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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BADR DHAIFALLAH AHMED
MOHAMMED;
YOUSEF BADR DHAIFALLAH
AHMED MOHAMED;
MAHA ABDULHAMEED
MOHAMMED ALMAWRI;
MURAD KHALED ALI;
WALEED MUSAED QASEM
MOHAMMED;
MAGED WALEED MUSAED
QASEM;
ANWAR SALEH NAGI;
RIFAQ ANWAR SALEH NAGI
ALEAZZALI;
KHALED ANWAR NAGI
ALEAZZALI;
ASHAWQ MOHAMMED AYEDH
AHMED;
SABA ALI ALI SAAED;
YOUSEF AHMED MOHAMED
SAAD;
NAWAR AHMED MOHAMED
SAAD;
IBRAHIM AHMED MOHAMED
SAAD;
MOHAMED AHMED MOHAMED
SAAD;
ABDULATEF ABDO MUTHANNA
HAILAN;
DIYAZAN ALI SAEED;
SAHAR SALEM AHMED;
NASLAH H A SAEED;
ALI MOHSEN SAEED;
SAIF DIYAZAN ALI MOHSEN;
SARAH FADEL MUTHANA SAIF;

Case No. CV 17-00786 AB (PLAx)

**ORDER GRANTING EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER AND/OR
PRELIMINARY INJUNCTION**

1 OMAR ALI MOHSEN MURSHED;
2 BASSAM ALI MOHSEN MURSHED;
3 NADHRA SALEH ALZEER;
4 MUHRAH MOHSEN SALEH
5 MOQBEL SALEH;
6 QASEM ABDULRAHMAN SALEM
7 AL-HASANI;
8 MUNA O AL SAKKAF,

9 Plaintiffs,

10 v.

11 UNITED STATES OF AMERICA;
12 UNITED STATES DEPARTMENT
13 OF HOMELAND SECURITY;
14 UNITED STATES CITIZENSHIP
15 AND IMMIGRATION SERVICES;
16 UNITED STATES DEPARTMENT
17 OF STATE;
18 UNITED STATES CUSTOMS AND
19 BORDER PATROL;
20 DONALD J. TRUMP, in his official
21 capacity as President of the United
22 States of America;
23 DANA J. BOENTE, in his official
24 capacity as the Acting Attorney
25 General of the United States;
26 JOHN KELLY, Secretary of the
27 Department of Homeland Security;
28 LORI SCIALABBA, Acting Director
of U.S. Citizenship and Immigration
Services; KEVIN K. McALEENAN, in
his official capacity as Acting
Commissioner of U.S. Customs and
Border Patrol,

Defendants.

24 Before the Court is Plaintiffs' Motion for Temporary Restraining Order And/Or
25 Preliminary Injunctive Relief. (Dkt. No. 3.) Upon consideration of the Complaint (Dkt.
26 No. 1), the Motion, and the supporting declarations (Dkt. Nos. 4, 5), for Good Cause
27 Shown, the Court hereby **GRANTS** the Motion.

DISCUSSION

1
2 A temporary restraining order (“TRO”) is “an extraordinary remedy that may only
3 be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v.*
4 *Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008). The purpose of a TRO is to preserve the
5 status quo before a preliminary injunction hearing may be held. *Granny Goose Foods,*
6 *Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda City.*, 415 U.S.
7 423, 439 (1974). Federal Rule of Civil Procedure 65 governs the issuance of TROs and
8 preliminary injunctions, and courts apply the same standard to both. *Frontline Med.*
9 *Assocs., Inc. v. Coventry Healthcare Workers Comp., Inc.*, 620 F. Supp. 2d 1109, 1110
10 (C.D. Cal. 2009).

11 A party seeking preliminary injunctive relief must satisfy one of two tests. Under
12 one test, the party must establish that he is (1) likely to succeed on the merits of his
13 claims, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief,
14 (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public
15 interest. *Am. Trucking Ass’n, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir.
16 2009).

17 Under the alternative test, a party must show “‘serious questions going to the
18 merits’ [,] a balance of hardships that tips sharply toward the plaintiff,” a likelihood of
19 irreparable harm, and that the injunction is in the public interest. *Alliance for the Wild*
20 *Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011). A “serious question” is one on
21 which the movant “has a fair chance of success on the merits.” *Sierra On-Line, Inc. v.*
22 *Phoenix Software, Inc.*, 739 F.2d 1415, 1421 (9th Cir. 1984).

23 The Court finds that Plaintiffs have satisfied these standards and that a TRO
24 should issue. Plaintiffs have satisfied the first test because they have shown that they are
25 likely to succeed on the merits of claims that would entitle them to relief; Plaintiffs are
26 likely to suffer irreparable harm in the absence of preliminary relief; the balance of
27 equities favors Plaintiffs; and an injunction is in the public interest. Plaintiffs have also
28 satisfied the “alternative” test: they have established at least a serious question going to

1 the merits of their claims; that the balance of hardships tips decisively in their favor; and,
2 as noted as to the first test, a likelihood of irreparable harm and that an injunction is in
3 the public interest.

4
5 **IT IS HEREBY ORDERED THAT:**

- 6 1. Defendants and their officers, agents, employees, attorneys, and all persons acting in
7 concert or participating with them, are **ENJOINED AND RESTRAINED** from
8 enforcing Defendant President Donald J. Trump's January 27, 2017 Executive Order
9 by removing, detaining, or blocking the entry of Plaintiffs, or any other person from
10 Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen with a valid immigrant visa;
11 2. Defendants, and Defendant United States Department of State in particular, are
12 hereby **ENJOINED AND RESTRAINED** from cancelling validly obtained and
13 issued immigrant visas of Plaintiffs;
14 3. Defendants, and Defendant United States Department of State in particular, are
15 hereby **ORDERED** to return to Plaintiffs their passports containing validly issued
16 immigrant visas so that Plaintiffs may travel to the United States on said visas; and
17 4. Defendants are hereby **ORDERED** to **IMMEDIATELY** inform all relevant airport,
18 airline, and other authorities at Los Angeles International Airport and International
19 Airport in Djibouti that Plaintiffs are permitted to travel to the United States on their
20 valid immigrant visas.

21
22 Unless otherwise agreed upon by the parties:

- 23 • Plaintiffs shall file any **supplemental brief** in support of their motion for
24 preliminary injunction **by February 2, 2017**.
25 • Defendants shall file their **opposition by February 5, 2017**.
26 • Plaintiffs shall file their **reply by February 8, 2017**.
27 • Defendants shall appear on **February 10, 2017 at 10:00 a.m.** to show cause why
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the preliminary injunctive relief sought in the Ex Parte Application for Temporary Restraining Order And/Or Preliminary Injunction should not be granted.

IT IS SO ORDERED.

(b)(6), (b)(7)(C)

Dated: January 31, 2017

HONORABLE ANDRE BIROTTE JR.
UNITED STATES DISTRICT COURT JUDGE

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 9:43 PM
To: HUMPHREY, BRIAN J (DFO)
Subject: Automatic reply: Request for CBP to issue Transportation/Boarding Letter to (b)(6)
(b)(6)

Thank you for your email. I will be out of the country until February 28 and will not be able to check my email regularly before I return to the office that day. If you need assistance before that, please contact my assistant (b)(6) or my associate (b)(6) at (b)(6) or you may call the office to speak to someone directly at (b)(6). Thank you very much.

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 11:55 PM
To: (b)(6), (b)(7)(C)
Cc: HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: Re: Request for CBP to issue Transportation/Boarding Letter to 12-year-old girl from Yemen. (Readnow for marc)

Thanks (b)(6), (b)(7)(C) for your calls and updates. Greatly appreciated; I added my "(read now for (b)(6), (b)(7)(C))" to subject field so use this trail if you would to respond re future emails as I see this more quickly.

Thanks again for your help, feel free to call me but if you don't reach me which you might not because I'm out of the country, Please call (b)(6), (b)(7)(C) but do try me and I will pick up if my so phone is working! Thanks again, (b)(6), (b)(7)(C)

Sent from my iPhone

On Feb 2, 2017, at 11:48 PM (b)(6), (b)(7)(C) wrote:

Thank you, Director Humphrey! We are so lucky to have you heading up CBP in our Western region. Thank you for your help with this case and for your exceptional transparency at this morning's liaison meeting. We really appreciate the extraordinary efforts that you and your team have made to uphold the rule of law and human decency at a time when both are threatened to a frightening degree.

Kudos to you and to Director (b)(6), (b)(7)(C) for your outstanding work.

Best regards,

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
 Attorney at Law
 Van Der Hout, Brigagliano & Nightingale, LLP

(b)(6), (b)(7)(C)

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From: HUMPHREY, BRIAN J (DFO) [mailto:(b)(6), (b)(7)(C)]
Sent: Thursday, February 02, 2017 6:43 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: RE: Request for CBP to issue Transportation/Boarding Letter to 12-year-old girl from Yemen

Thank you, (b)(6), (b)(7)(C)

Since I had (b)(6), (b)(7)(C) cell number before yours, I did reach out to him with a couple of updates. I have also continued to raise the awareness level in DC. I am confident that we are not only making progress for this deserving case, but that it will be a test case for a new process between CBP and DOS. You are an impressive advocate and we will stay in close contact while together, we do the right thing

Brian J. Humphrey
Director, Field Operations
San Francisco/Portland

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Thursday, February 02, 2017 9:12:00 PM

To: HUMPHREY, BRIAN J (DFO)

Cc: (b)(6), (b)(7)(C)

Subject: RE: Request for CBP to issue Transportation/Boarding Letter to 12-year-old girl from Yemen

Dear Director Humphrey:

I understand you were in touch with (b)(6), (b)(7)(C) about this case – thank you for following up on this matter. I also spoke with (b)(6), (b)(7)(C) yesterday and this morning after the CBP liaison meeting, who let me know that your office was looking into our request, which we really appreciate. I just spoke with CBP counsel from Washington DC, (b)(6), (b)(7)(C) who informed me that CBP did not have a presence in Djibouti so could not issue the transportation letter, but that he has is reaching out to the head of counsel at the Department of State, to make sure they are aware of my client and the request for a transportation letter.

I just wanted to make sure you had all of my contact information, and wanted to let you know that you can feel free to reach out to me (cell (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C)), who has also been assisting on this case, if you need any more information or have any updates. Even though (b)(6), (b)(7)(C) is travelling, he is also always available.

Thank you,
(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
Van Der Hout, Brigagliano & Nightingale, LLP

(b)(6), (b)(7)(C)

www.vblaw.com

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From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 3:41 PM
To: (b)(6), (b)(7)(C)
Subject: Request for CBP to issue Transportation/Boarding Letter to 12-year-old girl from Yemen

Dear (b)(6), (b)(7)(C):

Thank you for speaking with me today.

As I explained, I understand that CBP has the authority to issue Transportation/Boarding letters to individuals who are abroad. (b)(7)(E)

Section 3(g) of the Executive Order provides that the ban on travel may be lifted on a case-by-case basis "when in the national interest" to do so. CBP guidance issued yesterday also reiterates that there are case-by-case exceptions available. <https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states>

The Q&A says:

What do the two exemptions in the Executive Order mean? How are they applied to individual cases?

DHS and State can review individual cases and grant waivers on a case-by-case basis if that individual's admission to the United States is deemed to be in the national interest and if they do not pose a national security threat.

As I explained briefly on the phone, I represent (b)(6), (b)(7)(C) in all immigration matters, who is a twelve-year old Yemeni client, with an Immigrant Visa (that was issued on January 25, 2017 by the US Embassy in Djibouti), who is stranded in Djibouti (with her U.S. citizen father) after she was denied permission to board a plane on Saturday due to the executive order. She is seeking to reunite with her U.S. citizen parents and U.S. citizen siblings in (b)(6), (b)(7)(C) and would therefore fly to SFO.

We are seeking a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa because her admission for purposes of family reunification is in the national interest of our country. The U.S. Department of State, after years of national security vetting, has already determined that (b)(6), (b)(7)(C) poses no danger to our nation. Furthermore, it is in our nation's interest to reunite her with her U.S. citizen parents in the United States and promote family unification, a core value of our immigration laws.

Furthermore, the U.S. District Court for the Central District of California order that was signed on January 31, 2017 (and is attached), applies to my client (b)(6), (b)(7)(C). It orders that Defendants, inform all relevant airport, airline, and other authorities that Plaintiffs (and other persons from Yemen with valid immigrant visas) are permitted to travel to the United States on their valid

immigrant visas. Given this Court Order, I believe CBP could also issue a Transportation/Boarding letter to her.

Thank you for considering my request for [redacted] to be issued a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa. Please let me know if you would like us to fill out the form here:

[redacted] (b)(7)(E)

If you need further information, please do not hesitate to email me at [redacted] or call me at [redacted].

