NO. 17-16426

IN THE

United States Court of Appeals for the Ninth Circuit

STATE OF HAWAII, *et al.*,

Plaintiffs-Appellants,

-v.-

DONALD J. TRUMP, *et al.*,

Defendants-Appellees.

On Appeal from the U.S. District Court for the District of Hawaii,
No. 1:17-cv-00050-DKW-KSC (Derrick K. Watson, J.)

EMERGENCY MOTION PURSUANT TO UNDER CIRCUIT RULE 27-3 TO INTERVENE

James C. Martin
Donna M. Doblick
Devin M. Misour
REED SMITH LLP
225 Fifth Avenue, Suite 1200
Pittsburgh, PA 15222
Telephone: 412.288.3131
jcmartin@reedsmith.com
ddoblick@reedsmith.com
dmisour@reedsmith.com

Jayne Fleming
REED SMITH LLP
599 Lexington Avenue, 22nd Floor
New York, NY 10022
Telephone: (212) 549-0217
jfleming@reedsmith.com

Counsel for Intervenor U.S. Committee for Refugees and Immigrants

CIRCUIT RULE 27-3 CERTIFICATE

The undersigned counsel certifies that the following information is true and correct, as required by Circuit Rule 27-3:

1. **Telephone numbers, e-mail addresses, and office addresses of the attorneys for the parties.**

Counsel for (proposed) Intervenor United States Committee for Refugees and Immigrants:

James C. Martin
Donna M. Doblick
Devin M. Misour
REED SMITH LLP
225 Fifth Avenue, Suite 1200
Pittsburgh, PA 15222
Telephone: (412) 288-3131
jcmartin@reedsmith.com
ddoblick@reedsmith.com
dmisour@reedsmith.com

Jayne Fleming
REED SMITH LLP
599 Lexington Avenue, 22nd Floor
New York, NY 10022
Telephone: (212) 549-0217
jfleming@reedsmith.com

Counsel for Appellants, State of Hawaii, et al.:

Neal Katyal (neal.katyal@hoganlovells.com)
Colleen Roh Sinzdak (colleen.rohsinzdak@hoganlovells.com)
Mitchell Reich (mitchell.reich@hoganlovells.com)
Sara Solow (sara.solow@hoganlovells.com)
Elizabeth Hagerty (elizabeth.hagerty@hoganlovells.com)
Hogan Lovells US LLP
555 Thirteenth Street NW

Washington, DC 20004
Telephone: (202) 637-5600
Fax: (202) 637-5910

Alexander Biays Bowerman (alexander.bowerman@hoganlovells.com)
Hogan Lovells US LLP
1835 Market Street
29th Floor
Philadelphia, PA 19103
Telephone: (267) 675-4664

Thomas P. Schmidt (thomas.schmidt@hoganlovells.com)
Hogan Lovells US LLP
875 Third Avenue
New York, NY 10022
Telephone: (212) 918-5547
Fax: (212) 918-3100

Douglas S. Chin (douglas.chin@hawaii.gov)
Clyde J. Wadsworth (clyde.wadsworth@hawaii.gov)
Deirdre Marie-Iha (deirdre.marie-iha@hawaii.gov)
Kimberly T. Guidry (kimberly.guidry@hawaii.gov)
Donna H. Kalama (donna.kalama@hawaii.gov)
Robert T. Nakatsuji (robert.nakatsuji@hawaii.gov
Department of the Attorney General, State of Hawai‘i
425 Queen Street
Honolulu, HI 96813
Telephone: (808) 586-1500
Fax: (808) 586-1239

Counsel for Appellees Donald Trump, et al.:

Michelle R. Bennett (michelle.bennett@usdoj.gov)
Daniel Schwei (daniel.s.schwei@usdoj.gov)
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave. NW
Washington, DC 20530
(202) 514-1259

Sharon Swingle (sharon.swingle@usdoj.gov)
H. Thomas Byron (h.thomas.byron@usdoj.gov)
Lowell V. Sturgill Jr. (lowell.sturgill@usdoj.gov)
Jeffrey Bryan Wall (jeffrey.b.wall@usdoj.gov)
Anne Murphy (anne.murphy@usdoj.gov)
Attorneys, Appellate Staff
Civil Division, Room 7241
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530
(202) 514-3427

Brad Prescott Rosenberg (brad.rosenberg@usdoj.gov)
U.S. Department of Justice
Civil Division
P.O. Box 883
Washington, DC 20044
(202) 514-3374

2. Facts showing the existence and nature of the emergency.

This appeal involves the scope of a preliminary injunction order. As set forth in Intervenor's Motion *infra*, the United States Supreme Court by order dated July 19, 2017 (the "July 19 stay") issued a stay of that portion of the district court's modified preliminary injunction order (entered July 13, 2017) pending this Court's determination of the merits of the government's appeal of the modified injunction. Therefore, unless and until this Court affirms the District Court's order, the Supreme Court stay will preclude refugees who lack a requisite family tie in the United States from entering the United States, despite having a bona fide relationship with a U.S. entity, namely, Intervenor.

USCRI is a 106-year old nonprofit organization that is one of nine volags that contracts with the U.S. State Department to resettle pre-cleared refugees in the United States. If the Ninth Circuit were to reverse the district court's July 13 order, insofar as that order precludes enforcing Executive Order 13780 against a refugee who is the beneficiary of a formal assurance, USCRI and the agencies that are part of its network will suffer tremendous harm to their mission of helping refugees resettle in the United States, as well as to their business operations. USCRI receives a significant amount of its total revenues from the State Department, in the form of per capita (per refugee) payments, along with other private contributions that help it to carry out its mission. The government's interpretation of the "bona fide relationship" standard, and the U.S. Supreme Court's July 19 stay of the district court's preliminary injunction in that regard, are dramatically impacting the operations of USCRI and the agencies in its network. Without refugees to serve, and without the funding that accompanies those refugees, USCRI and its member agencies have laid off staff, and will need to have further layoffs. (Limon Decl. at ¶¶ 34-35). Refugee-specific investments of money, time, and effort are being wasted as refugees (and USCRI) learn that individuals who are the beneficiaries of formal assurances are not permitted to board planes to the United States.

As this Court is aware, the parties to this matter have requested an expedited briefing schedule wherein the Government's opening brief is scheduled to be filed on July 27, 2017, with the response and reply briefs to be filed shortly thereafter. If this Motion to Intervene is not heard on an emergency basis, the case could well be concluded in this Court without the benefit of USCRI's participation.

