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VIA CM/ECF

March 6, 2017

Hon. Molly Dwyer
Clerk of the Court
U.S. Court of Appeals for the Ninth Circuit
The James R. Browning Courthouse
95 Seventh Street
San Francisco, CA 94103

RE: *State of Washington v. Trump*, No. 17-35105

Dear Ms. Dwyer:

Pursuant to Federal Rule of Appellate Procedure 28(j), defendants-appellants notify the Court that the President today signed a new Executive Order “Protecting the Nation from Foreign Terrorist Entry into the United States.” The new Order, which is attached and takes effect on March 16, 2017, *id.* § 14, revokes Executive Order 13,769, *id.* § 13, the subject of this appeal and related motions practice.

The new Order differs from Executive Order 13,769 in critical respects. Section 2(c) of the new Order temporarily suspends entry, for 90 days, of aliens who are nationals of six countries, subject to significant limitations and exceptions. The suspension applies *only* to aliens who are outside the United States on the effective date of the new Order, do not have a valid visa on that date, and also did not have a valid visa at 5 p.m. E.S.T. on January 27, 2017. Section 3(a). The suspension does not apply to, *inter alia*, lawful permanent residents or nationals of the six countries not currently in the United States who have a valid document permitting them to travel to the United States and seek entry or admission. Section 3(b). In addition, the new Order includes a case-by-case waiver process that

permits the issuance of a visa to, and entry of, an alien who would otherwise be excluded. Section 3(c).

Section 6 of the new Order suspends for 120 days travel into the United States under the U.S. Refugee Admission Program and decisions on applications for refugee status, to allow the Government to review the application and adjudication process to determine what additional procedures should be taken to ensure that individuals seeking admission as refugees do not pose a threat to the United States. The new Order eliminates provisions of Executive Order 13,769 that applied to religious minorities and the entry of Syrian nationals as refugees. The new Order also excludes from the suspension any refugee applicants who were formally scheduled for transit by the State Department before the effective date of the Order. Section 6(a).

Sincerely,

/s/ Sharon Swingle

Sharon Swingle

cc: all counsel (via CM/ECF)