Client information:

Case Number: [redacted] (b)(6), (b)(7)(C)

I-130 Receipt Number: [redacted] (b)(6), (b)(7)(C)

A-number: [redacted] (b)(6), (b)(7)(C)

Visa Applicant: [redacted] (b)(6), (b)(7)(C)

Petitioner: [redacted] (b)(6), (b)(7)(C)

Thank you,
[redacted] (b)(6), (b)(7)(C)

[redacted] (b)(6), (b)(7)(C)

Van Der Hout, Brigagliano & Nightingale, LLP

[redacted] (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 3:06 PM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

All

Just got off telephone with SFPD—they anticipate a demonstration in front of the Departures level (SFPD Lieutenant stated “arrivals level” but further conversation indicates the level where BART is) by a group called “Not In Our Name” at 1500 hours. This group is supposedly anti-Trump, anti-immigration control, according to SFPD. SFPD will monitor situation and not interfere unless the group breaks any laws, such as trying to enter the FIS. SFPD stated they will have officers posted around the FIS exit to monitor situation.

(b)(6), (b)(7)(C)
 Watch Commander, Port of San Francisco
 (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 11:38 AM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO)
 (b)(6), (b)(7)(C)
Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

All,

I've been advised by one media outlet that there will be a protest at 3PM. Media are looking for interviews and footage. I have declined any interviews, however be aware that media will be aggressively seeking any sound clips or visuals they can get.

(b)(6), (b)(7)(C)
 Program Manager; Public Affairs Liaison
 Customs and Border Protection
 San Francisco Field Office
 (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Saturday, January 28, 2017 6:57:37 PM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)

Subject: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

All

At 10:28 today, SFO Duty Manager (b)(6), (b)(7)(C) called and reported that the SFPD Com Center was gearing up for possible sporadic demonstrations to take place all over San Francisco International Airport today @1500. These demonstrations are due to the new executive order signed by President Trump over the suspension of visas from various countries. More information to come.

(b)(6), (b)(7)(C)

Watch Commander, Port of San Francisco

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 5:18 PM
To: HUMPHREY, BRIAN J (DFO)
Subject: RE: URGENT: (b)(6), (b)(7)(C)

Thank you for your assistance Sir.

Thank you,

(b)(6), (b)(7)(C)
Office of Congressional Affairs | U.S. Customs and Border Protection
(b)(6), (b)(7)(C)
202-344-1760 (main line) | OCAInquiry@cbp.dhs.gov

From: HUMPHREY, BRIAN J (DFO)
Sent: Tuesday, January 31, 2017 5:15 PM
To: (b)(6), (b)(7)(C)
Cc: ENFORCEMENT PROGRAMS DIVISION; (b)(6), (b)(7)(C)
Subject: RE: URGENT: (b)(6), (b)(7)(C)

I also spoke with her attorney (b)(5), (b)(7)(E)
(b)(5), (b)(7)(E)

Brian J. Humphrey
Director, Field Operations
San Francisco and Portland Field Offices
(b)(6), (b)(7)(C)
San Francisco, California 94105
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 12:29 PM
To: HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: ENFORCEMENT PROGRAMS DIVISION (b)(7)(E) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: URGENT: (b)(6), (b)(7)(C)

DFO Humphrey,

Thank you for the follow up.

(b)(6), (b)(7)(C)
Supervisory Program Manager
Admissibility and Passenger Programs-HQ
U.S. Customs & Border Protection

Office: (b)(6), (b)(7)(C)
Mobile:

*Mobile Message

From: HUMPHREY, BRIAN J (DFO)
Sent: Tuesday, January 31, 2017 3:23:48 PM

To: (b)(6), (b)(7)(C)
Cc: ENFORCEMENT PROGRAMS DIVISION (b)(6), (b)(7)(C)
Subject: RE: URGENT: (b)(6), (b)(7)(C)

(b)(7)(E)

Brian J. Humphrey
Director, Field Operations
San Francisco and Portland Field Offices
(b)(6), (b)(7)(C)
San Francisco, California 94105

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 11:46 AM
To: HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
Cc: ENFORCEMENT PROGRAMS DIVISION (b)(7)(E); (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
Subject: FW: URGENT: (b)(6), (b)(7)(C)
Importance: High

Good afternoon San Francisco,

Please be advised that an Iranian LPR who is experiencing a medical issue aboard (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) destined to San Francisco.

If CBP can provide any assistance it would be greatly appreciated.

She will fall under the EO and is a valid Alien Resident Card.

I've attached documentation for your awareness.

Please provide a closeout at your earliest convenience to the individuals listed on the email.

Greatly appreciate your help.

Thank you,

(b)(6), (b)(7)(C)
Branch Chief

U.S. Customs and Border Protection
Office of Field Operations
Field Liaison Division

Unclass: (b)(6), (b)(7)(C)
HSDN: (b)(6), (b)(7)(C)

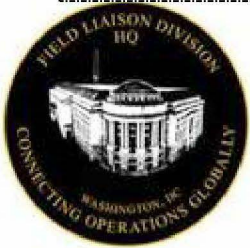
NOC: (b)(6), (b)(7)(C)

JWICS: (b)(6), (b)(7)(C)

Desk: (b)(6), (b)(7)(C)

Fax: (b)(6), (b)(7)(C)

BB: (b)(6), (b)(7)(C)



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From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 2:12 PM
To: (b)(6), (b)(7)(C)
Subject: FW: URGENT: (b)(6), (b)(7)(C)
Importance: High

(b)(6), (b)(7)(C) please see below message and attached documentation pertaining to an Iranian LPR who is currently experiencing a medical issue aboard (b)(6), (b)(7)(C) 3 destined to San Francisco.

Thank you,

(b)(6), (b)(7)(C)
Office of Congressional Affairs | U.S. Customs and Border Protection
(b)(6), (b)(7)(C)
202-344-1760 (main line) | OCAInquiry@cbp.dhs.gov

From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 1:47 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: URGENT: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

I just received this emergency case, below. (b)(5), (b)(6), (b)(7)(C)
(b)(5), (b)(6), (b)(7)(C)

Could you please notify CBP at SFO about her situation? (b)(5), (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

Thank you,
(b)(6)

(b)(6) Director of Constituent Services
Office of U.S. Senator Dianne Feinstein
San Francisco | 415-393-0707
[Website](#) | [Twitter](#) | [Facebook](#) | [YouTube](#)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 10:28 AM
To: (b)(6)
Cc: (b)(6)
Subject: URGENT: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Attorney | Immigration & Nationality Law

(b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 8:23 PM
To: HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: Request for CBP to issue Transportation/Boarding Letter to 12-year-old girl from Yemen [readnow for marc]

Dear Director Humphrey and Officer (b)(6), (b)(7)(C)

Thank you for your update from earlier today about the case.

I am sure you are aware of the new district court order from Seattle granting the temporary restraining order effective immediately, suggesting that travel restrictions could be lifted straight away. <http://www.reuters.com/article/us-usa-trump-immigration-idUSKBN15I1CM> As soon as the written order is released in this case and I have a copy of it, I will forward it to you. If you could speak with legal counsel about this order that would be helpful.

In light of the judge’s order, will CBP be able to issue a transportation letter and notify the airlines that my client (b)(6), (b)(7)(C) is permitted to board a flight?

Thank you,
(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
Van Der Hout, Brigagliano & Nightingale, LLP

(b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 6:56 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Request for CBP to issue Transportation/Boarding Letter to 12-year-old girl from Yemen

Dear (b)(6), (b)(7)(C)

This Office has received the DOJ's legal interpretation, through CBP's Office of Chief Counsel, of the January 31, 2017 order by the U.S. District Court for the Central District of California. We are advised that the injunction applies only to the named plaintiffs.

As (b)(6), (b)(7)(C) is not a named plaintiff we have sent this request forward to CBP Headquarters for consideration under 3(g) of the Executive Order.

Regards,

(b)(6), (b)(7)(C)

Supervisor Program Manager
U.S. Customs and Border Protection
Office of Field Operations

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Wednesday, February 01, 2017 6:41:08 PM

To: (b)(6), (b)(7)(C)

Subject: Request for CBP to issue Transportation/Boarding Letter to 12-year-old girl from Yemen

Dear (b)(6), (b)(7)(C)

Thank you for speaking with me today.

As I explained, I understand that CBP has the authority to issue Transportation/Boarding letters to individuals who are abroad. (b)(7)(E)

Section 3(g) of the Executive Order provides that the ban on travel may be lifted on a case-by-case basis "when in the national interest" to do so. CBP guidance issued yesterday also reiterates that there are case-by-case exceptions available. <https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states>

The Q&A says:

What do the two exemptions in the Executive Order mean? How are they applied to individual cases? DHS and State can review individual cases and grant waivers on a case-by-case basis if that individual's admission to the United States is deemed to be in the national interest and if they do not pose a national security threat.

As I explained briefly on the phone, I represent (b)(6), (b)(7)(C) in all immigration matters, who is a twelve-year old Yemeni client, with an Immigrant Visa (that was issued on January 25, 2017 by the US Embassy in Djibouti), who is stranded in Djibouti (with her U.S. citizen father) after she was denied permission to board a plane on Saturday due to the executive order. She is seeking to reunite with her U.S. citizen parents and U.S. citizen siblings in (b)(6), (b)(7)(C) and would therefore fly to SFO.

We are seeking a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa because her admission for purposes of family reunification is in the national interest of our country. The U.S. Department of State, after years of national security vetting, has already determined that (b)(6), (b)(7)(C) poses no danger to our nation. Furthermore, it is in our nation's interest to reunite her with her U.S. citizen parents in the United States and promote family unification, a core value of our immigration laws.

Furthermore, the U.S. District Court for the Central District of California order that was signed on January 31, 2017 (and is attached), applies to my client (b)(6), (b)(7)(C). It orders that Defendants, inform all relevant airport, airline, and other authorities that Plaintiffs (and other persons from Yemen with valid immigrant visas) are permitted to travel to the United States on their valid immigrant visas. Given this Court Order, I believe CBP could also issue a Transportation/Boarding letter to her.

Thank you for considering my request for (b)(6), (b)(7)(C) to be issued a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa. Please let me know if you would like us to fill out the form here:

<http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

If you need further information, please do not hesitate to email me at (b)(6), (b)(7)(C) or call me at (b)(6), (b)(7)(C) - (b)(6), (b)(7)(C)

Client information:

Case Number: (b)(6), (b)(7)(C)

I-130 Receipt Number: (b)(6), (b)(7)(C)

A-number: (b)(6), (b)(7)(C)

Visa Applicant: (b)(6), (b)(7)(C)

Petitioner: (b)(6), (b)(7)(C)

Thank you,
(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Van Der Hout, Brigagliano & Nightingale, LLP

(b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 6:57 PM
To: HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
Subject: FW: Request for CBP to issue Transportation/Boarding Letter to 12-year-old girl from Yemen
Attachments: Central District of CA case 2-17-cv-00786-AB-PLA.PDF; (b)(6)

Here's another one. I've not seen the injunction issued out of the Central District.

Thanks

(b)(6), (b)(7)(C)
 Supervisory Program Manager
 Admissibility/Immigration Policy
 Department of Homeland Security
 Customs and Border Protection
 Office of Field Operations - San Francisco

(b)(6), (b)(7)(C)



WARNING: This document may be designated *FOR OFFICIAL USE ONLY (FOUO)*, and may contain information that is *LAW ENFORCEMENT SENSITIVE (LES)* and may contain information that is exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to *SENSITIVE BUT UNCLASSIFIED* information and is not to be released to the public or personnel who do not have a valid need to know without prior approval from the originator. This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. Further transmission of *LAW ENFORCEMENT SENSITIVE* information is limited by The Privacy Act (5 U.S.C. 552(a)) and Trade Secrets Act (18 U.S.C. 1905), in accordance with the Third Agency Rule. If the reader for this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message or portions thereof is strictly prohibited. If you have received this message in error, please notify the sender and delete all copies from your system.

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 3:41 PM
To: (b)(6), (b)(7)(C)
Subject: Request for CBP to issue Transportation/Boarding Letter to 12-year-old girl from Yemen

Dear (b)(6), (b)(7)(C)

Thank you for speaking with me today.

As I explained, I understand that CBP has the authority to issue Transportation/Boarding letters to individuals who are abroad. <http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

Section 3(g) of the Executive Order provides that the ban on travel may be lifted on a case-by-case basis "when in the national interest" to do so. CBP guidance issued yesterday also reiterates that there are case-by-case exceptions available. <https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states>

The Q&A says:

What do the two exemptions in the Executive Order mean? How are they applied to individual cases? DHS and State can review individual cases and grant waivers on a case-by-case basis if that individual's admission to the United States is deemed to be in the national interest and if they do not pose a national security threat.

As I explained briefly on the phone, I represent (b)(6) in all immigration matters, who is a (b)(6) with an Immigrant Visa (that was issued on (b)(6) the US Embassy in (b)(6), who is stranded in (b)(6) (with her U.S. citizen father) after she was denied permission to board a plane on Saturday due to the executive order. She is seeking to reunite with her U.S. citizen parents and U.S. citizen siblings in (b)(6), and would therefore fly to SFO.