3. When and how counsel notified.

Mid-day on July 26, 2017, undersigned counsel notified the Clerk's Office by telephone, and counsel for appellants and appellees by email, of USCRI's intent to file this motion. Counsel for appellees consent to the motion. Counsel for appellants do not. Service upon all parties will be made by electronic service through the Court's CM/ECF system.

4. Relief not sought in the district court

As discussed at length herein, USCRI did not seek intervention in the district court because the plaintiff's position – that the existence of a formal assurance *does* reflect a bona fide relationship between a U.S. entity and a refugee – USCRI's position here – prevailed. It was not until the government appealed that July 13 ruling, and the Supreme Court stayed that aspect of the district court's July 13 order that the government could implement its interpretation of the preliminary injunction order against refugees who are the beneficiaries of a formal assurance from USCRI. USCRI's Board of Directors decided within days of that decision

being issued to seek intervention, and promptly sought counsel to represent it. Because of the pace at which the case continues to move (the parties have agreed to an expedited briefing schedule, and the Supreme Court has already granted *certiorari* in related cases and is hearing oral argument in October), remand or dismissal of USCRI's motion to the district court would be inappropriate, as it would further delay the relief USCRI seeks and perpetuate the harm it is already suffering as a result of the Supreme Court's stay order.

SO CERTIFIED, this 27th Day of July, 2017

/s/ *Donna M. Doblick*
Donna M. Doblick
Counsel for Intervenor, USCRI

EMERGENCY MOTION PURSUANT TO LOCAL RULE 27-3 TO INTERVENE

By this motion, the U.S. Committee for Refugees and Immigrants ("USCRI" or "the Committee"), respectfully requests leave of Court to intervene as of right in this appeal pursuant to Federal Rule of Civil Procedure 24(a)(2), or, in the alternative, to be permitted to intervene pursuant to Rule 24(b). In support of this motion, USCRI avers as follows, and submits the accompanying Declaration of Lavonia Limon (hereinafter "Limon Decl.") and the foregoing Certification in support of USCRI's request that the Court consider this Motion on an emergency basis pursuant to Circuit Rule 27-3.

Intervention on appeal is governed by Rule 24. *Bates v. Jones*, 127 F.3d 870, 873 (9th Cir. 1997). USCRI is entitled to intervene as of right in this case pursuant to Rule 24(a)(2). In the alternative, USCRI satisfies the requirements for permissive intervention pursuant to Rule 24(b). Intervention is particularly appropriate because USCRI's interests differ from those of the sovereign state (Hawaii) and the individual (Ismail Elshikh) plaintiffs in this case and because none of the parties are in a position to fully explain and advance arguments about how reversal of the district court's preliminary injunction with respect to sections 6(a) and 6(b) of Executive Order No. 13780 would cripple USCRI's mission and operations, and those of the many agencies in USCRI's network.

USCRI performs vitally important work as one of only nine voluntary resettlement agencies ("Volags") nationwide designated by the United States Department of State for the purposes of providing reception, placement, and logistical support for refugees admitted to the United States. The interests at stake in this case include not only USCRI's century-long mission to support and assist refugees coming to this country, but also USCRI's continued vitality, as the exclusion of refugees and the specter of loss of federal and private funding threaten to impose a substantial hardship on USCRI going forward by damaging its relationships with local service providers, employers, volunteers, and funding sources.

The government's assertion that the district court's preliminary injunction order barring enforcement of sections 6(a) and 6(b) of Executive Order No. 13780 does not apply to refugees who are the beneficiaries of "assurance agreements" with a refugee resettlement agency like USCRI, as well as the Supreme Court's July 19 stay, underscore why USCRI's participation in this case is important. On July 13, the district court issued a modified injunction preventing the government from enforcing sections 6(a) and (b), on the basis that a formal assurance creates the necessary "bona fide relationship" between refugees and volags. However, the Supreme Court stayed that portion of the district court's order, and this Court will

consider the validity of that aspect of the preliminary injunction in the first instance.

As described more fully *infra* and in the accompanying Declaration, the effect of the Supreme Court's stay order is to largely paralyze USCRI's operations, thus necessitating cuts to staff and services. This freeze, in turn, jeopardizes USCRI's relationships with its network agencies across the United States, local and state agencies and the volunteers who work with them to provide support to refugees, and the private sources of contributions that help to support USCRI's mission. Unless this Court affirms the district court's July 13 order, these harmful consequences will only intensify.

Accordingly, USCRI respectfully requests that this Court grant its Motion to Intervene so that it may participate in this case and advise the Court of its interests in an order affirming the District Court's July 13 order modifying the preliminary injunction issued on March 29, 2017.

I. USCRI is Entitled to Intervene as of Right

Rule 24(a)(2) grants a party the right to intervene if: (a) its motion is "timely;" (2) it "ha[s] a significantly protectable interest relating to the property or transaction that is the subject of the action;" (3) it is "situated such that the disposition of the action may impair or impede the party's ability to protect that interest;" and (4) the party is "not . . . adequately represented by existing parties."

Arakaki v. Cayetano, 324 F.3d 1078, 1083 (9th Cir. 2003) (citing *Donnelly v. Glickman*, 159 F.3d 405, 409 (9th Cir. 1998)). In evaluating whether these requirements are met, this Court typically "follow[s] 'practical and equitable considerations' and construe[s] the Rule 'broadly in favor of proposed intervenors.'" *Wilderness Society v. U.S. Forest Serv.*, 630 F.3d 1173, 1179 (9th Cir. 2011) (quoting *United States v. City of Los Angeles*, 288 F.3d 391, 397 (9th Cir. 2002)). All conditions for intervention as of right pursuant to Rule 24(a)(2) are satisfied.

A. This Motion is Timely and the Government Would Not be Unfairly Prejudiced by an Order Authorizing USCRI to Intervene in This Important Case.

The timeliness of a motion to intervene is a matter within the Court's discretion. *United States v. Alisal Water Corp.*, 370 F.3d 915, 921 (9th Cir. 2004) (citing *Dilks v. Aloha Airlines*, 642 F.2d 1155, 1156 (9th Cir. 1981)). In exercising that discretion, courts consider three factors: "'(1) the stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the reason for and length of the delay.'" *Id.* (quoting *Cal. Dep't of Toxic Substances Control v. Comm. Realty Projects, Inc.*, 309 F.3d 1113, 1119 (9th Cir. 2002)). "[T]he mere lapse of time, without more, is not necessarily a bar to intervention." *Id.* (citing *United States v. State of Oregon*, 745 F.2d 550, 552 (9th Cir. 1984)). All three factors support a finding that USCRI's motion is timely.

