaintiffs do not dispute that Defendants may take longer than nine-months to adjudicate certain "high-risk" cases, but this does not address or

relieve the nature and extent of the interests of the applicants prejudiced by Defendants' systemic delay in SIV adjudication. *See* PI at 21-23.

3. The competing priorities factor (factor 4) favors relief.

As for competing priorities that would make it difficult for Defendants to remedy the unreasonable delay, Defendants offer none—no evidence, and not even unsupported assertions that there are such difficulties. Given this empty record, the Court should decide that the requested injunction would not burden any competing priorities. *See, e.g.*, *In re People's Mojahedin Org. of Iran*, 680 F.3d at 837 (rejecting the Secretary's general assertion of competing authorities where "Congress undoubtedly knows the enormous demands placed upon the Secretary and nonetheless limited her time to act"); *Liu v. Novak*, 509 F. Supp. 2d 1, 10 (D.D.C. 2007) (rejecting defendants' argument on the competing priorities factor where defendants failed to submit any information regarding the extent of the impact the remedy would have).

Rather than raising any competing priorities or difficulties with complying with the requested injunction, Defendants' argument on this factor appears to be that this Court should simply leave it to Congress to monitor the delays. But this is a deeply cynical view that seeks to avoid all accountability. Congress already legislated on this issue by directing that the agencies should adjudicate SIV applications promptly, within nine months except in "high risk" cases. It is squarely this Court's role to enforce the laws written by Congress. *See In re Aiken Cty.*, 725 F.3d 255, 257 (D.C. Cir. 2013) (noting, in an unreasonable delay case, that the court's "modest task" is to "ensure, in justiciable cases, that agencies comply with the law as it has been set by Congress").

4. The bad faith factor (factor 6) favors relief.

Defendants provide no response to the bad faith factor, including to Plaintiffs' concern that the challenged delays have persisted, visibly and unremedied, for years since the amendments to the SIV legislations that added the nine-month timeframe despite lawsuits putting Defendants on notice of their obligations. *See* PI at 23-24. Defendants' opposition to the preliminary injunction motion, which is based on nothing but continued disregard of the statutory timeframes without any justification for it, weighs in favor of Plaintiffs' requested relief. *See In re Aiken Cty.*, 725 F.3d at 266 n.12 ("In the face of such deliberate and continued agency disregard of a statutory mandate, our precedents strongly support a writ of mandamus.").

IV. PLAINTIFFS SEEK DISCRETE RELIEF AND THE BALANCE OF INTERESTS WEIGH IN FAVOR OF THAT REQUESTED RELIEF.

Defendants take issue with Plaintiffs' requested relief, incorrectly asserting that Plaintiffs are seeking programmatic relief that is not available under the APA. *See* Opp. at 8-9. To the contrary, Plaintiffs are seeking discrete action: the prompt adjudication of SIV applications that have been pending in government control for over nine months. *See* Amended Compl., July 12, 2018, ECF No. 23, at 27, Prayer for Relief ¶ 3; Opp. at 1 (noting correctly that Plaintiffs are seeking adjudication of SIV applications). In order to ensure that Defendants take this discrete action, and in recognition that Defendants, as a purely practical matter, will not be able to adjudicate applications instantaneously for all proposed class members and will need some time to adjudicate them to completion and in good faith, Plaintiffs have proposed that Defendants be given the first opportunity to draft a timetable for how they plan to take the discrete action of adjudicating the SIV applications. *See* PI at 24-26. This timetable could include how Defendants will identify cases that are deemed "high risk" for national security reasons and therefore may take a longer time to adjudicate—a concern that occupies much of Defendants'

objections to Plaintiffs' motion but can easily be incorporated into the relief Plaintiffs have sought. Requiring the Defendants to submit such a timetable, and monitoring compliance with it, is a remedy that is routinely ordered in APA unreasonable delay cases, as illustrated by the cases that Plaintiffs cited in their motion—case law that Defendants ignore. *See* PI at 24-25.[5]

