



July 18, 2017

ATTORNEY GENERAL MADIGAN FILES NEW BRIEF IN TRAVEL BAN CASE***Madigan & 15 Attorneys General File Amicus Brief Opposing Trump Administration's Stay Application, Following Hawaii District Court Ruling that the Travel Ban Cannot Be Applied to Grandparents & Close Relatives of U.S. Residents***

Chicago — Attorney General Lisa Madigan, along with 15 other attorneys general, today filed a new amicus brief in the Hawaii travel ban litigation, opposing the administration's application to stay last week's district court decision that the ban should not prevent grandparents and other close relatives of United States residents from entering the country.

"The court agreed that grandparents are an integral part of any family," Madigan said. "I stand with my counterparts in fighting to ensure families are not needlessly torn apart by the administration's discriminatory action."

In June, the United States Supreme Court held that nationwide injunctions entered against the travel ban by two courts should remain in place with respect to persons having a "bona fide relationship with a person or entity in the United States," including persons having a "close familial relationship" to a United States resident. The administration interpreted the Supreme Court ruling to mean that certain family members, including grandparents, were banned.

Earlier this month, Hawaii filed a motion in *State of Hawaii and Ismail Elshikh v. Donald Trump, et al.* to clarify the scope of the remaining injunction in that case, supported by a coalition of attorneys general. While the district court initially declined to address that motion, the Ninth Circuit Court of Appeals observed that Hawaii could seek injunctive relief from the district court on the question of how "close familial relationship" can be defined.

Last week, Hawaii filed a motion seeking, among other things, to enforce the district court's preliminary injunction, supported by [an amicus brief led by the same coalition of attorneys general](#), and argued that the administration too narrowly interpreted "close familial relationship." On Thursday, the district court partly granted that motion, interpreting the term "close familial relationship" to include grandparents and other close relatives beyond the nuclear family. Today Madigan and the other attorneys general argue that the Supreme Court should leave that district court ruling in place.

The attorneys general wrote:

"The federal government's cramped view of what counts as a 'close familial relationship' is also contradicted by both common experience and decades of social science research."

"Amici have a strong interest in plaintiffs' challenge to this Executive Order because many of its provisions have threatened—indeed, have already caused—substantial harm to our residents, communities, hospitals, universities, and businesses while courts continue to adjudicate the Order's lawfulness. The nationwide preliminary injunction initially entered by the district court in this case, along with the nationwide injunction entered in Trump v. IRAP, substantially mitigated the harm threatened by the Order. And this Court's decision to leave important aspects of those injunctions in place continues to provide critical protection to the state interests endangered by the Order. Accordingly, the amici States have a strong interest in ensuring that the protection provided by the remaining portions of the injunction is not diminished by an interpretation that is inconsistent with the meaning and purpose of this Court's directives."

"In sum, the balance of the equities here tips decidedly in favor of denying the federal government's request for a stay. While defendants have identified no appreciable harm that the district court's July 13 order will cause to the federal government's

interests during the brief period for which the Order will be effective, a stay of the July 13 order would allow irreparable harm to be imposed on the amici States and our residents. The status quo should be preserved while this litigation continues.”

Attorney General Madigan has condemned the federal immigration executive orders and has filed 11 amicus briefs in five separate lawsuits challenging the constitutionality of the travel ban executive orders.

Joining Madigan in filing today’s brief are the attorneys general from: California, Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, Washington and the District of Columbia.

A copy of the amicus brief can be found [here](#).

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