First, USCRI seeks to intervene at this stage in proceedings because the Supreme Court's July 19 stay and its immediate harmful effects on USCRI expressly and adversely affect USCRI's rights and interests. Until the Supreme Court's July 19 stay, USCRI believed that its rights were protected by the preliminary injunction issued by the Hawaii district court, affirmed by this Court, and largely left in place by the Supreme Court's first stay order (issued June 26). That belief was reinforced by the district court's July 13 order modifying he preliminary injunction order to make clear that the government is enjoined from "[a]pplying Section6(a) and 6(b) of Executive Order 13,780 to exclude refugees who: (i) have a formal assurance from an agency within the United States that the agency will provide, or ensure the provision of, reception and placement services to that refugee; . . . ." In its July 19 stay, the Supreme Court stayed the portion of the district court's modified injunction order. Based upon historical trends, USCRI estimates that the July 19 stay precludes approximately 50% of the 3,400 refugees in its pipeline from entering the United States as planned and previously agreed upon.

A factor to consider when determining timeliness is whether a court order has subsequently changed the nature of the action. *Arakaki*, 324 F.3d at 1083 (citing *City of Los Angeles*, 288 F.3d at 399). The Supreme Court's July 19 stay did just that by staying the portion of the district court's modified injunction that

expressly protected the rights and interests of USCRI, its member agents, and its clients. In any event, although USCRI is intervening at the appellate stage, it is doing so within *one month* of the initiation of the district court proceedings currently on review. Intervention that follows so quickly on the heels of the filing of the suit should be considered presumptively timely.

Second, the government would not be unfairly prejudiced by an order permitting USCRI to intervene in the appeal at this juncture. The prejudice prong is the most important consideration of the timeliness determination. *Oregon*, 745 F.2d at 552. It is important to note, however, that "the only 'prejudice' that is relevant under this factor is that which flows from a prospective intervenor's failure to intervene after it knew, or reasonably should have known, that its interests were not being adequately represented—and not from the fact that including another party in the case might make resolution more 'difficult[].'" *Smith v. Los Angeles Unified Sch. Dist.*, 830 F.3d 843, 857 (9th Cir. 2016) (quoting *Oregon*, 745 F.2d at 552-53).

Here, USCRI acted within one month of this suit being initiated, and roughly within a week of the Supreme Court issuing the July 19 stay order.[1] Accordingly,

[1] As noted *infra*, USCRI does not challenge the adequacy of Plaintiffs or their counsel, who have litigated this case with skill and tenacity, and who have ably pointed out the hardships the Executive Order places on all refugees. Instead, the point is that USCRI, as a nonprofit refugee resettlement organization whose very mission and existence is directly impacted by this aspect of the Supreme Court's

no unfair prejudice can reasonably be said to flow from the timing of this motion to intervene.

USCRI's quick actions following the Supreme Court's July 19 stay have precluded any unfair prejudice to any of the parties.[2] The parties were notified on July 26, 2017 of USCRI's intention to seek intervention before the government's opening brief was due, thus giving the Court and/or the parties the opportunity to modify the briefing schedule if deemed appropriate to accommodate USCRI's participation in the appeal. Additionally, by seeking to intervene before any briefs are filed, USCRI has created an opportunity to file a brief jointly with Plaintiffs-Appellees, thereby saving time and conserving judicial resources.[3]

This is not a case where allowing intervention "would complicate the issues and upset the delicate balance." *See Cal. Dep't of Toxic Substances Control*, 309 F.3d at 1119. Indeed, intervention should clarify the issues and speed the case's resolution given that USCRI is in the best position to explain the precise nature of the relationship between refugees and the resettlement agencies that provide their

---

July 19 stay, is better situated than either of the current Plaintiffs to explain to this Court why it should affirm the portions of the district court's July 13 order that concluded that a formal assurance issued by such an agency to the benefit of a refugee *does* qualify as a "bona fide relationship" for purposes of allowing admission under Sections 6(a) and (b) of the Executive Order.

[2] And, as noted *supra*, Plaintiffs-Appellees consent to the filing of this motion.

[3] Plaintiffs-Appellees have agreed to a joint submission, and the undersigned is amenable to any briefing schedule agreed to by the parties or ordered by the Court.

formal assurances. And, while USCRI's intervention would allow an additional voice with a direct stake to be heard on this matter of paramount national concern, USCRI will not inject any novel *legal* issues into the appeal. In short, the inconvenience that would befall the government if USCRI is permitted to intervene is miniscule when compared to the significant harm that would befall USCRI if the Court were to reverse this aspect of the district court's modified injunction order despite not having heard from an important stakeholder.

Third, as described above, the Supreme Court's July 19 stay provided the "change in circumstances" (by virtue of staying the portion of the district court's modified injunction that directly protected USCRI's rights) that made intervention necessary. *Smith*, 830 F.3d at 854 (citing *Oregon*, 745 F.2d at 552) (recognizing that intervention was appropriate in light of changed circumstances despite being sought twenty years after litigation commenced). In addition to cutting off the flow of all USCRI clients who lack family ties in the United States, (Limon Decl. at ¶ 30), the July 19 stay also precipitated the need to lay off six additional USCRI employees, which is expected to happen in the next 60 days. (Limon Decl. at ¶¶ 34-35). That Order changed the circumstances and directly implicated, and infringed, USCRI's interests.

Significantly, although the State of Hawaii certainly has standing to challenge Sections 6(a) and (b) of the Executive Order and the government's

efforts to enforce those provisions in a way that is inconsistent with the Supreme Court's June 26 decision, none of the existing parties are in a position to *fully* explain and vindicate USCRI's interests.

Upon learning that the Supreme Court had issued its July 19 Order, USCRI's Board of Directors convened and acted promptly to consider how this development could adversely impact USCRI's mission and operations. The Board agreed to intervene in this case on July 22, 2017, and promptly retained counsel.[4] (Limon Decl. at ¶ 38). Under the unique circumstances of this case, USCRI's Motion to Intervene should be deemed timely.

