

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

INTERNATIONAL REFUGEE
ASSISTANCE PROJECT, et al.,

Plaintiffs-Appellees,

v.

DONALD J. TRUMP, et al,

Defendants-Appellants.

No. 17-1351

**PLAINTIFFS-APPELLEES'
MOTION FOR LEAVE TO
SUPPLEMENT THE RECORD**

Plaintiffs-Appellees move to supplement the record to include a new declaration by Plaintiff John Doe #3. The government has indicated that it consents to this motion. The new declaration states that on May 1, 2017, Doe #3's wife was granted an immigrant visa, which expires on October 29, 2017. Ex. A. *Cf.* Reply Br. 6 (arguing that Doe #3 lacked standing because "it is likely [his wife's] visa was denied"); Appellants' Br. 20 (same). She plans to travel to the United States soon. Ex. A. *Cf.* Appellants' Br. 19-20 (arguing that Doe #3 faces no "imminent risk of delay") (quotation marks omitted).

If the injunctions of Section 2(c) were lifted, Doe #3's wife, who is Iranian, would immediately be banned from entering the United States. Section 2(c) prohibits the entry of Iranian nationals unless they (1) had a valid visa on January 27, 2017; (2) had a valid visa on March 16, 2017; or (3) have a valid visa and a ban

waiver issued under the terms of the Order. *See* Mar. 6 Order §§ 3(a)(ii)-(iii), 3(c), 14. Visas issued after March 16, 2017 do *not* allow entry unless the holder also has a ban waiver. *Id.* § 3(b)(iii) & (c). Doe #3’s wife has not received a waiver under the Order, and there would be no way for a person in her position—who has received a visa but not a waiver—to apply for a waiver, even if the Order were fully operational. *See* Appellants’ Br. 19 (The “waiver process is integrated into the existing visa-issuance procedure.”); *accord* Dep’t of State, Cable 23338, §§ 10, 13, Mar. 10, 2017.¹

May 4, 2017

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¹ Available at http://live.reuters.com/Event/Live_US_Politics/791235253 (last visited May 4, 2017).

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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2017, I electronically filed the foregoing brief with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Omar C. Jadwat

Omar C. Jadwat

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**SUPPLEMENTAL DECLARATION
OF JOHN DOE #3**

I, John Doe #3, upon my personal knowledge, hereby submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. My wife received her immigrant visa from the United States Embassy in the United Arab Emirates on May 1, 2017. Her visa category is FX1, and it expires on October 29, 2017.

2. We are now making arrangements for my wife to relocate to the United States, which we anticipate will take fewer than eight weeks to complete.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct. Executed in Tehran, Iran, on May 4, 2017.

A solid black rectangular box redacting the signature of the declarant.

John Doe #3