

FILED

UNITED STATES COURT OF APPEALS

NOV 13 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

STATE OF HAWAII; et al.,

Plaintiffs-Appellees,

STATE OF CALIFORNIA; et al.,

Intervenors-Pending,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States;
et al.,

Defendants-Appellants.

No. 17-17168

D.C. No.

1:17-cv-00050-DKW-KSC

District of Hawaii,
Honolulu

ORDER

Before: HAWKINS, GOULD, and PAEZ, Circuit Judges.

The Government’s motion for an emergency stay of the district court’s preliminary injunction pending hearing and resolution of the expedited appeal is granted in part and denied in part. The preliminary injunction is stayed except as to “foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States,” as set out below. *Trump v. Int’l Refugee Assistance Project (“IRAP”)*, 137 S. Ct. 2080, 2088 (2017); *see also Nken v. Holder*, 556 U.S. 418, 434-35 (2009).

The injunction remains in force as to foreign nationals who have a “close familial relationship” with a person in the United States. *IRAP*, 137 S. Ct. at 2088. Such persons include grandparents, grandchildren, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and cousins. *See Hawaii v. Trump*, 871 F.3d 646, 658 (9th Cir. 2017). “As for entities, the relationship must be formal, documented, and formed in the ordinary course, rather than for the purpose of evading [Proclamation 9645].” *IRAP*, 137 S. Ct. at 2088.

MOTION GRANTED IN PART; DENIED IN PART.