

**UNITED STATES DISTRICT COURT  
EASTER DISTRICT OF MICHIGAN**

ARAB AMERICAN CIVIL	:	
RIGHTS LEAGUE (“ACRL”),	:	
SAMIR ALMASMARI, SABAH	:	<b>No. 2:17-cv-10310-VAR-SDD</b>
ALMASMARY, HANA	:	
ALMASMARI, MOUNIRA ATIK,	:	
WALID JAMMOUL, ABUBAKER,	:	
ABBASS, on behalf of themselves	:	<b>NOTICE OF RELEVANT</b>
and others similarly situated,	:	<b>AUTHORITY</b>
 Plaintiffs,	:	
 v.	:	
 DONALD TRUMP, President of the	:	
United States, U.S. DEPARTMENT	:	
OF HOMELAND SECURITY	:	
(“DHS”), U.S. CUSTOMS AND	:	
BORDER PROTECTION (“CBP”),	:	
JOHN KELLY, Secretary of DHS,	:	
KEVIN K. MCALEENAN, Acting	:	
Commissioner of CBP,	:	
 Defendants.	:	

---

Defendants hereby give notice of legal authority relevant to this litigation: a memorandum issued on Wednesday, February 1, 2017 by Donald F. McGahn II, Counsel to the President. Attached is a copy of the memorandum, which clarifies, among other things, that Section 3(c) of the President’s January 27, 2017, Executive Order, Protecting the Nation From Foreign Terrorist Entry Into the

United States, which suspends for 90 days the entry into the United States of certain aliens from countries referred to in section 217(a)(12) of the Immigration and Nationality Act (INA), 8 U.S.C. 1187(a)(12), does not apply to lawful permanent residents of the United States.

Date: February 2, 2017

Respectfully submitted.

CHAD A. READLER  
Acting Assistant Attorney General  
Civil Division

WILLIAM C. PEACHEY  
Director, District Court Section  
Office of Immigration Litigation

s/ Gisela A. Westwater  
GISELA A. WESTWATER  
Assistant Director  
District Court Section  
Office of Immigration Litigation  
P.O. Box 868 Ben Franklin Station  
Washington, DC 200044  
(202) 532-4174  
gisela.westwater@usdoj.gov

*Counsel for Defendants*

### **CERTIFICATE OF SERVICE**

I hereby certify that on February 2, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of Michigan by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system

Dated: February 2, 2017

s/ Gisela A. Westwater  
GISELA A. WESTWATER  
Senior Litigation Counsel  
District Court Section  
Office of Immigration Litigation  
P.O. Box 868 Ben Franklin Station  
Washington, DC 200044  
(202) 532-4174  
gisela.westwater@usdoj.gov

*Counsel for Defendants*

**THE WHITE HOUSE**

WASHINGTON

February 1, 2017

MEMORANDUM TO THE ACTING SECRETARY OF STATE, THE ACTING ATTORNEY GENERAL, AND THE SECRETARY OF HOMELAND SECURITY

FROM: Donald F. McGahn II – Counsel to the President

SUBJECT: Authoritative Guidance on Executive Order Entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (Jan. 27, 2017)

Section 3(c) of the Executive Order entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (Jan. 27, 2017) suspends for 90 days the entry into the United States of certain aliens from countries referred to in section 217(a)(12) of the Immigration and Nationality Act (INA), 8 U.S.C. 1187(a)(12). Section 3(e) of the order directs the Secretary of Homeland Security, in consultation with the Secretary of State, to submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of certain foreign nationals from countries that do not provide information needed to adjudicate visas, admissions, or other benefits under the INA.

I understand that there has been reasonable uncertainty about whether those provisions apply to lawful permanent residents of the United States. Accordingly, to remove any confusion, I now clarify that Sections 3(c) and 3(e) do not apply to such individuals. Please immediately convey this interpretive guidance to all individuals responsible for the administration and implementation of the Executive Order.