We are seeking a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa because her admission for purposes of family reunification is in the national interest of our country. The U.S. Department of State, after years of national security vetting, has already determined that (b)(6), (b)(7)(C) poses no danger to our nation. Furthermore, it is in our nation's interest to reunite her with her U.S. citizen parents in the United States and promote family unification, a core value of our immigration laws.

Furthermore, the U.S. District Court for the Central District of California order that was signed on January 31, 2017 (and is attached), applies to my client (b)(6), (b)(7)(C). It orders that Defendants, inform all relevant airport, airline, and other authorities that Plaintiffs (and other persons from Yemen with valid immigrant visas) are permitted to travel to the United States on their valid immigrant visas. Given this Court Order, I believe CBP could also issue a Transportation/Boarding letter to her.

Thank you for considering my request for (b)(6), (b)(7)(C) to be issued a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa. Please let me know if you would like us to fill out the form here:

<http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

If you need further information, please do not hesitate to email me at (b)(6) or call me at (b)(6) (b)(6)

Client information:

Case Number: (b)(7)(E)

I-130 Receipt Number: (b)(7)(E)

A-number: (b)(7)(E)

Visa Applicant: (b)(7)(E)

Petitioner: (b)(6), (b)(7)(C) (U.S. citizen father)

Thank you,

(b)(6), (b)(7)(C)

(b)(6)

Van Der Hout, Brigagliano & Nightingale, LLP
180 Sutter Street, Fifth Floor
San Francisco, CA 94104

(b)(6), (b)(7)(C)

www.vblaw.com

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BADR DHAIFALLAH AHMED
MOHAMMED;
YOUSEF BADR DHAIFALLAH
AHMED MOHAMED;
MAHA ABDULHAMEED
MOHAMMED ALMAWRI;
MURAD KHALED ALI;
WALEED MUSAED QASEM
MOHAMMED;
MAGED WALEED MUSAED
QASEM;
ANWAR SALEH NAGI;
RIFAQ ANWAR SALEH NAGI
ALEAZZALI;
KHALED ANWAR NAGI
ALEAZZALI;
ASHAWQ MOHAMMED AYEDH
AHMED;
SABA ALI ALI SAAED;
YOUSEF AHMED MOHAMED
SAAD;
NAWAR AHMED MOHAMED
SAAD;
IBRAHIM AHMED MOHAMED
SAAD;
MOHAMED AHMED MOHAMED
SAAD;
ABDULATEF ABDO MUTHANNA
HAILAN;
DIYAZAN ALI SAEED;
SAHAR SALEM AHMED;
NASLAH H A SAEED;
ALI MOHSEN SAEED;
SAIF DIYAZAN ALI MOHSEN;
SARAH FADEL MUTHANA SAIF;

Case No. CV 17-00786 AB (PLAx)

**ORDER GRANTING EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER AND/OR
PRELIMINARY INJUNCTION**

1 OMAR ALI MOHSEN MURSHED;
2 BASSAM ALI MOHSEN MURSHED;
3 NADHRA SALEH ALZEER;
4 MUHRAH MOHSEN SALEH
5 MOQBEL SALEH;
6 QASEM ABDULRAHMAN SALEM
7 AL-HASANI;
8 MUNA O AL SAKKAF,

9 Plaintiffs,

10 v.

11 UNITED STATES OF AMERICA;
12 UNITED STATES DEPARTMENT
13 OF HOMELAND SECURITY;
14 UNITED STATES CITIZENSHIP
15 AND IMMIGRATION SERVICES;
16 UNITED STATES DEPARTMENT
17 OF STATE;
18 UNITED STATES CUSTOMS AND
19 BORDER PATROL;
20 DONALD J. TRUMP, in his official
21 capacity as President of the United
22 States of America;
23 DANA J. BOENTE, in his official
24 capacity as the Acting Attorney
25 General of the United States;
26 JOHN KELLY, Secretary of the
27 Department of Homeland Security;
28 LORI SCIALABBA, Acting Director
of U.S. Citizenship and Immigration
Services; KEVIN K. McALEENAN, in
his official capacity as Acting
Commissioner of U.S. Customs and
Border Patrol,

Defendants.

Before the Court is Plaintiffs' Motion for Temporary Restraining Order And/Or Preliminary Injunctive Relief. (Dkt. No. 3.) Upon consideration of the Complaint (Dkt. No. 1), the Motion, and the supporting declarations (Dkt. Nos. 4, 5), for Good Cause Shown, the Court hereby **GRANTS** the Motion.

DISCUSSION

1
2 A temporary restraining order (“TRO”) is “an extraordinary remedy that may only
3 be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v.*
4 *Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008). The purpose of a TRO is to preserve the
5 status quo before a preliminary injunction hearing may be held. *Granny Goose Foods,*
6 *Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda City.*, 415 U.S.
7 423, 439 (1974). Federal Rule of Civil Procedure 65 governs the issuance of TROs and
8 preliminary injunctions, and courts apply the same standard to both. *Frontline Med.*
9 *Assocs., Inc. v. Coventry Healthcare Workers Comp., Inc.*, 620 F. Supp. 2d 1109, 1110
10 (C.D. Cal. 2009).

11 A party seeking preliminary injunctive relief must satisfy one of two tests. Under
12 one test, the party must establish that he is (1) likely to succeed on the merits of his
13 claims, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief,
14 (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public
15 interest. *Am. Trucking Ass’n, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir.
16 2009).

17 Under the alternative test, a party must show “‘serious questions going to the
18 merits’ [,] a balance of hardships that tips sharply toward the plaintiff,” a likelihood of
19 irreparable harm, and that the injunction is in the public interest. *Alliance for the Wild*
20 *Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011). A “serious question” is one on
21 which the movant “has a fair chance of success on the merits.” *Sierra On-Line, Inc. v.*
22 *Phoenix Software, Inc.*, 739 F.2d 1415, 1421 (9th Cir. 1984).

23 The Court finds that Plaintiffs have satisfied these standards and that a TRO
24 should issue. Plaintiffs have satisfied the first test because they have shown that they are
25 likely to succeed on the merits of claims that would entitle them to relief; Plaintiffs are
26 likely to suffer irreparable harm in the absence of preliminary relief; the balance of
27 equities favors Plaintiffs; and an injunction is in the public interest. Plaintiffs have also
28 satisfied the “alternative” test: they have established at least a serious question going to

1 the merits of their claims; that the balance of hardships tips decisively in their favor; and,
2 as noted as to the first test, a likelihood of irreparable harm and that an injunction is in
3 the public interest.

4
5 **IT IS HEREBY ORDERED THAT:**

- 6 1. Defendants and their officers, agents, employees, attorneys, and all persons acting in
7 concert or participating with them, are **ENJOINED AND RESTRAINED** from
8 enforcing Defendant President Donald J. Trump's January 27, 2017 Executive Order
9 by removing, detaining, or blocking the entry of Plaintiffs, or any other person from
10 Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen with a valid immigrant visa;
11 2. Defendants, and Defendant United States Department of State in particular, are
12 hereby **ENJOINED AND RESTRAINED** from cancelling validly obtained and
13 issued immigrant visas of Plaintiffs;
14 3. Defendants, and Defendant United States Department of State in particular, are
15 hereby **ORDERED** to return to Plaintiffs their passports containing validly issued
16 immigrant visas so that Plaintiffs may travel to the United States on said visas; and
17 4. Defendants are hereby **ORDERED** to **IMMEDIATELY** inform all relevant airport,
18 airline, and other authorities at Los Angeles International Airport and International
19 Airport in Djibouti that Plaintiffs are permitted to travel to the United States on their
20 valid immigrant visas.

21
22 Unless otherwise agreed upon by the parties:

- 23 • Plaintiffs shall file any **supplemental brief** in support of their motion for
24 preliminary injunction **by February 2, 2017**.
25 • Defendants shall file their **opposition by February 5, 2017**.
26 • Plaintiffs shall file their **reply by February 8, 2017**.
27 • Defendants shall appear on **February 10, 2017 at 10:00 a.m.** to show cause why
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the preliminary injunctive relief sought in the Ex Parte Application for Temporary Restraining Order And/Or Preliminary Injunction should not be granted.

IT IS SO ORDERED.

(b)(6), (b)(7)(C)

Dated: January 31, 2017

HONORABLE ANDRE BIROTTE JR.
UNITED STATES DISTRICT COURT JUDGE

(b)(6)

From: HUMPHREY, BRIAN J (DFO)
Sent: Saturday, January 28, 2017 6:43 PM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Please add that I was on site this afternoon. Just now leaving go side garage. Thank you

Brian J. Humphrey
Director, Field Operations
San Francisco/Portland

(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 6:30:30 PM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C); SFO CBP CHIEFS; SFO
 CBP SUPERVISORS
Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

All

UPDATE:

The group outside the "A" exit to the arrivals lobby has been dispersed.

Per SFPD approximately 300 protesters are massed on the curb outside the FIS arrivals lobby. SFPD states they are hearing "chatter" from some in the crowd suggesting that "they rush the doors" to the FIS and "free those being illegally detained by CBP". SFPD states they are reaching out to San Mateo County Sheriff's Department for assistance in crowd control.

Actions:

CBP SFO is shutting down the "San Francisco Arrivals" set of exit doors, and rerouting passengers to utilize only the "Connecting Flights" set of exit doors as the sole means of exiting the FIS

Armed CBP Officers are stationed at both sets of exit doors to control entry

CBP SFO is maintaining constant communication with SFPD to in order to monitor protest activity and assess risk.

(b)(6), (b)(7)(C)

Watch Commander, Port of San Francisco

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Saturday, January 28, 2017 2:37 PM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

HUMPHREY, BRIAN J (DFO)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

SFO CBP CHIEFS

(b)(7)(E)

SFO CBP SUPERVISORS

(b)(7)(E)

Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

All

UPDATE:

There are approximately 15-20 vocal protesters outside the "A" FIS exit into the Arrivals lobby.

(b)(6), (b)(7)(C)

Watch Commander, Port of San Francisco

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Saturday, January 28, 2017 10:58 AM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

HUMPHREY, BRIAN J (DFO)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

All

At 10:28 today, SFO Duty Manager: (b)(6), (b)(7)(C) called and reported that the SFPD Com Center was gearing up for possible sporadic demonstrations to take place all over San Francisco International Airport today @1500. These demonstrations are due to the new executive order signed by President Trump over the suspension of visas from various countries. More information to come.

(b)(6), (b)(7)(C)

Watch Commander, Port of San Francisco

(b)(6), (b)(7)(C)

From: HUMPHREY, BRIAN J (DFO)
Sent: Sunday, January 29, 2017 7:19 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Thank you. It is real ugly here. Stairs blocked, doors blocked, total anarchy.

Brian J. Humphrey
Director, Field Operations
San Francisco/Portland

(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 7:16:38 PM
To: HUMPHREY, BRIAN J (DFO)
Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

I sent the latest about 30 minutes ago.

From: HUMPHREY, BRIAN J (DFO)
Sent: Sunday, January 29, 2017 4:15 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

HQ just updated a national summary of protests. Our Sunday status was not included. Please consolidate today's updates into a single Sunday update bullet paper and send to Field Liaison

Brian J. Humphrey
Director, Field Operations
San Francisco/Portland

(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 6:56:10 PM
To: (b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)

Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update 9

Protestors are blocking passenger from exiting the transit corridor both to Terminal 1 & 3. As it stands right now passengers can't safely exit the international terminal. (b)(6), (b)(7)(C) is waiting to hear what SFPD plan to do clear the areas.

If this continues we may not be able to continue processing passengers. They will be stuck in the FIS.

(b)(6), (b)(7)(C)
Watch Commander
Area Port of San Francisco
(b)(6), (b)(7)(C) desk
mobile

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 3:42 PM
To: (b)(6), (b)(7)(C) BRIAN J HUMPHREY (DFO)
(b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

Subject: FW: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update 8.

Protesters have moved down the escalators between connector hallway and Terminal 3 (United). International passengers are exiting towards Terminal 1.

Protector have shut down TSA screening for A and G Terminals. Passenger are not able to go to international gates.

(b)(6), (b)(7)(C)
Watch Commander
Area Port of San Francisco
(b)(6), (b)(7)(C) desk
mobile

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 2:36 PM
To: (b)(6), (b)(7)(C)

Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update #7

Details:

On Sunday January 29, 2017 protesters returned to San Francisco International Airport protested the Protecting the Nation from Foreign Terrorist Entry Into the United States Executive Order.

Supervisors CBPO is assigned to eh San Francisco Emergency Operations Center.

At approximately 1200hrs protesters returned to international arrivals lobby. Around 1230hrs. G side arrival door was closed due to crowds and passengers were sent through A terminal exit door.

At approximately 1300hrs A terminal exit door as closed and all passengers are being sent to the transit door exit.

At 1215hrs the Global Entry enrollment office was closed due to disturbances by the protestors. Customers with appointments were notified via email.

As of 1430hrs there are about 800 protestors near the A side exit door. San Francisco Police are on seen.

CBPOs are manning all exits to ensure unauthorized people don't enter the Federal Inspection Services area.

