

Congress of the United States

Washington, DC 20510

February 1, 2017

Clint Lamm
U.S. Customs and Border Protection
Boston Area Port Director
Logan International Airport
500 Terminal E
East Boston, MA 02128

Dear Mr. Lamm:

We are writing concerning the situation at Logan International Airport in the wake of the Executive Order entitled *Protecting the Nation from Foreign Terrorist Entry into the United States* that President Trump signed on January 27, 2017. There are reports that students, academics, and others seeking to enter the United States through Logan are being detained under the provisions of the Executive Order, despite the issuance of a temporary restraining order by the federal court in Boston prohibiting such action.


The temporary restraining order, a copy of which is attached, is in effect until February 5, 2017. It states that respondents — which includes U.S. Customs and Border Protection (CBP) — “shall not, by any manner or means, detain or remove individuals with refugee applications approved by U.S. Citizenship and Immigration Services as part of the U.S. Refugee Admissions Program, holders of valid immigrant and non-immigrant visas, lawful permanent residents, and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia and Yemen who, absent the Executive Order, would be legally authorized to enter the United States.” The order further directs CBP to “notify airlines that have flights arriving at Logan Airport of [the] Order and the fact that individuals on these flights will not be detained or returned solely on the basis of the Executive Order.”

It is a bedrock principle of our democracy that it is the province of the courts to say what the law is. Court orders must be respected and followed. Under the terms of the temporary restraining order, it is clear that, through February 5, 2017, and longer if the temporary restraining order is extended, no international travelers arriving at Logan Airport may be detained or removed based on the Executive Order’s provisions, and that CBP must so notify airlines carrying those passengers. We urge you to ensure that CBP immediately and fully complies with the temporary restraining order.


Sincerely,


Edward J. Markey
United States Senator


William Keating
Member of Congress



Elizabeth Warren
United States Senator


Richard E. Neal
Member of Congress


James P. McGovern
Member of Congress


Niki Tsongas
Member of Congress


Joseph P. Kennedy III
Member of Congress


Katherine M. Clark
Member of Congress


Seth Moulton
Member of Congress


Michael E. Capuano
Member of Congress


Stephen P. Lynch
Member of Congress

Enclosure

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MAZDAK POURABDOLLAH
TOOTKABONI and
ARGHAVAN LOUHGHALAM,

Petitioners,

CIVIL ACTION NO. 17-cv-10154

v.

DONALD TRUMP, President of
The United States, et al.,

Respondents

TEMPORARY RESTRAINING ORDER

January 29, 2017

BURROUGHS, U.S.D.J.

On January 28, 2017 the Petitioners filed a Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief.

After consideration of the written submissions, arguments of counsel, and the hearing held on January 28-29, 2017, the Court hereby finds as follows:

1. The petitioners have met their burden of establishing a strong likelihood of success in establishing that the detention and/or removal of the petitioners and others similarly situated would violate their rights to Due Process and Equal Protection as guaranteed by the United States Constitution;

2. Absent a stay of removal, petitioners and others similarly situated, including lawful permanent residents, citizens, visa-holders, approved refugees, and other individuals from nations who are subject to the January 27, 2017 Executive Order, are likely to suffer irreparable harm.

3. The balance of harms favors the issuance of this temporary restraining order and its issuance is in the public interest.

NOW, THEREFORE, IT IS HEREBY ORDERED

I. that respondents, their officers, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them:

a) shall limit secondary screening to comply with the regulations and statutes in effect prior to the Executive Order, including 8 U.S.C. § 1101(a)(13)(C);

b) shall not, by any manner or means, detain or remove individuals with refugee applications approved by U.S. Citizenship and Immigration Services as part of the U.S. Refugee Admissions Program, holders of valid immigrant and non-immigrant visas, lawful permanent residents, and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia and Yemen who, absent the Executive Order, would be legally authorized to enter the United States;

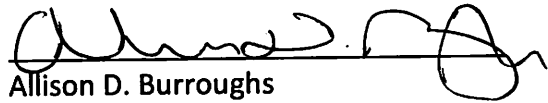
c) to assure compliance with this Order, the United States Marshal for the District of Massachusetts shall be served with this Order and is further directed to take those actions deemed necessary to enforce this Order; and

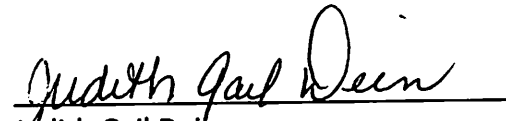
d) Customs and Border Protection shall notify airlines that have flights arriving at Logan Airport of this Order and the fact that individuals on these flights will not be detained or returned based solely on the basis of the Executive Order.

II. This Order shall remain in effect for a period of seven (7) days from the date of this Order.

The Court shall schedule a hearing prior to the expiration of this Order.

III. Petitioners shall file an Amended Complaint by January 30, 2017.


Allison D. Burroughs
United States District Judge


Judith Gail Dein
United States Magistrate Judge

January 29, 2017