

16-1436 TRUMP V. INTERNATIONAL REFUGEE ASSISTANCE PROJECT

DECISION BELOW: 857 F.3d 554

LOWER COURT CASE NUMBER: 17-1351

QUESTION PRESENTED:

The Constitution and Acts of Congress confer on the President broad authority to prohibit or restrict the entry of aliens outside the United States when he deems it in the Nation's interest. Exercising that authority, the President issued Executive Order No. 13,780, 82 Fed. Reg. 13,209 (Mar. 9, 2017). Section 2(c) of that Order suspends for 90 days the entry of foreign nationals from six countries that Congress or the Executive previously designated as presenting heightened terrorism-related risks, subject to case-by-case waivers. The district court issued, and the court of appeals upheld, a preliminary injunction barring enforcement of Section 2(c) against any person worldwide, because both courts concluded that the suspension violates the Establishment Clause.

The questions presented are:

1. Whether respondents' challenge to the temporary suspension of entry of aliens abroad is justiciable.
2. Whether Section 2(c)'s temporary suspension of entry violates the Establishment Clause.
3. Whether the global injunction, which rests on alleged injury to a single individual plaintiff, is impermissibly overbroad.

OPINION OF 6/26/2017:

CONSOLIDATED WITH 16-1540 FOR ARGUMENT.

IN ADDITION TO THE ISSUES IDENTIFIED IN THE PETITIONS, THE PARTIES ARE DIRECTED TO ADDRESS THE FOLLOWING QUESTION: "WHETHER THE CHALLENGES TO §2(c) BECAME MOOT ON JUNE 14, 2017."

ORDER OF AUGUST 24, 2017: FURTHER CONSIDERATION OF THE MOTION OF RESPONDENTS HAWAII, ET AL. TO ADD JOHN DOE AS A PARTY TO NO. 16-1540 IS DEFERRED TO THE HEARING OF THE CASE ON THE MERITS.

ORDER OF SEPTEMBER 25, 2017:

THE PARTIES ARE DIRECTED TO FILE LETTER BRIEFS ADDRESSING WHETHER, OR TO WHAT EXTENT, THE PROCLAMATION ISSUED ON SEPTEMBER 24, 2017, MAY RENDER CASES NO. 16-1436 AND 16-1540 MOOT. THE PARTIES SHOULD ALSO ADDRESS WHETHER, OR TO WHAT EXTENT, THE SCHEDULED EXPIRATION OF SECTIONS 6(a) AND 6(b) OF EXECUTIVE ORDER NO. 13780 MAY RENDER THOSE ASPECTS OF CASE NO. 16-1540 MOOT. THE BRIEFS, LIMITED TO 10 PAGES, ARE TO BE FILED SIMULTANEOUSLY WITH THE CLERK AND SERVED UPON OPPOSING COUNSEL ON OR BEFORE NOON, THURSDAY, OCTOBER 5, 2017. THE CASES ARE REMOVED FROM THE ORAL ARGUMENT CALENDAR, PENDING FURTHER ORDER OF THE COURT.

ORDER OF OCTOBER 10, 2017

... THE JUDGMENT IS THEREFORE VACATED, AND THE CASE IS REMANDED TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT WITH INSTRUCTIONS TO DISMISS AS MOOT THE CHALLENGE TO EXECUTIVE ORDER NO. 13,780.

CERT. GRANTED 6/26/2017