DFO Humphrey, APD (b)(6), (b)(7)(C) and APD (b)(6), (b)(7)(C) are on site.

Three (b)(7)(E) operators were deployed as extra security.

(b)(6), (b)(7)(C)

Watch Commander
Area Port of San Francisco

(b)(6), (b)(7)(C) desk
mobile

From: (b)(6), (b)(7)(C)

Sent: Sunday, January 29, 2017 10:41 AM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)	HUMPHREY, BRIAN J (DFO)	(b)(6), (b)(7)(C)
(b)(7)(E)	SFO CBP SUPERVISORS	(b)(7)(E)
SFO CBP CHIEFS		

Subject: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update#6

- Approx. 60-70 have continued to gather at Starbucks at Arrival lobby.

(b)(7)(E)



(b)(6), (b)(7)(C)

U.S. Customs and Border Protection
San Francisco International Airport

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) cell

From: (b)(6), (b)(7)(C)

Sent: Sunday, January 29, 2017 9:12 AM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

HUMPHREY, BRIAN J (DFO)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

SFO CBP CHIEFS

(b)(7)(E)

SFO CBP SUPERVISORS

(b)(7)(E)

Subject: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update #5

- A large group of protesters are upstairs by the TSA checkpoint on G side (near Starbucks). People are yelling and chanting, mostly peaceful activity.
- Officer (b)(6), (b)(7)(C) and Officer (b)(6), (b)(7)(C) observed two protesters guarding seven tables of food and water for the events later today.
- Some protesters are now gathering outside and several Attorneys are calling the FIS for information.



(b)(6), (b)(7)(C)

U.S. Customs and Border Protection
San Francisco International Airport

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) cell

From: (b)(6), (b)(7)(C)
 Sent: Sunday, January 29, 2017 8:06 AM
 To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C) SFO CBP CHIEFS
 (b)(7)(E) SFO CBP SUPERVISORS (b)(7)(E)
 Subject: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update #4

According to News outlets protesting will begin at 1200 hours at SFO.



(b)(6), (b)(7)(C)
 U.S. Customs and Border Protection
 San Francisco International Airport
 (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C) cell

From: (b)(6), (b)(7)(C)
 Sent: Sunday, January 29, 2017 6:50 AM
 To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C) SFO CBP CHIEFS
 (b)(7)(E) SFO CBP SUPERVISORS (b)(7)(E)
 Subject: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update #3

0630 hours;

- As of 0625 there has been a slow increase in protesters as of 0625 hours gathering at G-side Arrivals lobby and Transiting doors.
- There has been no conflict with CBP and the protesters at this time.

Updates to follow.



(b)(6), (b)(7)(C)
U.S. Customs and Border Protection
San Francisco International Airport

(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) cell

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 10:49 PM
To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO)

(b)(6), (b)(7)(C) SFO CBP CHIEFS (b)(7)(E) SFO CBP SUPERVISORS

(b)(7)(E)
Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update#3
2245 hours;

- There are still about 100 protesters outside the Transit Door and about 500 protesters on the Arrivals Door. Every so often someone will approach and try to gain info as they claim to be a lawyer for clients inside.
- Those people are referred to CHP Public Affairs in DC via the website. No other info is being relayed.
- The exit A and G doors are still not being used. Passengers are being sent out the transit door. There have been no breeches into our AOR.
- Staff is holding the line and conducting business as usual for lookouts.

Regards,

(b)(6), (b)(7)(C)
Chief CBPO
San Francisco/Alameda
(b)(6), (b)(7)(C) office
(b)(6), (b)(7)(C) cell

(b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 6:51 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO)
(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) SFO CBP CHIEFS (b)(7)(E) SFO CBP SUPERVISORS
(b)(6), (b)(7)(C), (b)(7)(E)

Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Upper Managers

Update #2

There are approximately 800 protestors outside the FIS exit arrival area at this time.

The protestors have been banging on the FIS exit arrival area doors at times.

The San Francisco Police Department has deployed their riot gear in preparation of the unruly protestors within the San Francisco International Terminal Area.

Our Global Entry office is currently closed due to the unruly protestors within the area of the Global Entry Office. We are currently contacting the people that have appointments so that they can reschedule.

According to SFPD, California Lieutenant Governor Gavin Newsom is present among the protestors; he has not reached out to CBP at this time.

Updates to follow.

Thank You

Chief Supervisory CBP Officer (b)(6), (b)(7)(C)
San Francisco International Airport
US Customs and Border Protection
Office of Field Operations
Office: (b)(6), (b)(7)(C)
Cell: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Saturday, January 28, 2017 3:57 PM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C); SFO CBP CHIEFS

(b)(7)(E) SFO CBP SUPERVISORS (b)(7)(E)

Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

All

UPATE

DFO Humphrey was on scene at SFO to oversee overall operations and ensure smooth and efficient processing of affected arriving aliens.

(b)(6), (b)(7)(C)

Watch Commander, Port of San Francisco

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Saturday, January 28, 2017 3:30 PM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) SFO CBP CHIEFS

(b)(7)(E) SFO CBP SUPERVISORS (b)(7)(E)

Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

All

UPDATE:

The group outside the "A" exit to the arrivals lobby has been dispersed.

Per SFPD approximately 300 protesters are massed on the curb outside the FIS arrivals lobby. SFPD states they are hearing "chatter" from some in the crowd suggesting that "they rush the doors" to the FIS and "free those being illegally detained by CBP". SFPD states they are reaching out to San Mateo County Sheriff's Department for assistance in crowd control.

Actions:

CBP SFO is shutting down the "San Francisco Arrivals" set of exit doors, and rerouting passengers to utilize only the "Connecting Flights" set of exit doors as the sole means of exiting the FIS

Armed CBP Officers are stationed at both sets of exit doors to control entry

CBP SFO is maintaining constant communication with SFPD to in order to monitor protest activity and assess risk.

(b)(6), (b)(7)(C)

Watch Commander, Port of San Francisco

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Saturday, January 28, 2017 2:37 PM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

HUMPHREY, BRIAN J (DFO)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

SFO CBP CHIEFS

(b)(7)(E)

SFO CBP SUPERVISORS

(b)(7)(E)

Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

All

UPDATE:

There are approximately 15-20 vocal protesters outside the "A" FIS exit into the Arrivals lobby.

(b)(6), (b)(7)(C)

Watch Commander, Port of San Francisco

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Saturday, January 28, 2017 10:58 AM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

HUMPHREY, BRIAN J (DFO)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

All

At 10:28 today, SFO Duty Manager (b)(6), (b)(7)(C) called and reported that the SFPD Com Center was gearing up for possible sporadic demonstrations to take place all over San Francisco International Airport today @1500. These demonstrations are due to the new executive order signed by President Trump over the suspension of visas from various countries. More information to come.

(b)(6), (b)(7)(C)

Watch Commander, Port of San Francisco

(b)(6), (b)(7)(C)

From: HUMPHREY, BRIAN J (DFO)
Sent: Monday, January 30, 2017 6:16 PM
To: (b)(6), (b)(7)(C)
Subject: RE: EO-LPR (b)(6), (b)(7)(C)

Well done. Thank you all

Brian J. Humphrey
Director, Field Operations
San Francisco and Portland Field Offices

(b)(6), (b)(7)(C)
San Francisco, California 94105
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 3:15 PM
To: HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: EO-LPR, (b)(6), (b)(7)(C)

Sir,

Things are running well. There are only about a dozen protesters in the arrivals lobby. Our flights are processing and exiting normally. (b)(7)(E) SCBPO (b)(6), (b)(7)(C) replaced SCBPO (b)(6), (b)(7)(C) in the EOC. We've been in contact with SFPD and if the protestors come in large numbers and impede the exits they will set up the barricades again.

Nothing reported for any of the other airports.

(b)(6), (b)(7)(C)
Watch Commander
Area Port of San Francisco

(b)(6), (b)(7)(C) office
mobile

From: HUMPHREY, BRIAN J (DFO)
Sent: Monday, January 30, 2017 3:03 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: EO-LPR (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) how are things going today? Protests?

Brian J. Humphrey
Director, Field Operations
San Francisco and Portland Field Offices

(b)(6), (b)(7)(C)

San Francisco, California 94105

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Monday, January 30, 2017 2:45 PM

To: (b)(6), (b)(7)(C)

Cc: (b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: RE: EO-LPR, (b)(6), (b)(7)(C)

Approved.

(b)(6), (b)(7)(C)

Watch Commander
Area Port of San Francisco

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Monday, January 30, 2017 2:10:26 PM

To: (b)(6), (b)(7)(C)

Cc: (b)(6), (b)(7)(C)

Subject: FW: EO-LPR, (b)(6), (b)(7)(C)

(b)(5), (b)(7)(E)

Thank you.

(b)(6), (b)(7)(C)

Supervisory Officer
Passenger Enforcement Roving Team, (PERT)

(b)(7)(E)

U.S. Customs and Border Protection, San Francisco Intl Airport
Department of Homeland Security

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Monday, January 30, 2017 2:08 PM

To: (b)(6), (b)(7)(C)

Subject: EO-LPR, (b)(6), (b)(7)(C)

SCBPO (b)(6), (b)(7)(C)

Subject Line: EO 212(f) Exemption for (b)(6), (b)(7)(C)

Waiver Narrative

OFO recommends that you (b)(5), (b)(7)(E)
(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

Subject stayed at (b)(6), (b)(7)(C) while in Oman.

The port of entry has done a thorough exam on this individual and (b)(7)(E)
(b)(7)(E) We recommend (b)(5), (b)(7)(E)
Order.

- Subject (b)(6), (b)(7)(C) DOB: (b)(6), (b)(7)(C) COC: (b)(6), (b)(7)(C) arrived to SFO International Terminal at 1330 hours on 01/30/2017.
- Subject presented her Sudanese passport number (b)(6), (b)(7)(C) along with her I-551 "IR5" number (b)(6), (b)(7)(C)
- Subject was traveling by herself.
- Subject's purpose of travel was to visit her husband in Oman and her brother in Sudan.

Subject resides with her sons at (b)(6), (b)(7)(C)
Phone number (b)(6), (b)(7)(C)
Email (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
CBP Officer

(b)(7)(E)
San Francisco Int'l Airport
U.S. Customs and Border Protection
Office of Field Operations
(b)(6), (b)(7)(C) Office

From: HUMPHREY, BRIAN J (DFO)
Sent: Friday, February 03, 2017 8:56 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6) from (b)(6)
Attachments: Central District of CA case 2-17-cv-00786-AB-PLA.PDF; (b)(6)

The (b)(6) can now board in (b)(6) destined to SFO. Original carrier was Ethiopian Air with connection. We need to determine the carrier for the connecting leg to SFO and notify that carrier she can board

Please let me know when the carrier is notified so that we can get her on a flight ASAP

Brian J. Humphrey
 Director, Field Operations
 San Francisco/Portland

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 6:56:53 PM
To: HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
Subject: FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6) from (b)(6)

Here's another one. I've not seen the injunction issued out of the Central District.

Thanks

(b)(6)
 Supervisory Program Manager
 Admissibility/Immigration Policy
 Department of Homeland Security
 Customs and Border Protection
 Office of Field Operations - San Francisco

(b)(6)



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reader for this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message or portions thereof is strictly prohibited. If you have received this message in error, please notify the sender and delete all copies from your system.

From: (b)(6)
Sent: Wednesday, February 01, 2017 3:41 PM
To: (b)(6), (b)(7)(C)
Subject: Request for CBP to issue Transportation/Boarding Letter to (b)(6) from (b)(6)

Dear (b)(6), (b)(7)(C)

Thank you for speaking with me today.

As I explained, I understand that CBP has the authority to issue Transportation/Boarding letters to individuals who are abroad. <http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

Section 3(g) of the Executive Order provides that the ban on travel may be lifted on a case-by-case basis “when in the national interest” to do so. CBP guidance issued yesterday also reiterates that there are case-by-case exceptions available. <https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states>

The Q&A says:

What do the two exemptions in the Executive Order mean? How are they applied to individual cases? DHS and State can review individual cases and grant waivers on a case-by-case basis if that individual’s admission to the United States is deemed to be in the national interest and if they do not pose a national security threat.

As I explained briefly on the phone, I represent (b)(6) in all immigration matters, who is a (b)(6) client, with an Immigrant Visa (that was issued on (b)(6) by the US Embassy in (b)(6) who is stranded in (b)(6) with her U.S. citizen father) after she was denied permission to board a plane on Saturday due to the executive order. She is seeking to reunite with her U.S. citizen parents and U.S. citizen siblings in (b)(6) and would therefore fly to SFO.

We are seeking a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa because her admission for purposes of family reunification is in the national interest of our country. The U.S. Department of State, after years of national security vetting, has already determined that (b)(6) poses no danger to our nation. Furthermore, it is in our nation’s interest to reunite her with her U.S. citizen parents in the United States and promote family unification, a core value of our immigration laws.