B. USCRI Has a Significant Protectable Interest in the Outcome of this Litigation.

An applicant for intervention has adequate interests in a suit where: (1) "it asserts an interest that is protected under some law;" and (2) "the resolution of the plaintiffs' claims *actually will affect* the applicant." *S. Cal. Edison Co. v. Lynch*, 307 F.3d 794, 803 (9th Cir. 2002) (emphasis added) (quoting *Donnelly v. Glickman*, 159 F.3d 405, 410 (9th Cir. 1998)). The "interest" test is not a bright-line rule, however, because "'[n]o specific legal or equitable interest need be established.'" *Id.* (quoting *Greene v. United States*, 996 F.2d 973, 976 (9th Cir. 1993)); *Alisal Water*, 307 F.3d at 803 (quoting *S. Cal. Edison*, 353 F.3d at 648).

[4] USCRI also promptly notified the parties of its intent to seek intervention, as required by Local Rule 27-3.

Instead, courts must "make a 'practical, threshold inquiry,'" designed to "involve[e] as many apparently concerned persons" in a particular suit "as is compatible with efficiency and due process." *Id.* (citations omitted).

Organizations have been permitted to intervene in cases where their members "will be directly affected" by government regulation—even where the intervenor could potentially litigate the content of those regulations at a later date. *Sierra Club v. Ruckelshaus*, 602 F. Supp. 892, 896 (N.D. Cal. 1984); *Conservation Law Found. of New England, Inc. v. Mosbacher*, 966 F.2d 39, 43 (1st Cir. 1992) (finding that intervention was appropriate where "[c]hanges in the [fisheries] rules will affect the proposed intervenors' business, both immediately and in the future"). This Court has also held "that a non-speculative, economic interest may be sufficient to support a right of intervention." *Alisal Water*, 370 F.3d at 919 (citing *Arakaki*, 324 F.3d at 1088). Such an economic interest "must be concrete and related to the underlying subject matter of the action." *Id*. (*citing Arakaki*, 324 F.3d at 1085; *S. Cal. Edison*, 307 F.3d at 803; *Greene v. United States*, 996 F.2d 973, 976 (9th Cir. 1993)).

Here, the outcome of this litigation threatens to inflict concrete harm on USCRI and its member agencies, not to mention the refugees it serves. As more fully explained in the accompanying Declaration, an adverse ruling by this Court

will have a reputational, financial and operational effect upon USCRI that could take years to repair. (Limon Decl. at ¶¶ 32-37).

USCRI relies heavily upon its network of agencies and local community-based service providers (such as landlords, employers, faith-based groups, volunteers, and pro bono attorneys) to fulfill its mission. The relationships and trust between USCRI and these entities has been built over decades of working first-hand to resettle and support refugees in these local communities. (Limon Decl. at ¶¶ 4-18). If USCRI's pipeline of refugees is cut as a result of the government's action, its vast network of agencies, volunteers and service providers will fall into disuse—thus wasting the talents and institutional knowledge that is the result of decades of hard work. The loss will ultimately damage USCRI's reputation in the communities it serves and cause it substantial harm. (Limon Decl. at ¶ 37).

Additionally, USCRI receives a substantial amount of its funding from the State Department, in the form of per capita reimbursements for refugees who come to the United States pursuant to a formal assurance extended by USCRI. (Limon Decl. at ¶ 17). Not only is the government's interpretation of the injunction order causing USCRI to suffer pecuniary harm (in the form of materially reduced per capita payments from the State Department, as fewer refugees arrive in the United States to be resettled), the reputational harm discussed above also has a financial

impact, as USCRI reasonably expects that private donors will be discouraged from supporting USCRI's work in their communities. (Limon Decl. at ¶¶ 34-37).

C. The Disposition of this Case Would Impair or Impede USCRI's Ability to Protect its Interests

The third requirement of intervention under Rule 24(a) is a practical one that follows from the second. It is satisfied when the ongoing suit "may as a practical matter impair or impede [the applicant's] ability to safeguard [its] protectable interest." *Smith*, 830 F.3d at 862 (internal quotation marks omitted). Where a challenged measure potentially cuts off funding to an entity, yet creates no right that a potential intervenor may later enforce, this Court has recognized that the intervenor is left unable to file an independent suit and is, as a practical matter, unable to protect its interests. *See California ex rel. Lockyer v. United States*, 450 F.3d 436, 442-43 (9th Cir. 2006). Here, the government's interpretation of the district court's injunction, coupled with the Supreme Court's July 17 Order, are already paralyzing USCRI's efforts, cutting off the flow of constituencies, and the commensurate funding USCRI and its member agencies use to defray the cost of providing services to those individuals, and the stay has already necessitated widespread layoffs of employees at USCRI and its partner agencies. (Limon Decl. at ¶ 34).

Time is of the essence in this appeal. The Supreme Court's order staying the district court's injunction with respect to Sections 6(a) and (b) of the Executive

Order has frozen the pipeline of refugees who have formal assurances of resettlement from USCRI but who lack family ties in the United States. In light of that fact, denial of this motion would force USCRI into a position where it could suffer significant additional harm as the result of this Court's decision, without being able to help this Court reach the correct result.

As a practical matter, this is USCRI's first and likely last opportunity to protect its unique interests before one of three things happens: (1) the refugee ban imposed by the Executive Order is lifted by operation of law (that is, the 120-day period expires); (2) this Court renders a decision in the present appeal; or (3) the Supreme Court hears argument and issues a decision in the cases consolidated at *Trump v. Int'l Refugee Assistance* Project, Nos. 16-1436 and 16-1540, as part of its October 2017 term. If USCRI is not able to intervene at this time, it will be foreclosed from making its arguments and presenting its compelling position. As such, any decision rendered by this Court without the benefit of USCRI's input will have a substantial precedential effect going forward.

D. USCRI's Interests Are Not Adequately Represented by the Existing Parties.

The final requirement of the intervention test is "minimal," and is satisfied as long as "the applicant can demonstrate that representation of its interests 'may be' inadequate." *Citizens for Balanced Use v. Montana Wilderness Ass'n*, 647 F.3d 893, 898 (9th Cir. 2011). Three factors are considered in conducting this

inquiry: "(1) whether the interest of a present party is such that it will undoubtedly make all of a proposed intervenor's arguments; (2) whether the present party is capable and willing to make such arguments; and (3) whether a proposed intervenor would offer any necessary elements to the proceeding that other parties would neglect." *Id.*

Here, although the Plaintiffs have standing to challenge Sections 6(a) and (b) of the Executive Order and are represented by very capable counsel, USCRI respectfully submits that its interests are not fully represented by any of the existing parties. Obviously, USCRI's interests are adverse to the position taken by the government. And, although the State of Hawaii and Dr. Elshikh are capable litigants, neither is as directly impacted by the portion of the Supreme Court's July 19 stay that effectively excludes refugees for whom USCRI's network agencies have issued a formal assurance of resettlement assistance. USCRI is uniquely situated to explain to this Court the nature of the formal assurance process, why the existence of a formal assurance between USCRI and the State Department should be construed as a "bona fide relationship with" a U.S. entity, and how the Supreme Court's stay of the district court's ban on enforcing the Executive Order against refugees who have such formal assurances is impacting USCRI and its many network members across the country.

