

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

TAREQ AQEL MOHAMMED AZIZ, et al.,)	
Petitioners,)	
)	
COMMONWEALTH OF VIRGINIA,)	
Intervenor,)	
)	
v.)	Civil Action No. 1:17-cv-116
)	
DONALD TRUMP, President of the)	
United States; U.S. DEPARTMENT OF)	
HOMELAND SECURITY; U.S. CUSTOM)	
AND BORDER PROTECTION; JOHN)	
KELLY, Secretary of DHS; KEVIN K.)	
MCALEENAN, Acting Commissioner of)	
CBP; and WAYNE BIONDI, Customs)	
and Border Protection (CBP) Port)	
Director of the Area Port of)	
Washington, Dulles.)	
)	
Respondents.)	

PRELIMINARY INJUNCTION

THIS MATTER came before the Court on the motion of Intervenor-Petitioner, the Commonwealth of Virginia, for a preliminary injunction barring the above-named Respondents from enforcing § 3(c) of the President's Executive Order, dated January 27, 2017, entitled "Protecting the Nation From Foreign Terrorist Entry Into the United States." (Dkt. 7-1.)

IT APPEARING TO THE COURT that Virginia is likely to succeed on the merits of its constitutional challenges, that Virginia and Virginia residents are suffering ongoing irreparable harm as a result of the enforcement of § 3(c), that

the balance of hardship weighs decidedly against Respondents, and that the public interest favors granting preliminary injunctive relief, it is, therefore,

ORDERED that:

1. Each above-named Respondent, and all officers, agents, servants, employees, and attorneys of the Executive Branch of the United States government, and anyone acting under their authorization or direction, are hereby ENJOINED from enforcing § 3(c) of the Executive Order;

2. Respondents may not solicit, coerce, or pressure any person to release their LPR or visa rights, or any of the rights protected by this Order. Respondents must provide persons arriving in the United States who are covered by this Order prompt access to counsel (at no cost to the Government) and may not prohibit such persons from meeting with counsel in person.

3. No person who, as of 8:00 a.m. Eastern Time, on Friday, January 27, 2017, had a residence in the Commonwealth of Virginia and who had lawful permanent residence ("LPR" or "green card") status, a valid student visa (or accompanying family or spousal visa), or a valid work visa (or accompanying family or spousal visa) may be denied on the basis of § 3(c) of the Executive Order:

- a. entry at any port of entry of the United States;
- or

- b. the right to depart from a foreign destination bound for the United States.

4. Within five calendar days, Respondents must provide to Counsel for the Commonwealth a list of all Virginia residents who have been denied entry to the United States, removed from the United States, or denied the privilege to board a vessel or airplane bound for the United States, based on the authority of the Executive Order. Respondents must immediately restore the pre-Executive-Order status of those persons and permit them to present themselves at any port of entry to the United States on the basis of that restored status.

5. The Clerk shall serve this Order upon the United States Marshal for the Eastern District of Virginia. The Court orders the United States Marshal Service to take such actions as necessary to enforce the provisions and prohibitions of this Order. If the Marshal Service requires further guidance concerning this Order, it must apply to this Court. Respondents are hereby ordered not to interfere with the Marshal Service in carrying out this Order.

6. Nothing in this Preliminary Injunction Order interferes with the immigration laws of the United States in effect before the Executive Order was issued.

This Preliminary Injunction is issued as of February __, 2017, at _____ o'clock [a.m./p.m].

The Commonwealth shall post a \$100 bond or cash deposit as security.

SO ORDERED.

Date: _____

Judge Leonie M. Brinkema
United States District Judge

Alexandria, Virginia