Furthermore, the U.S. District Court for the Central District of California order that was signed on January 31, 2017 (and is attached), applies to my client (b)(6). It orders that Defendants, inform all relevant airport, airline, and other authorities that Plaintiffs (and other persons from Yemen with valid immigrant visas) are permitted to travel to the United States on their valid immigrant visas. Given this Court Order, I believe CBP could also issue a Transportation/Boarding letter to her.

Thank you for considering my request for (b)(6) to be issued a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa. Please let me know if you would like us to fill out the form here:

<http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

If you need further information, please do not hesitate to email me at (b)(6) or call me at (b)(6)
(b)(6)

Client information:

Case Number (b)(6)
I-130 Receipt Number (b)(6)
A-number (b)(6)
Visa Applicant (b)(6)
Petitioner (b)(6)

Thank you,
(b)(6)

(b)(6)
Van Der Hout, Brigagliano & Nightingale, LLP

(b)(6)

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BADR DHAIFALLAH AHMED
MOHAMMED;
YOUSEF BADR DHAIFALLAH
AHMED MOHAMED;
MAHA ABDULHAMEED
MOHAMMED ALMAWRI;
MURAD KHALED ALI;
WALEED MUSAED QASEM
MOHAMMED;
MAGED WALEED MUSAED
QASEM;
ANWAR SALEH NAGI;
RIFAQ ANWAR SALEH NAGI
ALEAZZALI;
KHALED ANWAR NAGI
ALEAZZALI;
ASHAWQ MOHAMMED AYEDH
AHMED;
SABA ALI ALI SAAED;
YOUSEF AHMED MOHAMED
SAAD;
NAWAR AHMED MOHAMED
SAAD;
IBRAHIM AHMED MOHAMED
SAAD;
MOHAMED AHMED MOHAMED
SAAD;
ABDULATEF ABDO MUTHANNA
HAILAN;
DIYAZAN ALI SAEED;
SAHAR SALEM AHMED;
NASLAH H A SAEED;
ALI MOHSEN SAEED;
SAIF DIYAZAN ALI MOHSEN;
SARAH FADEL MUTHANA SAIF;

Case No. CV 17-00786 AB (PLAx)

**ORDER GRANTING EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER AND/OR
PRELIMINARY INJUNCTION**

1 OMAR ALI MOHSEN MURSHED;
2 BASSAM ALI MOHSEN MURSHED;
3 NADHRA SALEH ALZEER;
4 MUHRAH MOHSEN SALEH
5 MOQBEL SALEH;
6 QASEM ABDULRAHMAN SALEM
7 AL-HASANI;
8 MUNA O AL SAKKAF,

9
10 Plaintiffs,

11 v.

12 UNITED STATES OF AMERICA;
13 UNITED STATES DEPARTMENT
14 OF HOMELAND SECURITY;
15 UNITED STATES CITIZENSHIP
16 AND IMMIGRATION SERVICES;
17 UNITED STATES DEPARTMENT
18 OF STATE;
19 UNITED STATES CUSTOMS AND
20 BORDER PATROL;
21 DONALD J. TRUMP, in his official
22 capacity as President of the United
23 States of America;
24 DANA J. BOENTE, in his official
25 capacity as the Acting Attorney
26 General of the United States;
27 JOHN KELLY, Secretary of the
28 Department of Homeland Security;
LORI SCIALABBA, Acting Director
of U.S. Citizenship and Immigration
Services; KEVIN K. McALEENAN, in
his official capacity as Acting
Commissioner of U.S. Customs and
Border Patrol,

Defendants.

24 Before the Court is Plaintiffs' Motion for Temporary Restraining Order And/Or
25 Preliminary Injunctive Relief. (Dkt. No. 3.) Upon consideration of the Complaint (Dkt.
26 No. 1), the Motion, and the supporting declarations (Dkt. Nos. 4, 5), for Good Cause
27 Shown, the Court hereby **GRANTS** the Motion.

DISCUSSION

1
2 A temporary restraining order (“TRO”) is “an extraordinary remedy that may only
3 be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v.*
4 *Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008). The purpose of a TRO is to preserve the
5 status quo before a preliminary injunction hearing may be held. *Granny Goose Foods,*
6 *Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda City.*, 415 U.S.
7 423, 439 (1974). Federal Rule of Civil Procedure 65 governs the issuance of TROs and
8 preliminary injunctions, and courts apply the same standard to both. *Frontline Med.*
9 *Assocs., Inc. v. Coventry Healthcare Workers Comp., Inc.*, 620 F. Supp. 2d 1109, 1110
10 (C.D. Cal. 2009).

11 A party seeking preliminary injunctive relief must satisfy one of two tests. Under
12 one test, the party must establish that he is (1) likely to succeed on the merits of his
13 claims, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief,
14 (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public
15 interest. *Am. Trucking Ass’n, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir.
16 2009).

17 Under the alternative test, a party must show “‘serious questions going to the
18 merits’ [,] a balance of hardships that tips sharply toward the plaintiff,” a likelihood of
19 irreparable harm, and that the injunction is in the public interest. *Alliance for the Wild*
20 *Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011). A “serious question” is one on
21 which the movant “has a fair chance of success on the merits.” *Sierra On-Line, Inc. v.*
22 *Phoenix Software, Inc.*, 739 F.2d 1415, 1421 (9th Cir. 1984).

23 The Court finds that Plaintiffs have satisfied these standards and that a TRO
24 should issue. Plaintiffs have satisfied the first test because they have shown that they are
25 likely to succeed on the merits of claims that would entitle them to relief; Plaintiffs are
26 likely to suffer irreparable harm in the absence of preliminary relief; the balance of
27 equities favors Plaintiffs; and an injunction is in the public interest. Plaintiffs have also
28 satisfied the “alternative” test: they have established at least a serious question going to

1 the merits of their claims; that the balance of hardships tips decisively in their favor; and,
2 as noted as to the first test, a likelihood of irreparable harm and that an injunction is in
3 the public interest.

4
5 **IT IS HEREBY ORDERED THAT:**

- 6 1. Defendants and their officers, agents, employees, attorneys, and all persons acting in
7 concert or participating with them, are **ENJOINED AND RESTRAINED** from
8 enforcing Defendant President Donald J. Trump's January 27, 2017 Executive Order
9 by removing, detaining, or blocking the entry of Plaintiffs, or any other person from
10 Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen with a valid immigrant visa;
11 2. Defendants, and Defendant United States Department of State in particular, are
12 hereby **ENJOINED AND RESTRAINED** from cancelling validly obtained and
13 issued immigrant visas of Plaintiffs;
14 3. Defendants, and Defendant United States Department of State in particular, are
15 hereby **ORDERED** to return to Plaintiffs their passports containing validly issued
16 immigrant visas so that Plaintiffs may travel to the United States on said visas; and
17 4. Defendants are hereby **ORDERED** to **IMMEDIATELY** inform all relevant airport,
18 airline, and other authorities at Los Angeles International Airport and International
19 Airport in Djibouti that Plaintiffs are permitted to travel to the United States on their
20 valid immigrant visas.

21
22 Unless otherwise agreed upon by the parties:

- 23 • Plaintiffs shall file any **supplemental brief** in support of their motion for
24 preliminary injunction **by February 2, 2017**.
25 • Defendants shall file their **opposition by February 5, 2017**.
26 • Plaintiffs shall file their **reply by February 8, 2017**.
27 • Defendants shall appear on **February 10, 2017 at 10:00 a.m.** to show cause why
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the preliminary injunctive relief sought in the Ex Parte Application for Temporary Restraining Order And/Or Preliminary Injunction should not be granted.

IT IS SO ORDERED.

(b)(6), (b)(7)(C)

Dated: January 31, 2017

HONORABLE ANDRE BIROTTE JR.
UNITED STATES DISTRICT COURT JUDGE

(b)(6), (b)(7)(C)

From: HUMPHREY, BRIAN J (DFO)
Sent: Friday, February 03, 2017 8:46 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6)
Subject: FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6) from (b)(6)
Attachments: Central District of CA case 2-17-cv-00786-AB-PLA.PDF; (b)(6)

Please notify Ethiopian Air that the above passenger is authorized boarding for the US based on C2 message.

Brian J. Humphrey
Director, Field Operations
San Francisco/Portland

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 6:56:53 PM
To: HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
Subject: FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6) from (b)(6)

Here's another one. I've not seen the injunction issued out of the Central District.

Thanks

(b)(6), (b)(7)(C)
Supervisory Program Manager
Admissibility/Immigration Policy
Department of Homeland Security
Customs and Border Protection
Office of Field Operations - San Francisco

(b)(6), (b)(7)(C)



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From: (b)(6), (b)(7)(C)
 Sent: Wednesday, February 01, 2017 3:41 PM
 To: (b)(6), (b)(7)(C)
 Subject: Request for CBP to issue Transportation/Boarding Letter to (b)(6) from (b)(6)

Dear (b)(6), (b)(7)(C)

Thank you for speaking with me today.

As I explained, I understand that CBP has the authority to issue Transportation/Boarding letters to individuals who are abroad. <http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

Section 3(g) of the Executive Order provides that the ban on travel may be lifted on a case-by-case basis “when in the national interest” to do so. CBP guidance issued yesterday also reiterates that there are case-by-case exceptions available. <https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states>

The Q&A says:

What do the two exemptions in the Executive Order mean? How are they applied to individual cases? DHS and State can review individual cases and grant waivers on a case-by-case basis if that individual’s admission to the United States is deemed to be in the national interest and if they do not pose a national security threat.

As I explained briefly on the phone, I represent (b)(6), (b)(7)(C) in all immigration matters, who is a (b)(6) Y (b)(6) client, with an Immigrant Visa (that was issued on J (b)(6) by the US Embassy in I (b)(6) who is stranded in (b)(6) (with her U.S. citizen father) after she was denied permission to board a plane on Saturday due to the executive order. She is seeking to reunite with her U.S. citizen parents and U.S. citizen siblings in (b)(6), (b)(7)(C) and would therefore fly to SFO.

We are seeking a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa because her admission for purposes of family reunification is in the national interest of our country. The U.S. Department of State, after years of national security vetting, has already determined that (b)(6), (b)(7)(C) poses no danger to our nation. Furthermore, it is in our nation’s interest to reunite her with her U.S. citizen parents in the United States and promote family unification, a core value of our immigration laws.

Furthermore, the U.S. District Court for the Central District of California order that was signed on January 31, 2017 (and is attached), applies to my client (b)(6), (b)(7)(C). It orders that Defendants, inform all relevant airport, airline, and other authorities that Plaintiffs (and other persons from Yemen with valid immigrant visas) are permitted to travel to the United States on their valid immigrant visas. Given this Court Order, I believe CBP could also issue a Transportation/Boarding letter to her.

Thank you for considering my request for (b)(6), (b)(7)(C) to be issued a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa. Please let me know if you would like us to fill out the form here:

<http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

If you need further information, please do not hesitate to email me at (b)(6) or call me at (b)(6) (b)(6), (b)(7)(C)

Client information:

Case Number: (b)(7)(E)
I-130 Receipt Number: (b)(7)(E)
A-number: (b)(7)(E)
Visa Applicant: (b)(7)(E)
Petitioner: (b)(7)(E)

Thank you,
(b)(6)

(b)(6)
Van Der Hout, Brigagliano & Nightingale, LLP

(b)(6)

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BADR DHAIFALLAH AHMED
MOHAMMED;
YOUSEF BADR DHAIFALLAH
AHMED MOHAMED;
MAHA ABDULHAMEED
MOHAMMED ALMAWRI;
MURAD KHALED ALI;
WALEED MUSAED QASEM
MOHAMMED;
MAGED WALEED MUSAED
QASEM;
ANWAR SALEH NAGI;
RIFAQ ANWAR SALEH NAGI
ALEAZZALI;
KHALED ANWAR NAGI
ALEAZZALI;
ASHAWQ MOHAMMED AYEDH
AHMED;
SABA ALI ALI SAAED;
YOUSEF AHMED MOHAMED
SAAD;
NAWAR AHMED MOHAMED
SAAD;
IBRAHIM AHMED MOHAMED
SAAD;
MOHAMED AHMED MOHAMED
SAAD;
ABDULATEF ABDO MUTHANNA
HAILAN;
DIYAZAN ALI SAEED;
SAHAR SALEM AHMED;
NASLAH H A SAEED;
ALI MOHSEN SAEED;
SAIF DIYAZAN ALI MOHSEN;
SARAH FADEL MUTHANA SAIF;

Case No. CV 17-00786 AB (PLAx)

**ORDER GRANTING EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER AND/OR
PRELIMINARY INJUNCTION**

1 OMAR ALI MOHSEN MURSHED;
2 BASSAM ALI MOHSEN MURSHED;
3 NADHRA SALEH ALZEER;
4 MUHRAH MOHSEN SALEH
5 MOQBEL SALEH;
6 QASEM ABDULRAHMAN SALEM
7 AL-HASANI;
8 MUNA O AL SAKKAF,

9
10 Plaintiffs,

11 v.