II. In the Alternative, the Court Should Grant USCRI Permission To Intervene Under Rule 24(b).

In the alternative, USCRI should be permitted to intervene in this appeal pursuant to Rule 24(b). Permissive intervention typically requires: "(1) an independent ground for jurisdiction; (2) a timely motion; and (3) a common question of law and fact between the movant's claim or defense and the main action." *Freedom from Religion Found., Inc. v. Geithner*, 644 F.3d 836, 843 (9th Cir. 2011). Such a determination is subject to the court's discretion, and in doing so, the court is to consider "whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3); *People ex rel. Van de Kamp v. Tahoe Regional Planning Agency*, 792 F.2d 779, 782 (9th Cir. 1986). This Court has recognized that "Rule 24 traditionally receives liberal construction in favor of applicants for intervention." *Arakaki*, 324 F.3d at 1083 (citing *Donnelly v. Glickman*, 159 F.3d 405, 409 (9th Cir. 1998)). In doing so, "[c]ourts are guided primarily by practical and equitable considerations." *Id.*

Here, because this is "a federal-question case" and USCRI "does not seek to bring any counterclaims or cross-claims," "the independent jurisdictional grounds requirement does not apply."[5] *Freedom from Religion Found.*, 644 F.3d at 844

[5] USCRI can also establish that it has standing to intervene, to the extent that it has suffered an injury to its interests that are "concrete and particularized," "actual and imminent," and fairly traceable to the challenged action of the [Petitioners]." *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992). As

(explaining that in this circumstance, the court's jurisdiction "is grounded in the federal question(s) raised by the plaintiff," and so "the identity of the parties is irrelevant").

Moreover, as explained *supra,* USCRI timely seeks to intervene because the posture of the case changed in such a way that threw into sharp relief the impact this case would have on USCRI's interests. As also explained *supra,* intervention will not unduly delay or unfairly prejudice the adjudication of the parties' rights.

There also are common questions of law and fact between USCRI's arguments and interests and the arguments and interests advanced by the Plaintiffs. As explained *supra,* USCRI is not seeking to inject any wholly new legal argument into this appeal. Rather, USCRI is asking the Court to hear how an order reversing this aspect of the district court's injunction would uniquely impact USCRI and refugee resettlement organizations like it. Further, USCRI has committed to cooperating with the parties' briefing schedule and to filing a joint brief along with the Plaintiffs-Appellees.

WHEREFORE, for all of the following reasons, the U.S. Committee on Refugees and Immigrants respectfully requests that the Court grant this motion to intervene as of right under Federal Rule of Civil Procedure 24(a), or, in the

---

detailed in the attached Declaration, USCRI stands to suffer a tremendous harm if the District Court's Order modifying its injunction is reversed. Such harm is more than sufficient to establish standing.

alternative, for permissive intervention under Federal Rule of Civil Procedure 24(b).

Respectfully submitted,

/s/ *Donna M. Doblick*

James C. Martin
Donna M. Doblick
Devin M. Misour
REED SMITH LLP
225 Fifth Avenue, Suite 1200
Pittsburgh, PA 15222
Telephone: 412.288.3131
jcmartin@reedsmith.com
ddoblick@reedsmith.com
cwalters@reedsmith.com

Jayne Fleming
REED SMITH LLP
599 Lexington Avenue, 22nd Floor
New York, NY 10022
Telephone: (212) 549-0217
jfleming@reedsmith.com

Counsel for Intervenor U.S. Committee for Refugees and Immigrants

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2017, I filed the foregoing Emergency Motion to Intervene with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ *Donna M. Doblick*

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Emergency Motion Pursuant to Circuit Rule 27-3 to Intervene complies with the typeface and type styles requirements as set forth in Fed. R. App. P. 27(d), and that the foregoing motion contains 5,194 words, as permitted by Fed. R. App. P. 27(d)(2).

/s/ *Donna M. Doblick*

NO. 17-16426

IN THE

United States Court of Appeals for the Ninth Circuit

STATE OF HAWAII, *et al.*,

Plaintiffs-Appellants,

-v.-

DONALD J. TRUMP, *ET AL.*,

Defendants-Appellees.

On Appeal from the U.S. District Court for the District of Hawaii,
No. 1:17-cv-00050-DKW-KSC (Derrick K. Watson, J.)

DECLARATION OF LAVINIA LIMON IN SUPPORT OF EMERGENCY MOTION PURSUANT TO NINTH CIRCUIT RULE 27-3 TO INTERVENE

I, Lavinia Limon, hereby state and declare as follows:

1. I am the President and Chief Executive Officer of the U.S. Committee for Refugees and Immigrants ("USCRI"). I have personal knowledge of and am competent to testify to the truth of the matters averred herein. This Declaration is submitted in support of USCRI's Emergency Motion to Intervene in this litigation.

2. In the opinion it issued June 26, 2017, the U.S. Supreme Court made clear that the district court's preliminary injunction against enforcement of Executive Order No. 13780 continues to apply in instances where a foreign national has a "credible claim of a bona fide relationship with a person or entity in

the United States." *Trump v. Int'l Refugee Assistance Project ("IRAP")*, Nos. 16-1436 and 16-1540, slip op. at 12 (U.S. June 26, 2017) (per curiam). On July 13, 2017, the district court, in response to a motion by Plaintiffs-Appellees in this case, held that the injunction barred applying Sections 6(a) and 6(b) of the Executive Order to exclude refugees who "have a formal assurance from an agency within the United States that the agency will provide, or ensure the provision of, reception and placement services to that refugee . . . ." Then, on July 19, 2017, the Supreme Court stayed that aspect of the district court's July 13 order pending the government's appeal to this Court.

3. USCRI seeks to intervene in this case because, as further explained below, USCRI and the refugee resettlement agencies in its network can legitimately claim concrete hardship if the Court were to accept, in whole or in part, the government's position that a refugee who is the beneficiary of a formal assurance with a resettlement agency in the United States (like USCRI) does *not* have "a bona fide relationship with a person or entity in the United States" for purposes of these orders.

