

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

HAMEED KHALID DARWEESH and HAIDER
SAMEER ABDULKHALEQ ALSHAWAI, on behalf of
themselves and others similarly situated,

Petitioners,

- against -

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; JAMES T.
MADDEN, New York Field Director, CBP,

Respondents.

17 Civ. 480 (AMD)
EMERGENCY MOTION

**EMERGENCY MOTION FOR DECLARATORY RELIEF TO CLARIFY THE
APPLICABILITY OF THE ORDER DATED JAN. 28, 2017 TO INCOMING LAWFUL
PERMANENT RESIDENT AND MEMBER OF PETITIONER CLASS MARYAM
MIKANIKI**

MARYAM MIKANIKI is a person with interest in this litigation, as a lawful permanent resident of the United States and an [REDACTED] national. As a holder of an immigrant visa, she is a member of the petitioning class on whose behalf this proceeding was brought. Ms. Mikaniki will land at John F. Kennedy International Airport (“JFK Airport”) at approximately 6:35 pm on January 29, 2017. Currently, she is a passenger on Alitalia flight 610, which left Rome for New York City earlier today.

On January 28, 2017, this Court issued a stay of the executive order, which, among other things, enjoined removal of immigrants from [REDACTED] who have valid immigrant visas. *See Hameed Khalid Darweesh and Haider Sameer Abdulkhaleq Alshawi v. Donald Trump, et. al*, No. 17 Civ. 480 (AMD) (E.D.N.Y.) (January 29, 2017); *see also Mazdak Pourabdollah Tootkaboni and Arghavan Louhghalam, v. Donald Trump*, CV No. 17-cv-10154 (January 29, 2017) (D. Mass) (enjoining the removal or detention of lawfully present immigrants).

Ms. Mikaniki was born on [REDACTED] in [REDACTED].
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] That application is currently pending. Ms. Mikaniki currently resides in [REDACTED]. She will seek re-entry into the U.S. later today but has justifiable concern that, given the present uncertainty and conflicting information relating to the above executive order, U.S. government officials may detail her or bar her re-entry based upon that executive order.

PRAYER FOR RELIEF

WHEREFORE, Ms. Mikaniki respectfully moves this Court for an order confirming that she is a member of the class of persons whose removal and detention are enjoined by the

decisions in *Hameed Khalid Darweesh and Haider Sameer Abdulkhaleq Alsshawi v. Donald Trump, et. al*, No. 17 Civ. 480 (AMD) (E.D.N.Y.) (January 29, 2017) and *Mazdak Pourabdollah Tootkaboni and Arghavan Louhghalam, v. Donald Trump*, CV No. 17-cv-10154 (January 29, 2017) (D. Mass) (enjoining the removal or detention of lawfully present immigrants). Ms. Mikaniki is therefore entitled to enter the United States under the laws and regulations governing Lawful Permanent Resident immigrant visa holders, and cannot be detained or removed pursuant to the Executive Order.

DATED: New York, New York
January 29, 2017

Respectfully submitted,

FRIED, FRANK, HARRIS, SHRIVER
& JACOBSON LLP

/s/Jennifer L. Colyer

Jennifer L. Colyer

One New York Plaza
New York, New York 10004
(212) 859-8285 (telephone)
(212) 859-4000 (facsimile)
(917) 549-3747 (cellphone)
jennifer.colyer@friedfrank.com

*Attorneys for Member of Petitioner Class
Maryam Mikaniki*

Of Counsel:

Aaron Morris¹

Tanisha L. Massie¹

[REDACTED]
[REDACTED]
[REDACTED]

¹ Admitted to practice in New York but not admitted to practice in the U.S. District Court for the Eastern District of New York.