12 UNITED STATES OF AMERICA;
13 UNITED STATES DEPARTMENT
14 OF HOMELAND SECURITY;
15 UNITED STATES CITIZENSHIP
16 AND IMMIGRATION SERVICES;
17 UNITED STATES DEPARTMENT
18 OF STATE;
19 UNITED STATES CUSTOMS AND
20 BORDER PATROL;
21 DONALD J. TRUMP, in his official
22 capacity as President of the United
23 States of America;
24 DANA J. BOENTE, in his official
25 capacity as the Acting Attorney
26 General of the United States;
27 JOHN KELLY, Secretary of the
28 Department of Homeland Security;
LORI SCIALABBA, Acting Director
of U.S. Citizenship and Immigration
Services; KEVIN K. McALEENAN, in
his official capacity as Acting
Commissioner of U.S. Customs and
Border Patrol,

Defendants.

24 Before the Court is Plaintiffs' Motion for Temporary Restraining Order And/Or
25 Preliminary Injunctive Relief. (Dkt. No. 3.) Upon consideration of the Complaint (Dkt.
26 No. 1), the Motion, and the supporting declarations (Dkt. Nos. 4, 5), for Good Cause
27 Shown, the Court hereby **GRANTS** the Motion.

DISCUSSION

1
2 A temporary restraining order (“TRO”) is “an extraordinary remedy that may only
3 be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v.*
4 *Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008). The purpose of a TRO is to preserve the
5 status quo before a preliminary injunction hearing may be held. *Granny Goose Foods,*
6 *Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda City.*, 415 U.S.
7 423, 439 (1974). Federal Rule of Civil Procedure 65 governs the issuance of TROs and
8 preliminary injunctions, and courts apply the same standard to both. *Frontline Med.*
9 *Assocs., Inc. v. Coventry Healthcare Workers Comp., Inc.*, 620 F. Supp. 2d 1109, 1110
10 (C.D. Cal. 2009).

11 A party seeking preliminary injunctive relief must satisfy one of two tests. Under
12 one test, the party must establish that he is (1) likely to succeed on the merits of his
13 claims, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief,
14 (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public
15 interest. *Am. Trucking Ass’n, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir.
16 2009).

17 Under the alternative test, a party must show “‘serious questions going to the
18 merits’ [,] a balance of hardships that tips sharply toward the plaintiff,” a likelihood of
19 irreparable harm, and that the injunction is in the public interest. *Alliance for the Wild*
20 *Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011). A “serious question” is one on
21 which the movant “has a fair chance of success on the merits.” *Sierra On-Line, Inc. v.*
22 *Phoenix Software, Inc.*, 739 F.2d 1415, 1421 (9th Cir. 1984).

23 The Court finds that Plaintiffs have satisfied these standards and that a TRO
24 should issue. Plaintiffs have satisfied the first test because they have shown that they are
25 likely to succeed on the merits of claims that would entitle them to relief; Plaintiffs are
26 likely to suffer irreparable harm in the absence of preliminary relief; the balance of
27 equities favors Plaintiffs; and an injunction is in the public interest. Plaintiffs have also
28 satisfied the “alternative” test: they have established at least a serious question going to

1 the merits of their claims; that the balance of hardships tips decisively in their favor; and,
2 as noted as to the first test, a likelihood of irreparable harm and that an injunction is in
3 the public interest.

4
5 **IT IS HEREBY ORDERED THAT:**

- 6 1. Defendants and their officers, agents, employees, attorneys, and all persons acting in
7 concert or participating with them, are **ENJOINED AND RESTRAINED** from
8 enforcing Defendant President Donald J. Trump's January 27, 2017 Executive Order
9 by removing, detaining, or blocking the entry of Plaintiffs, or any other person from
10 Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen with a valid immigrant visa;
11 2. Defendants, and Defendant United States Department of State in particular, are
12 hereby **ENJOINED AND RESTRAINED** from cancelling validly obtained and
13 issued immigrant visas of Plaintiffs;
14 3. Defendants, and Defendant United States Department of State in particular, are
15 hereby **ORDERED** to return to Plaintiffs their passports containing validly issued
16 immigrant visas so that Plaintiffs may travel to the United States on said visas; and
17 4. Defendants are hereby **ORDERED** to **IMMEDIATELY** inform all relevant airport,
18 airline, and other authorities at Los Angeles International Airport and International
19 Airport in Djibouti that Plaintiffs are permitted to travel to the United States on their
20 valid immigrant visas.

21
22 Unless otherwise agreed upon by the parties:

- 23 • Plaintiffs shall file any **supplemental brief** in support of their motion for
24 preliminary injunction **by February 2, 2017**.
25 • Defendants shall file their **opposition by February 5, 2017**.
26 • Plaintiffs shall file their **reply by February 8, 2017**.
27 • Defendants shall appear on **February 10, 2017 at 10:00 a.m.** to show cause why
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the preliminary injunctive relief sought in the Ex Parte Application for Temporary Restraining Order And/Or Preliminary Injunction should not be granted.

IT IS SO ORDERED.

(b)(6), (b)(7)(C)

Dated: January 31, 2017

HONORABLE ANDRE BIROTTE JR.
UNITED STATES DISTRICT COURT JUDGE

(b)(6), (b)(7)(C)

From: HUMPHREY, BRIAN J (DFO)
Sent: Friday, February 03, 2017 10:43 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: RE: Request for CBP to issue Transportation/Boarding Letter to 12-year-old girl from Yemen

(b)(6), (b)(7)(C) You are the best. Thank you. Her attorney tells me the family is trying to get her here sometime Sunday afternoon. When we do see a reservation I'd like to be there if at all possible.

All of our folks at SFO can be proud of their work balancing the EO with court orders, all the while maintaining their professionalism and treating everyone with dignity and respect.

I'm proud to be associated with all of you, especially seeing this hard work personally while onsite all last weekend

Brian J. Humphrey
 Director, Field Operations
 San Francisco/Portland

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 10:11:01 PM
To: HUMPHREY, BRIAN J (DFO)
Cc: (b)(6), (b)(7)(C)
Subject: FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6) from (b)(6)

Sir,

There is no new booking for her at this time. I was still able to contact Ethiopian Air (b)(6), (b)(7)(C) They will teletype the information I provided to them to (b)(6) She should connect on Lufthansa after Ethiopian Air. PM (b)(6), (b)(7)(C) will forward the booking as soon as he receives it. We will again reconfirm with the airlines to allow boarding. Please let me know if you need anything further. Thank you.

(b)(6), (b)(7)(C)
 Watch Commander
 U.S. Customs and Border Protection
 San Francisco International Airport
 (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 5:52 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6) from (b)(6)

Please take necessary action.

(b)(6), (b)(7)(C)
Assistant Port Director, Passenger
Area Port of San Francisco
(b)(6), (b)(7)(C)

From: HUMPHREY, BRIAN J (DFO)
Sent: Friday, February 03, 2017 5:46 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6) from (b)(6)

Please notify Ethiopian Air that the above passenger is authorized boarding for the US based on C2 message.

Brian J. Humphrey
Director, Field Operations
San Francisco/Portland
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 6:56:53 PM
To: HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
Subject: FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6) from (b)(6)

Here's another one. I've not seen the injunction issued out of the Central District.

Thanks

(b)(6), (b)(7)(C)
Supervisory Program Manager
Admissibility/Immigration Policy
Department of Homeland Security
Customs and Border Protection
Office of Field Operations - San Francisco
(b)(6), (b)(7)(C)



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From: (b)(6)
Sent: Wednesday, February 01, 2017 3:41 PM
To: (b)(6), (b)(7)(C)
Subject: Request for CBP to issue Transportation/Boarding Letter to (b)(6) from (b)(6)

Dear: (b)(6), (b)(7)(C)

Thank you for speaking with me today.

As I explained, I understand that CBP has the authority to issue Transportation/Boarding letters to individuals who are abroad. <http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

Section 3(g) of the Executive Order provides that the ban on travel may be lifted on a case-by-case basis “when in the national interest” to do so. CBP guidance issued yesterday also reiterates that there are case-by-case exceptions available. <https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states>

The Q&A says:

What do the two exemptions in the Executive Order mean? How are they applied to individual cases? DHS and State can review individual cases and grant waivers on a case-by-case basis if that individual’s admission to the United States is deemed to be in the national interest and if they do not pose a national security threat.

As I explained briefly on the phone, I represent (b)(6) in all immigration matters, who is a (b)(6) client, with an Immigrant Visa (that was issued on (b)(6) by the US Embassy in (b)(6), who is stranded in (b)(6) with her U.S. citizen father) after she was denied permission to board a plane on Saturday due to the executive order. She is seeking to reunite with her U.S. citizen parents and U.S. citizen siblings in (b)(6), (b)(7)(C) and would therefore fly to SFO.

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Furthermore, the U.S. District Court for the Central District of California order that was signed on January 31, 2017 (and is attached), applies to my client (b)(6). It orders that Defendants, inform all relevant airport, airline, and other authorities that Plaintiffs (and other persons from Yemen with valid immigrant visas) are permitted to travel to the United States on their valid immigrant visas. Given this Court Order, I believe CBP could also issue a Transportation/Boarding letter to her.

Thank you for considering my request for [redacted] to be issued a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa. Please let me know if you would like us to fill out the form here:

<http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

If you need further information, please do not hesitate to email me at [redacted] or call me at [redacted]
[redacted]

Client information:

Case Number: [redacted]
I-130 Receipt Number: [redacted]
A-number: [redacted]
Visa Applicant: [redacted]
Petitioner: [redacted]

Thank you,
[redacted]

[redacted]
Van Der Hout, Brigagliano & Nightingale, LLP

[redacted]

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From: HUMPHREY, BRIAN J (DFO)
Sent: Friday, February 03, 2017 8:51 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6) from (b)(6)
Attachments: Central District of CA case 2-17-cv-00786-AB-PLA.PDF; (b)(6)

Brian J. Humphrey
 Director, Field Operations
 San Francisco/Portland

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 6:56:53 PM
To: HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
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(b)(6), (b)(7)(C)
 Supervisory Program Manager
 Admissibility/Immigration Policy
 Department of Homeland Security
 Customs and Border Protection
 Office of Field Operations - San Francisco

(b)(6), (b)(7)(C)



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If you need further information, please do not hesitate to email me at (b)(6) or call me at (b)(6)
(b)(6)

Client information:

Case Number: (b)(6)

I-130 Receipt Number: (b)(6)

A-number: (b)(6)

Visa Applicant: (b)(6)
Petitioner: (b)(6)

Thank you,
(b)(6)

(b)(6)
Van Der Hout, Brigagliano & Nightingale, LLP

(b)(6)

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BADR DHAIFALLAH AHMED
MOHAMMED;
YOUSEF BADR DHAIFALLAH
AHMED MOHAMED;
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10 v.

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16 UNITED STATES DEPARTMENT
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18 UNITED STATES CUSTOMS AND
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21 capacity as President of the United
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23 DANA J. BOENTE, in his official
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26 JOHN KELLY, Secretary of the
27 Department of Homeland Security;
28 LORI SCIALABBA, Acting Director
of U.S. Citizenship and Immigration
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Commissioner of U.S. Customs and
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Before the Court is Plaintiffs’ Motion for Temporary Restraining Order And/Or Preliminary Injunctive Relief. (Dkt. No. 3.) Upon consideration of the Complaint (Dkt. No. 1), the Motion, and the supporting declarations (Dkt. Nos. 4, 5), for Good Cause Shown, the Court hereby **GRANTS** the Motion.

DISCUSSION

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16 2009).

17 Under the alternative test, a party must show “‘serious questions going to the
18 merits’ [,] a balance of hardships that tips sharply toward the plaintiff,” a likelihood of
19 irreparable harm, and that the injunction is in the public interest. *Alliance for the Wild*
20 *Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011). A “serious question” is one on
21 which the movant “has a fair chance of success on the merits.” *Sierra On-Line, Inc. v.*
22 *Phoenix Software, Inc.*, 739 F.2d 1415, 1421 (9th Cir. 1984).

23 The Court finds that Plaintiffs have satisfied these standards and that a TRO
24 should issue. Plaintiffs have satisfied the first test because they have shown that they are
25 likely to succeed on the merits of claims that would entitle them to relief; Plaintiffs are
26 likely to suffer irreparable harm in the absence of preliminary relief; the balance of
27 equities favors Plaintiffs; and an injunction is in the public interest. Plaintiffs have also
28 satisfied the “alternative” test: they have established at least a serious question going to

1 the merits of their claims; that the balance of hardships tips decisively in their favor; and,
2 as noted as to the first test, a likelihood of irreparable harm and that an injunction is in
3 the public interest.