USCRI Leads an Extensive Network of Non-Profit Organizations That Help USCRI Carry out its 106-Year Mission of Assisting and Resettling Refugees

4. The U.S. Committee for Refugees and Immigrants is a not-for-profit organization organized under Section § 501(c)(3) of the Internal Revenue Code. Founded in New York City in 1911, USCRI has a 106-year history of protecting the rights and upholding the freedom of individuals who are forcibly or voluntarily uprooted. Historically, our network springs from the YWCA / Travelers Aid / International Institute movement of the early 1900's, which served the large influx of legal immigrants from Central, Eastern and Southern Europe.

5. USCRI has provided refugee protection during every large-scale war or natural disaster of the last century, including the genocide that took place in Rwanda, the aftermath of the Vietnam War, the conflict in the Sudan, the war in Kosovo, the internal conflicts in Burma, the wars in Iraq, the natural disasters that recently afflicted Haiti, and, most recently, the government-sponsored murder and oppression occurring in Syria and the deadly conflicts in the Democratic Republic of Congo.

6. As reflected in the table below, since the fiscal year beginning October 1, 2010, USCRI has resettled 50,553 individuals in communities throughout the United States, including 11,127 in the fiscal year ending

September 30, 2016. Many of the 2016 resettled refugees were victims of the ongoing violence in Syria and Iraq.

FY2016	11,127
FY2015	8,687
FY2014	8,542
FY2013	8,283
FY2012	6,845
FY2011	7,069
Total	**50,553**

7. Over the past 100 years, USCRI has created an extensive nationwide network of organizations and individuals that help USCRI execute its mission. That network – which includes field offices, partner agencies, pro bono attorneys, employers, subcontractors, social service providers, volunteers, and supporters – has grown exponentially. USCRI has a presence in 43 states, including Hawaii, and 2 United States territories.

8. With respect to USCRI's refugee resettlement services in particular, the majority of the network is comprised of 25 non-profit partner agencies that perform refugee resettlement services, many of whom (like USCRI) have served their local communities for a hundred years. In addition to working with partner agencies, USCRI itself has 8 field offices in the United States, where USCRI

directly works to resettle refugees and provide services to immigrants. The USCRI refugee resettlement network has physical presences in California, Connecticut, Florida, Hawaii, Iowa, Idaho, Illinois, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, North Carolina, New Hampshire, New Jersey, Nevada, New York, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, and Wisconsin. USCRI is the only refugee resettlement agency to have a presence in Hawaii.

9. USCRI directly employs approximately 230 people full-time, and has an additional 268 people "on call." Our network agencies collectively employ well over 1,500 people full-time, and have volunteer staffs of well over 3,000 people.

10. Partner agencies in the USCRI network sign a Memorandum of Understanding ("MOU") with USCRI, in which they agree to perform, at a minimum, all services outlined in the Department of State, Bureau of Population, Refugees, and Migration ("PRM") Cooperative Agreement (discussed below). Those MOU's set forth USCRI's commitment to remit funding to the partner agencies, as discussed more fully *infra.* In addition to lending its name and credentials to the work of these partner agencies, USCRI provides them with extensive program training and oversight to ensure that they comply with State Department PRM requirements. USCRI also regularly monitors and audits the work of its partner agencies, and receives regular written reports from them.

11. The refugees with whom USCRI and its partner agencies work are primarily female heads of households, disabled individuals, children, individuals who identify as homosexual, bi-sexual, or transsexual, victims of torture, the elderly, and refugees seeking to join family members who left the country before them. In short, USCRI works with some of the most vulnerable members of the already marginalized population of refugees.

12. USCRI and its extensive network of partner agencies help refugees secure early economic self-sufficiency and successfully integrate into American society. The resettlement office in the community where the refugee (or refugee family or group of families) is being resettled provides initial services to the refugee for 30-90 days, including locating decent, safe and sanitary housing; obtaining essential furnishings; obtaining food or a food allowance and other basic necessities; referrals to appropriate health programs and screening; assistance in applying for Social Security cards; assistance in registering children for school; transportation to job interviews and job training; orientation to the local community and life in the United States; and general case management services.

13. Toward this end, USCRI and its network agencies identify and nurture networks of local social service providers, employers and others in the communities where refugees are being resettled. Volunteers assist by introducing refugees to the community, teaching them to read and write English, teaching them

about American culture, and helping them learn to drive, shop, make friends, and other skills essential to the refugee becoming successful as a productive member of the community. Local social service agencies provide medical care and other key services. Employers provide jobs and on-the-job training. Community members donate clothing and household goods, and they reach out to newcomers to make them feel welcome and accepted.

14. The USCRI field offices and the local agencies meet quarterly with their extended networks of social service organizations and volunteers, as well as the state refugee coordinator, the state refugee health coordinator, representatives of local government (city and/or county, as applicable), local and/or county public health officials, representatives of welfare and social services agencies, public safety officials (fire, police), and representatives of the public school system to ensure that these relationships remain strong and that the community is well-situated to continue to accept refugees.

15. Most, if not all, of the groundwork for the USCRI and/or the local resettlement organization's reception of a refugee into a community is the result of significant investments of money, time, effort, and emotion made after USCRI provides its written assurance to the State Department (described *infra*), but before the refugee arrives in the United States. Once the members of the USCRI network

are aware that a refugee or a refugee family has been accepted for resettlement in their community, those resources begin to mobilize.

16. These investments of capital and effort are heightened in instances where the refugee at issue does not have family ties in the United States, because, in those instances, USCRI and/or its agency partner need to arrange for literally every aspect of a new life in the U.S. – from transportation to lodging to the purchase of food, furniture, and clothing – without being able to rely on financial or logistical help from a refugee's family member.

17. USCRI receives a significant portion of its funding from the State Department PRM, in the form of a per capita payment of $2,075 per individual. USCRI and/or its partner agencies advance those funds (to, *e.g.*, secure lodging and purchase furniture, clothing and other necessities) and receive reimbursement from the State Department the month following the refugee's arrival in the United States. For the fiscal year ending September 30, 2016, USCRI received nearly 43% of its total revenue – over $25 million – from the State Department in the form of these per capita payments. USCRI, in turn, makes those funds available to the member of the network agency that is working directly with the refugee who is the intended recipient of USCRI's written assurance. As is the case with USCRI, State Department funding comprises a significant portion of the budgets of these local agencies.