Defendants' objections as to the relief that Plaintiffs seek do not hold water. Although Defendants argue that Plaintiffs failed to satisfy an "extraordinary strong showing" required to obtain an injunction that would "intrude[] on the core concerns of the executive branch, such as national security," Opp. at 4, Defendants have offered *no* evidence of how the requested relief would frustrate such concerns. The case on which they rely, *Adams v. Vance*, 570 F.2d 950 (D.C. Cir. 1978), is not at all like the instant case. In *Adams*, the court rejected a request to mandate that the Secretary of State lodge an objection to an international commission on the basis that it intruded on foreign policy concerns. *See id.* at 45. But the relief that Plaintiffs seek, an adjudication on an immigration matter, is routine in immigration cases. *See, e.g.*, *Liu*, 509 F. Supp. 2d at 10-11 (adjudication of adjustment of status); *Kaplan v. Chertoff*, No. 06-5304, 2008 WL 200108, at *1, 13 (E.D. Pa. Jan. 24, 2008) (granting preliminary approval and conditional class certification for a settlement that would expedite processing of applications of citizenship or adjustment of status by USCIS). And indeed, the undisputed record here demonstrates that, far from intruding on national security, the modestly crafted requested injunction would advance the national interest. *See* Miska Decl. ¶¶ 31-38.

[5] The two cases on which Defendants rely for this point are readily distinguishable. In *Lujan v. Nat'l Wildlife Fed'n*, 497 U.S. 871, 890-94 (1990), Plaintiffs challenged an entire program, instead of discrete agency action. Defendants' second case, *Norton v. Sw. Utah Wilderness All.*, 542 U.S. 55 (2004), supports Plaintiffs' requested remedy, as it makes clear that an injunction requiring agencies to act within a particular time period is permissible, so long as the injunction does not dictate what the outcome should be. *See id.* at 65. This is precisely the injunction that Plaintiffs seek here.

Similarly, Defendants' argument that the requested relief would "enjoin[] a governmental entity from enforcing statutes enacted by the duly elected representatives of the people," Opp. at 11, turns this case on its head. It is the Plaintiffs who are seeking to enforce the SIV statutes by requiring the agencies to satisfy the congressional intent to adjudicate SIV applications speedily. As Plaintiffs argued in moving for the preliminary injunction, courts in this District recognize that "[t]he public interest is served when administrative agencies comply with their obligations under the APA." *N. Mariana Islands v. United States*, 686 F. Supp. 2d 7, 21-22 (D.D.C. 2009); *see also* PI at 25. Plaintiffs are entitled to the requested preliminary injunction given the undisputed irreparable harm experienced by Plaintiffs and Defendants' failure to articulate any reason against this requested relief.

CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request that this Court grant Plaintiffs' motion for a preliminary injunction.

Date: October 16, 2018
New York, New York

/s/ Mariko Hirose

Mariko Hirose (D.D.C. Bar No. NY0262)
Deepa Alagesan (D.D.C. Bar No. NY0261)
INTERNATIONAL REFUGEE ASSISTANCE PROJECT
40 Rector Street, 9th Floor
New York, New York 10006
Telephone: (646) 602-5639
dalagesan@refugeerights.org
mhirose@refugeerights.org

/s/ Shannon M. Leitner

Shannon M. Leitner (D.D.C. Bar No. NY0268)
Linda H. Martin (D.D.C. Bar No. NY0210)
David Y. Livshiz (D.D.C. Bar No. NY0269)
Rebecca L. Curwin (D.D.C. Bar No. NY0267)
Allison C. Wilson (D.D.C. Bar No. NY0271)
FRESHFIELDS BRUCKHAUS DERINGER US LLP
601 Lexington Avenue, 31st Floor
New York, New York 10022
Telephone: (212) 277-4000
Facsimile: (212) 277-4001
shannon.leitner@freshfields.com
linda.martin@freshfields.com
david.livshiz@freshfields.com

rebecca.curwin@freshfields.com
allie.wilson@freshfields.com

Attorneys for Plaintiffs and Proposed Class Counsel