4
5 **IT IS HEREBY ORDERED THAT:**

- 6 1. Defendants and their officers, agents, employees, attorneys, and all persons acting in
7 concert or participating with them, are **ENJOINED AND RESTRAINED** from
8 enforcing Defendant President Donald J. Trump's January 27, 2017 Executive Order
9 by removing, detaining, or blocking the entry of Plaintiffs, or any other person from
10 Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen with a valid immigrant visa;
11 2. Defendants, and Defendant United States Department of State in particular, are
12 hereby **ENJOINED AND RESTRAINED** from cancelling validly obtained and
13 issued immigrant visas of Plaintiffs;
14 3. Defendants, and Defendant United States Department of State in particular, are
15 hereby **ORDERED** to return to Plaintiffs their passports containing validly issued
16 immigrant visas so that Plaintiffs may travel to the United States on said visas; and
17 4. Defendants are hereby **ORDERED** to **IMMEDIATELY** inform all relevant airport,
18 airline, and other authorities at Los Angeles International Airport and International
19 Airport in Djibouti that Plaintiffs are permitted to travel to the United States on their
20 valid immigrant visas.

21
22 Unless otherwise agreed upon by the parties:

- 23 • Plaintiffs shall file any **supplemental brief** in support of their motion for
24 preliminary injunction **by February 2, 2017**.
25 • Defendants shall file their **opposition by February 5, 2017**.
26 • Plaintiffs shall file their **reply by February 8, 2017**.
27 • Defendants shall appear on **February 10, 2017 at 10:00 a.m.** to show cause why
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the preliminary injunctive relief sought in the Ex Parte Application for Temporary Restraining Order And/Or Preliminary Injunction should not be granted.

IT IS SO ORDERED.

(b)(6), (b)(7)(C)

Dated: January 31, 2017

HONORABLE ANDRE BIROTTE JR.
UNITED STATES DISTRICT COURT JUDGE

(b)(6), (b)(7)(C)

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BADR DHAIFALLAH AHMED
MOHAMMED;
YOUSEF BADR DHAIFALLAH
AHMED MOHAMED;
MAHA ABDULHAMEED
MOHAMMED ALMAWRI;
MURAD KHALED ALI;
WALEED MUSAED QASEM
MOHAMMED;
MAGED WALEED MUSAED
QASEM;
ANWAR SALEH NAGI;
RIFAQ ANWAR SALEH NAGI
ALEAZZALI;
KHALED ANWAR NAGI
ALEAZZALI;
ASHAWQ MOHAMMED AYEDH
AHMED;
SABA ALI ALI SAAED;
YOUSEF AHMED MOHAMED
SAAD;
NAWAR AHMED MOHAMED
SAAD;
IBRAHIM AHMED MOHAMED
SAAD;
MOHAMED AHMED MOHAMED
SAAD;
ABDULATEF ABDO MUTHANNA
HAILAN;
DIYAZAN ALI SAEED;
SAHAR SALEM AHMED;
NASLAH H A SAEED;
ALI MOHSEN SAEED;
SAIF DIYAZAN ALI MOHSEN;
SARAH FADEL MUTHANA SAIF;

Case No. CV 17-00786 AB (PLAx)

**ORDER GRANTING EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER AND/OR
PRELIMINARY INJUNCTION**

1 OMAR ALI MOHSEN MURSHED;
2 BASSAM ALI MOHSEN MURSHED;
3 NADHRA SALEH ALZEER;
4 MUHRAH MOHSEN SALEH
5 MOQBEL SALEH;
6 QASEM ABDULRAHMAN SALEM
7 AL-HASANI;
8 MUNA O AL SAKKAF,

9 Plaintiffs,

10 v.

11 UNITED STATES OF AMERICA;
12 UNITED STATES DEPARTMENT
13 OF HOMELAND SECURITY;
14 UNITED STATES CITIZENSHIP
15 AND IMMIGRATION SERVICES;
16 UNITED STATES DEPARTMENT
17 OF STATE;
18 UNITED STATES CUSTOMS AND
19 BORDER PATROL;
20 DONALD J. TRUMP, in his official
21 capacity as President of the United
22 States of America;
23 DANA J. BOENTE, in his official
24 capacity as the Acting Attorney
25 General of the United States;
26 JOHN KELLY, Secretary of the
27 Department of Homeland Security;
28 LORI SCIALABBA, Acting Director
of U.S. Citizenship and Immigration
Services; KEVIN K. McALEENAN, in
his official capacity as Acting
Commissioner of U.S. Customs and
Border Patrol,

Defendants.

24 Before the Court is Plaintiffs’ Motion for Temporary Restraining Order And/Or
25 Preliminary Injunctive Relief. (Dkt. No. 3.) Upon consideration of the Complaint (Dkt.
26 No. 1), the Motion, and the supporting declarations (Dkt. Nos. 4, 5), for Good Cause
27 Shown, the Court hereby **GRANTS** the Motion.

DISCUSSION

1
2 A temporary restraining order (“TRO”) is “an extraordinary remedy that may only
3 be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v.*
4 *Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008). The purpose of a TRO is to preserve the
5 status quo before a preliminary injunction hearing may be held. *Granny Goose Foods,*
6 *Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda City.*, 415 U.S.
7 423, 439 (1974). Federal Rule of Civil Procedure 65 governs the issuance of TROs and
8 preliminary injunctions, and courts apply the same standard to both. *Frontline Med.*
9 *Assocs., Inc. v. Coventry Healthcare Workers Comp., Inc.*, 620 F. Supp. 2d 1109, 1110
10 (C.D. Cal. 2009).

11 A party seeking preliminary injunctive relief must satisfy one of two tests. Under
12 one test, the party must establish that he is (1) likely to succeed on the merits of his
13 claims, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief,
14 (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public
15 interest. *Am. Trucking Ass’n, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir.
16 2009).

17 Under the alternative test, a party must show “‘serious questions going to the
18 merits’ [,] a balance of hardships that tips sharply toward the plaintiff,” a likelihood of
19 irreparable harm, and that the injunction is in the public interest. *Alliance for the Wild*
20 *Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011). A “serious question” is one on
21 which the movant “has a fair chance of success on the merits.” *Sierra On-Line, Inc. v.*
22 *Phoenix Software, Inc.*, 739 F.2d 1415, 1421 (9th Cir. 1984).

23 The Court finds that Plaintiffs have satisfied these standards and that a TRO
24 should issue. Plaintiffs have satisfied the first test because they have shown that they are
25 likely to succeed on the merits of claims that would entitle them to relief; Plaintiffs are
26 likely to suffer irreparable harm in the absence of preliminary relief; the balance of
27 equities favors Plaintiffs; and an injunction is in the public interest. Plaintiffs have also
28 satisfied the “alternative” test: they have established at least a serious question going to

1 the merits of their claims; that the balance of hardships tips decisively in their favor; and,
2 as noted as to the first test, a likelihood of irreparable harm and that an injunction is in
3 the public interest.

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5 **IT IS HEREBY ORDERED THAT:**

- 6 1. Defendants and their officers, agents, employees, attorneys, and all persons acting in
7 concert or participating with them, are **ENJOINED AND RESTRAINED** from
8 enforcing Defendant President Donald J. Trump's January 27, 2017 Executive Order
9 by removing, detaining, or blocking the entry of Plaintiffs, or any other person from
10 Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen with a valid immigrant visa;
11 2. Defendants, and Defendant United States Department of State in particular, are
12 hereby **ENJOINED AND RESTRAINED** from cancelling validly obtained and
13 issued immigrant visas of Plaintiffs;
14 3. Defendants, and Defendant United States Department of State in particular, are
15 hereby **ORDERED** to return to Plaintiffs their passports containing validly issued
16 immigrant visas so that Plaintiffs may travel to the United States on said visas; and
17 4. Defendants are hereby **ORDERED** to **IMMEDIATELY** inform all relevant airport,
18 airline, and other authorities at Los Angeles International Airport and International
19 Airport in Djibouti that Plaintiffs are permitted to travel to the United States on their
20 valid immigrant visas.

21
22 Unless otherwise agreed upon by the parties:

- 23 • Plaintiffs shall file any **supplemental brief** in support of their motion for
24 preliminary injunction **by February 2, 2017**.
25 • Defendants shall file their **opposition by February 5, 2017**.
26 • Plaintiffs shall file their **reply by February 8, 2017**.
27 • Defendants shall appear on **February 10, 2017 at 10:00 a.m.** to show cause why
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the preliminary injunctive relief sought in the Ex Parte Application for Temporary Restraining Order And/Or Preliminary Injunction should not be granted.

IT IS SO ORDERED.

(b)(6), (b)(7)(C)

Dated: January 31, 2017

HONORABLE ANDRE BIROTTE JR.
UNITED STATES DISTRICT COURT JUDGE

(b)(6)

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 8:57 PM
To: HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: Request for CBP to issue Transportation/Boarding Letter to (b)(6) from (b)(6)

Acknowledged.

Frances Belinda Garcia
Assistant Port Director, Passenger
Area Port of San Francisco

(b)(6), (b)(7)(C)

From: HUMPHREY, BRIAN J (DFO)
Sent: Friday, February 03, 2017 5:56 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: Request for CBP to issue Transportation/Boarding Letter to 12-year-old girl from Yemen

The (b)(6) can now board in Djibouti destined to SFO. Original carrier was Ethiopian Air with connection. We need to determine the carrier for the connecting leg to SFO and notify that carrier she can board

Please let me know when the carrier is notified so that we can get her on a flight ASAP

Brian J. Humphrey
Director, Field Operations
San Francisco/Portland

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 6:56:53 PM
To: HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
Subject: FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6)

Here's another one. I've not seen the injunction issued out of the Central District.

Thanks

(b)(6), (b)(7)(C)
Supervisory Program Manager

Admissibility/Immigration Policy
 Department of Homeland Security
 Customs and Border Protection
 Office of Field Operations - San Francisco

(b)(6), (b)(7)(C)



WARNING: This document may be designated *FOR OFFICIAL USE ONLY (FOUO)*, and may contain information that is *LAW ENFORCEMENT SENSITIVE (LES)* and may contain information that is exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to *SENSITIVE BUT UNCLASSIFIED* information and is not to be released to the public or personnel who do not have a valid need to know without prior approval from the originator. This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. Further transmission of *LAW ENFORCEMENT SENSITIVE* information is limited by The Privacy Act (5 U.S.C. 552(a)) and Trade Secrets Act (18 U.S.C. 1905), in accordance with the Third Agency Rule. If the reader for this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message or portions thereof is strictly prohibited. If you have received this message in error, please notify the sender and delete all copies from your system.

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 3:41 PM
To: (b)(6), (b)(7)(C)
Subject: Request for CBP to issue Transportation/Boarding Letter to 12-year-old girl from Yemen

Dear (b)(6), (b)(7)(C):

Thank you for speaking with me today.

As I explained, I understand that CBP has the authority to issue Transportation/Boarding letters to individuals who are abroad. <http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

Section 3(g) of the Executive Order provides that the ban on travel may be lifted on a case-by-case basis “when in the national interest” to do so. CBP guidance issued yesterday also reiterates that there are case-by-case exceptions available. <https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states>

The Q&A says:

What do the two exemptions in the Executive Order mean? How are they applied to individual cases?
DHS and State can review individual cases and grant waivers on a case-by-case basis if that individual’s admission to the United States is deemed to be in the national interest and if they do not pose a national security threat.

As I explained briefly on the phone, I represent (b)(6), (b)(7)(C) in all immigration matters, who is a (b)(6) client, with an Immigrant Visa (that was issued on (b)(6) by the US Embassy in (b)(6) who is stranded in (b)(6) with her U.S. citizen father) after she was denied permission to board a plane on Saturday due to the executive order. She is seeking to reunite with her U.S. citizen parents and U.S. citizen siblings in (b)(6), (b)(7)(C) and would therefore fly to SFO.

We are seeking a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa because her admission for purposes of family reunification is in the national interest of our country. The U.S. Department of State, after years of national security vetting, has already determined that (b)(6), (b)(7)(C) poses no danger to our nation. Furthermore, it is in our nation’s interest to reunite

her with her U.S. citizen parents in the United States and promote family unification, a core value of our immigration laws.

Furthermore, the U.S. District Court for the Central District of California order that was signed on January 31, 2017 (and is attached), applies to my client (b)(6), (b)(7)(C). It orders that Defendants, inform all relevant airport, airline, and other authorities that Plaintiffs (and other persons from Yemen with valid immigrant visas) are permitted to travel to the United States on their valid immigrant visas. Given this Court Order, I believe CBP could also issue a Transportation/Boarding letter to her.

Thank you for considering my request for (b)(6), (b)(7)(C) to be issued a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa. Please let me know if you would like us to fill out the form here:

<http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

If you need further information, please do not hesitate to email me at (b)(6), (b)(7)(C) or call me at (b)(6), (b)(7)(C).

(b)(6), (b)(7)(C)

Client information:

Case Number: (b)(6)
I-130 Receipt Number: (b)(6)
A-number: (b)(6)
Visa Applicant: (b)(6)
Petitioner: (b)(6)

Thank you,
(b)(6)

(b)(6)
Van Der Hout, Brigagliano & Nightingale, LLP

(b)(6)

This email may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is prohibited. If you are not the intended recipient, please contact me and delete all copies. Thank you.