18. The balance of USCRI's budget is comprised of funds received from the U.S. Department of Health and Human Services (approximately $28 million in FY16), much of which is for the longer-term needs of refugees, as well as private cash and in-kind contributions from individuals and foundations that support USCRI's mission.[1]

USCRI Works Closely With the State Department and Other Government Representatives Throughout the Refugee Resettlement Process, Which Includes the Issuance of a Formal Assurance of Services, of Which the Individual Refugee is the Beneficiary

19. USCRI has participated in the U.S. Refugee Admissions Program ("USRAP") since 1977. The USRAP is a program established by the Refugee Act of 1980 whereby the State Department partners with Resettlement Support Centers ("RSC's") overseas and nine refugee resettlement agencies, including USCRI, in the United States, to resettle pre-screened refugees in the United States.

20. Resettlement is the transfer of refugees from a host country (or "transit country") to a country that has agreed to admit them and ultimately grant them permanent settlement. It is a lengthy, difficult process. In order to receive official refugee status, an individual has to have left his or her home country due to persecution or a well-founded fear of persecution for reason of race, religion, nationality, membership in a particular social group, or political opinion. A

[1] USCRI is very efficient. For the fiscal year ending September 30, 2016, 96.6% of USCRI's expenses were for program delivery; only 2.8% went toward management and general expenses, and only 0.6% was devoted to fundraising.

schematic diagram depicting the U.S. resettlement program under the USRAP, which appears on USCRI's website, is attached to this Declaration as Exhibit 1.

21. The resettlement process starts with screening of refugee candidates, in most instances by the United Nations High Commissioner for Refugees ("UNHCR"). UNHCR refers only about 1% of all refugees it screens for resettlement in another country.

22. Only a small number of countries take part in UNHCR's resettlement program, with the United States in recent years being the world's top resettlement country. In 2013, 2014, and 2015, the United States offered 70,000 refugees resettlement. In 2016, the United States resettled 84,995 refugees. Seventy-two percent of individuals resettled during that period were women and children. USCRI has been responsible for resettling approximately 12.5% of those refugees in communities during the United States during that timeframe.

23. Only refugees who have been referred by the UNHCR, by the U.S. embassy, or by a State Department-designated non-governmental organization are eligible for the USRAP. Once the UNHCR has determined that a candidate is eligible for resettlement, it refers the candidate to one of the overseas RSC's. The RSC collects biographic and other information from the applicant to prepare for the adjudication interview and security screening. Officers from the Department of Homeland Security's U.S. Citizenship and Immigration Services ("USCIS")

review the information the RSC has collected and conduct an in-person interview with each refugee applicant in his/her transit country before deciding whether to approve him/her for resettlement in the United States. The USCIS officer decides whether the applicant is a refugee as defined under U.S. law and is otherwise admissible to the United States.

24. Once the candidate has received his or her security and medical clearances, the RSC refers the file to a group of nine domestic nongovernmental organizations in the United States (sometimes referred to as voluntary agencies, or "volags") devoted to refugee reception and placement. USCRI is one of the nine volags.

25. Presently (for the fiscal year ending September 30, 2017), USCRI's contract with the State Department authorizes it to resettle 12.8% of all refugees that are admitted to the United States. That percentage has varied from between 10.6% to 12.8% in the past 7 years.

26. The State Department requires that USCRI and the other resettlement volags provide it with "formal assurance" that it will sponsor a refugee candidate that has been referred to it. This assurance is a written guarantee that various basic services will be provided to the refugee and any accompanying family members who have been pre-cleared for resettlement.

27. USCRI issues a formal assurance only after it: (a) examines the refugee's file, and, after considering a number of factors (including whether the refugee has family ties in the United States, whether there currently are others from the refugee's country or ethnic group in the local community, and whether the refugee has special needs that some local communities are better situated than others to address (*e.g.,* specialized support services for victims of torture)), approaches one of its agency networks with a request that it accept the refugee. After reviewing the file and considering the suitability of the individual(s) for placement, the local agency advises USCRI in writing whether it will accept the refugee for resettlement. Only then does USCRI submit a formal assurance to the State Department RPC. The Assurance Form includes information about the individual(s) being assured, the identity of the local agency, and it bears my signature.

28. And, as noted *supra,* a formal assurance is issued only after the refugee has received the requisite medical and security clearances, and has been approved for entry into the United States by DHS/USCIS. The refugees' files and identities are brought to USCRI by the federal government through the USRAP; USCRI does not actively or independently solicit refugees to sponsor for resettlement in the United States. Moreover, an assurance agreement is tied specifically to an individual refugee (it is not transferrable). The assurance is

formal, it is documented, it is binding, and it is issued in the ordinary course of USCRI's operations. The formal assurance protocol, which has been in place for over 40 years, is not an effort to evade Executive Order 13780. For all intents and purposes, the refugee who is the subject of the formal assurance is the intended third-party beneficiary of that contract.

29. The relationship between USCRI and the refugee that is created by the issuance of the formal assurance is at least as much a "bona fide relationship" as the relationship created when a U.S. university accepts a foreign national's application for admission and agrees to provide him or her with an education.

30. USCRI currently has approximately 3,400 active assurances. Although USCRI is not at liberty (due to State Department regulations) to disclose demographic information about the particular individuals who are the beneficiaries of those assurances, USCRI notes that historically, only approximately 50% of the refugees who are the beneficiaries of formal assurances from USCRI have a family member already living in the United States; the others have no family ties in the United States.

31. As noted *supra,* all of the individuals for whom USCRI has active assurances have been extensively vetted, and USCRI and its affiliate agencies have invested, and are continuing to invest, money, time, and human capital into making preparations for them to resettle in a community in the United States.

USCRI and the Members of its Network are Being, and Would Continue to be, Adversely Impacted by the Government's Position That a Formal Assurance Does not Constitute a "Bona Fide Relationship" With a U.S. Entity

32. USCRI and its network agencies are able to provide the extensive services required to assist newly-arrived refugees acclimate to their new home and become self-sufficient and productive members of their community by making continuing investments in the resettlement "infrastructure." Each agency in the USCRI network invests in hiring and retaining experienced language-appropriate staff that can provide case management services to the cases it has assured. These up-front investments are only partially covered through State Department funds; network agencies solicit private contributions to fill the gap. Network agencies also invest financial, human, and emotional capital in building, nurturing, and expanding partnerships and other relationships with service providers in their communities (*e.g.,* landlords, employers, faith-based groups, volunteers, pro bono attorneys). Those investments are based directly on the caseload of refugees they expect to receive, which, in turn, is based on the number of formal assurances that have been extended.