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 6:43 PM
To: HUMPHREY, BRIAN J (DFO)
Subject: Automatic reply: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

To Members of the media:

Please direct all inquiries related to the President's Executive Order to:

cbpmidiarelations@cbp.dhs.gov

Thank you.

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 12:07 AM
To: HUMPHREY, BRIAN J (DFO)
Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Sir,

Thank you for the support over the past few days. Having the DFO in the FIS sends a great message to the staff.

From: HUMPHREY, BRIAN J (DFO)
Sent: Sunday, January 29, 2017 8:53:42 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Well done, (b)(6), (b)(7)(C) Thank you

Brian J. Humphrey
Director, Field Operations
San Francisco/Portland

(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 11:37:14 PM
To: (b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update 10.

About 1000-1200 protesters are still on site. The G side arrivals exit is the only exit in use. This helps keep the protestors in one location so they don't disrupt other areas of operation. SFPD has set up barricades and are manning them to allow international passengers to depart. EOC will stay open until 0200hrs and reopen at 0700hrs. Chief (b)(6), (b)(7)(C) will pull our person from EOC once the situation has calmed down. SCBPO (b)(6), (b)(7)(C) will relieve SCBPO (b)(6), (b)(7)(C) by 2100hrs.

SRT is still on site and was advised to check with their chain of command about possibly coming back tomorrow. Recommend not early then 1200hrs.

Both A and G terminal TSA checkpoints are open and operational.

Flights are processing well. Nothing over 120.

No reports for protests at any other airports.

(b)(6), (b)(7)(C)

Watch Commander
Area Port of San Francisco

(b)(6), (b)(7)(C) desk
mobile

From: (b)(6), (b)(7)(C)

Sent: Sunday, January 29, 2017 3:56 PM

To: (b)(6), (b)(7)(C) BRIAN J HUMPHREY (DFO)

(b)(6), (b)(7)(C)

Cc: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update 9

Protestors are blocking passenger from exiting the transit corridor both to Terminal 1 & 3. As it stands right now passengers can't safely exit the international terminal. Swanlaw is waiting to hear what SFPD plan to do clear the areas.

If this continues we may not be able to continue processing passengers. They will be stuck in the FIS.

(b)(6), (b)(7)(C)

Watch Commander
Area Port of San Francisco

(b)(6), (b)(7)(C) desk
mobile

From: (b)(6), (b)(7)(C)

Sent: Sunday, January 29, 2017 3:42 PM

To: (b)(6), (b)(7)(C) BRIAN J HUMPHREY (DFO)

(b)(6), (b)(7)(C)

Cc: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: FW: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update 8.

Protesters have moved down the escalators between connector hallway and Terminal 3 (United). International passengers are exiting towards Terminal 1.

Protector have shut down TSA screening for A and G Terminals. Passenger are not able to go to international gates.

(b)(6), (b)(7)(C)

Watch Commander
Area Port of San Francisco

(b)(6), (b)(7)(C) desk
mobile

From: (b)(6), (b)(7)(C)

Sent: Sunday, January 29, 2017 2:36 PM

To: (b)(6), (b)(7)(C)

Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update #7

Details:

On Sunday January 29, 2017 protesters returned to San Francisco International Airport protested the Protecting the Nation from Foreign Terrorist Entry Into the United States Executive Order.

Supervisors CBPO is assigned to eh San Francisco Emergency Operations Center.

At approximately 1200hrs protesters returned to international arrivals lobby. Around 1230hrs. G side arrival door was closed due to crowds and passengers were sent through A terminal exit door.

At approximately 1300hrs A terminal exit door as closed and all passengers are being sent to the transit door exit.

At 1215hrs the Global Entry enrollment office was closed due to disturbances by the protestors. Customers with appointments were notified via email.

As of 1430hrs there are about 800 protestors near the A side exit door. San Francisco Police are on seen.

CBPOs are manning all exits to ensure unauthorized people don't enter the Federal Inspection Services area.

DFO Humphrey, APD (b)(6), (b)(7)(C) and APD (b)(6), (b)(7)(C) are on site.

Three (b)(7)(E) operators were deployed as extra security.

(b)(6), (b)(7)(C)

Watch Commander

Area Port of San Francisco

(b)(6), (b)(7)(C) desk
mobile

From: (b)(6), (b)(7)(C)

Sent: Sunday, January 29, 2017 10:41 AM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) SFO CBP CHIEFS

(b)(7)(E) SFO CBP SUPERVISORS (b)(7)(E)

Subject: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update#6

- Approx. 60-70 have continued to gather at Starbucks at Arrival lobby.

- (b)(7)(E)



(b)(6), (b)(7)(C)
U.S. Customs and Border Protection
San Francisco International Airport

(b)(6), (b)(7)(C) cell

From: (b)(6), (b)(7)(C)

Sent: Sunday, January 29, 2017 9:12 AM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) SFO CBP CHIEFS

(b)(7)(E) SFO CBP SUPERVISORS (b)(7)(E)

Subject: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update #5

- A large group of protesters are upstairs by the TSA checkpoint on G side (near Starbucks). People are yelling and chanting, mostly peaceful activity.
- Officer (b)(6), (b)(7)(C) and Officer (b)(6), (b)(7)(C) observed two protesters guarding seven tables of food and water for the events later today.
- Some protesters are now gathering outside and several Attorneys are calling the FIS for information.



(b)(6), (b)(7)(C)
 U.S. Customs and Border Protection
 San Francisco International Airport
 (b)(6), (b)(7)(C) cell

From: (b)(6), (b)(7)(C)
 Sent: Sunday, January 29, 2017 8:06 AM
 To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C) SFO CBP CHIEFS
 (b)(7)(E) SFO CBP SUPERVISORS (b)(7)(E)

Subject: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update #4

According to News outlets protesting will begin at 1200 hours at SFO.



(b)(6), (b)(7)(C)
 U.S. Customs and Border Protection
 San Francisco International Airport
 (b)(6), (b)(7)(C) cell

From: (b)(6), (b)(7)(C)
 Sent: Sunday, January 29, 2017 6:50 AM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) SFO CBP CHIEFS

(b)(7)(E) SFO CBP SUPERVISORS (b)(7)(E)

Subject: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update #3

0630 hours;

- As of 0625 there has been a slow increase in protesters as of 0625 hours gathering at G-side Arrivals lobby and Transiting doors.
- There has been no conflict with CBP and the protesters at this time.

Updates to follow.



(b)(6), (b)(7)(C)
 U.S. Customs and Border Protection
 San Francisco International Airport
 (b)(6), (b)(7)(C) cell

From: (b)(6), (b)(7)(C)

Sent: Saturday, January 28, 2017 10:49 PM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) SFO CBP CHIEFS (b)(7)(E) SFO CBP SUPERVISORS

(b)(7)(E)

Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Update#3

2245 hours;

- There are still about 100 protesters outside the Transit Door and about 500 protesters on the Arrivals Door. Every so often someone will approach and try to gain info as they claim to be a lawyer for clients inside.
- Those people are referred to CHP Public Affairs in DC via the website. No other info is being relayed.
- The exit A and G doors are still not being used. Passengers are being sent out the transit door. There have been no breeches into our AOR.
- Staff is holding the line and conducting business as usual for lookouts.

Regards,

(b)(6), (b)(7)(C)

Chief CBPO
San Francisco/Alameda

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)

Sent: Saturday, January 28, 2017 6:51 PM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

SFO CBP CHIEFS

(b)(7)(E)

SFO CBP SUPERVISORS

(b)(7)(E)

TURNER, ROBIN L

(b)(6), (b)(7)(C)

Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

Upper Managers

Update #2

There are approximately 800 protestors outside the FIS exit arrival area at this time.

The protestors have been banging on the FIS exit arrival area doors at times.

The San Francisco Police Department has deployed their riot gear in preparation of the unruly protestors within the San Francisco International Terminal Area.

Our Global Entry office is currently closed due to the unruly protestors within the area of the Global Entry Office. We are currently contacting the people that have appointments so that they can reschedule.

According to SFPD, California Lieutenant Governor Gavin Newsom is present among the protestors; he has not reached out to CBP at this time.

Updates to follow.

Thank You

Chief Supervisory CBP Officer (b)(6), (b)(7)(C)
San Francisco International Airport
US Customs and Border Protection
Office of Field Operations
Office: (b)(6), (b)(7)(C)
Cell: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 3:57 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) SFO CBP CHIEFS
(b)(7)(E) SFO CBP SUPERVISORS (b)(7)(E)
Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

All

UPATE

DFO Humphrey was on scene at SFO to oversee overall operations and ensure smooth and efficient processing of affected arriving aliens.

(b)(6), (b)(7)(C)
Watch Commander, Port of San Francisco
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 3:30 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) SFO CBP CHIEFS
(b)(7)(E) SFO CBP SUPERVISORS (b)(7)(E)

Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

All

UPDATE:

The group outside the "A" exit to the arrivals lobby has been dispersed.

Per SFPD approximately 300 protesters are massed on the curb outside the FIS arrivals lobby. SFPD states they are hearing "chatter" from some in the crowd suggesting that "they rush the doors" to the FIS and "free those being illegally detained by CBP". SFPD states they are reaching out to San Mateo County Sheriff's Department for assistance in crowd control.

Actions:

CBP SFO is shutting down the "San Francisco Arrivals" set of exit doors, and rerouting passengers to utilize only the "Connecting Flights" set of exit doors as the sole means of exiting the FIS

Armed CBP Officers are stationed at both sets of exit doors to control entry

CBP SFO is maintaining constant communication with SFPD to in order to monitor protest activity and assess risk.

(b)(6), (b)(7)(C)
Watch Commander, Port of San Francisco
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 2:37 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) SFO CBP CHIEFS
(b)(7)(E) SFO CBP SUPERVISORS (b)(7)(E)

Subject: RE: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

All

UPDATE:

There are approximately 15-20 vocal protesters outside the "A" FIS exit into the Arrivals lobby.

(b)(6), (b)(7)(C)
Watch Commander, Port of San Francisco
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Saturday, January 28, 2017 10:58 AM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

HUMPHREY, BRIAN J (DFO)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: Sit Aware-Possible Protests at San Francisco International Airport in Reaction to Presidential Executive Orders

All

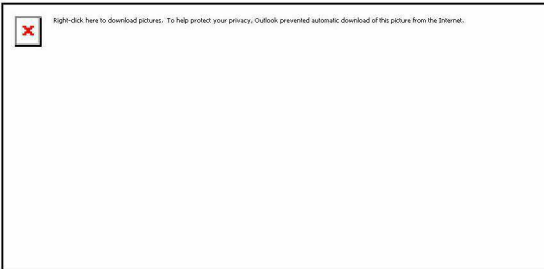
At 10:28 today, SFO Duty Manager (b)(6), (b)(7)(C) called and reported that the SFPD Com Center was gearing up for possible sporadic demonstrations to take place all over San Francisco International Airport today @1500. These demonstrations are due to the new executive order signed by President Trump over the suspension of visas from various countries. More information to come.

(b)(6), (b)(7)(C)

Watch Commander, Port of San Francisco

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C) on behalf of (b)(6), (b)(7)(C), American Immigration Council (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 3:29 PM
To: (b)(6), (b)(7)(C)
Subject: See you in court, Mr. President.



Dear Colleagues,

Last night, we, along with our partners at Northwest Immigrant Rights Project and the National Lawyers Project of the National Lawyers Guild, [filed a lawsuit](#) to challenge the unprecedented executive order banning immigrant visas from seven Muslim-majority nations. Not only is this order blatantly discriminatory and unlawful, but the implications are severe—mothers are being separated from children, wives from husbands, and workers from U.S. employers. One of the plaintiffs in our lawsuit, a 23-year old U.S. citizen mother, is desperately seeking to be reunited with her six-year-old son in Somalia. But the executive order means their separation continues.

We cannot let this stand!

In addition to the lawsuit, we're arming immigration attorneys working on the front lines to protect individuals impacted by the visa ban. We just issued a practice advisory, [Challenging President Trump's Ban on Entry](#), that provides information about how last Friday's Executive Order is being implemented, offers resources and practice tips for attorneys whose clients are affected by it, and outlines legal challenges that have been filed to date. We have also written extensive analysis of the [executive orders](#) on our blog, [Immigration Impact](#).

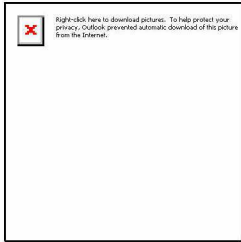
The Council is in for a long fight. We will file more lawsuits, and we will use all the legal tools at our disposal. At the same time, we will continue presenting information about how integral immigrants are to the fabric of our country, because everyone is entitled to her own opinion, but not her own facts!

We cannot do this work without your partnership.

Set up a recurring donation!

Donate today to ensure we have the resources we need to stay in the fight.

Thank you,



(b)(6), (b)(7)(C)
Executive Director

P.S.- Spread the word about our lawsuit today on your [Facebook](#), [Twitter](#) or [LinkedIn](#) account.



American Immigration Council
1331 G St. NW Suite 200
Washington, D.C., 20005

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