33. The government's position that a formal assurance between a resettlement agency and the State Department is not a "bona fide relationship" with a U.S. entity for purposes of the district court's injunction is adversely affecting, and will continue to adversely affect, USCRI and the members of its network.

34. As of mid-June 2017, USCRI and its resettlement partners were forced to reduce staff significantly as a result of the government's position squeezing or freezing the pipeline of refugees permitted to enter the United States:

* USCRI has laid off 17 full-time employees, and its affiliates have laid off an additional 70 full-time employees;
* USCRI's staff has shrunk by an additional 8 full-time positions as the result of individuals resigning and not being replaced, and its affiliates have similarly refrained from replacing 9 full-time employees; and
* 24 full-time members of affiliated agencies have been placed on reduced schedules.

35. Moreover, as the direct result of pressures being exerted on it by the government's interpretation of the injunction as excluding refugees who have written assurances, USCRI is planning to lay off an additional 6 full-time employees within the next 60 days. USCRI also is undertaking additional austerity measures, including decreasing benefits to all employees in an amount in excess of

$1 million, ceasing pension contributions, and divesting office space, among other measures.

36. It is worth noting that many of the USCRI network staff who are being adversely impacted are themselves former USCRI clients (refugees).

37. Volunteers and contributions to USCRI and its network agencies also are being adversely affected. At the local level, the USCRI network saw a significant uptick in community interest and support right after the first travel ban via Executive Order was issued in January 2017. This took the form of increases in individual financial donors and volunteers who want to donate their services to help refugees in their communities. Volunteers, however, require a great deal of support and engagement in order to keep them committed. People who are eager to have direct experience helping refugees can quickly become – and are becoming – frustrated by the lack of client interaction due to the pipeline of clients being largely frozen by the government's interpretation of the district court's injunction. This, in turn, increases the amount of human and financial capital agencies must devote to allaying frustrations and keeping their volunteer networks intact. It also poses a significant reputational risk to each of these agencies (and to USCRI itself, which has lent its credentials and branding to local refugee resettlement efforts), as disappointed volunteers' impressions of the local agency and USCRI change from excitement to dismay when the agency cannot engage

them due to a lack of incoming clientele. USCRI reasonably expects that the decrease in clientele will also adversely affect donations from private sources.

USCRI Took Prompt Action to Intervene Once the Supreme Court Issued its July 19 Order

38. USCRI acted promptly to intervene in this case. In its June 26, 2017 Opinion, the Supreme Court made clear that the district court's injunction continues to apply where a U.S. entity "has a bona fide relationship with a particular" refugee such that the entity "can legitimately claim concrete hardship if that person is excluded." *Trump v. Int'l Refugee Assistance Project ("IRAP"),* Nos. 16-1436 and 16-1540 (U.S. June 26, 2017) (per curiam). Plaintiffs-Appellees took the position that the injunction continued to cover refugees with a formal assurance from an agency like USCRI, and the district court swiftly confirmed that understanding in its July 13 order. Then, in its July 19, 2017 Order, the Supreme Court stayed that portion of the district court's order. That stay threw into sharp relief the way in which the dispute in this case directly and materially affects USCRI's interests. Almost immediately after the Supreme Court issued its July 19 ruling, USCRI's leadership and Board of Directors had numerous discussions about whether and, if so, how, to formally participate in this litigation . On

July 22, 2017, the Board agreed to seek intervention to and we promptly sought counsel to represent USCRI.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 27th day of July, 2017, in Arlington, VA.

Lavinia Limon

Lavinia Limon

THE U.S. RESETTLEMENT PROGRAM: THE REFUGEE JOURNEY

U.S. COMMITTEE FOR REFUGEES AND IMMIGRANTS

Becoming a Refugee
Refugees flee their country seeking safety and protection. In most cases, the UN High Commissioner for Refugees (UNHCR) determines that the individual qualifies as a refugee under international law. A refugee is defined as someone who has fled his or her home country and cannot return because he or she has a well-founded fear of persecution based on religion, race, nationality, political opinion, or membership in a particular social group.

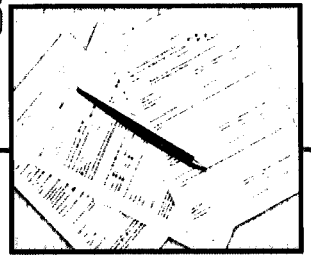
Referral to the U.S. for Resettlement
A refugee that meets one of the criteria for resettlement in the United States could be referred to the U.S. Government by UNHCR, a U.S. Embassy, or trained Non-Governmental Organizations. Less than one percent of refugees worldwide gain access to the program.

Resettlement Processing Begins
The Resettlement Support Center (RSC) meets with refugees to compile their personal data and background information for the security clearance process and the U.S. Department of Homeland Security's in-person interview.

1

2

3

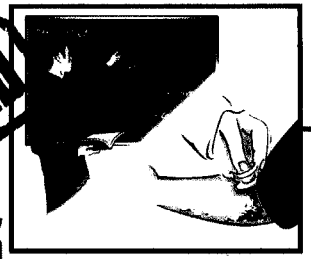


SECURITY CLEARANCE

4

APPROVED

5



SECURITY CLEARANCE

6

7

In-Person Interview
All refugees must undergo an interview with a refugee officer from the DHS' United States Citizenship and Immigration Services (USCIS). A trained refugee officer travels to the host country to conduct a detailed, face-to-face interview with each refugee being considered for resettlement.

Post Approval: Orientation and Medical Screening
An approved refugee undergoes a medical screening, is offered cultural orientation, and supplied with a travel loan that must be repaid. The refugee may also undergo final security checks.

Travel and Preparations
Every refugee is assigned to a Voluntary Agency in the United States, such as the U.S. Committee for Refugees and Immigrants (USCRI). USCRI places refugees with a local partner agency or office that will assist refugees upon their arrival to the U.S.

Arrival and Reception
Upon arrival to the U.S. at a designated airport, a Customs and Border Protection (CBP) officer reviews the refugee documentation. Refugees are met by local resettlement staff and/or family to start a new life in America.

EXHIBIT
/

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2017, I filed the foregoing Declaration of Lavinia Limon in Support of Emergency Motion Pursuant to Ninth Circuit Rule 27-3 to Intervene with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ *Donna M. Doblick*