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Ninth Circuit Agrees to Wait for Revised Refugee Executive Order

By **Peter Margulies** Friday, February 17, 2017, 10:43 AM

As President Trump mentioned in his press conference yesterday, he plans to issue a revised Executive Order (EO) on refugees next week that is “tailored” to the Ninth Circuit’s recent decision denying the government’s request to stay the Temporary Restraining Order (TRO) entered by the Seattle district court. That revised EO will presumably exempt lawful permanent residents and previously admitted nonimmigrant visa-holders, such as students. The government filed a brief yesterday with the Ninth Circuit asking for a stay of proceedings in that court pending issuance of the revised EO. The Ninth Circuit granted that request yesterday.

The government has also filed an emergency motion for a stay of existing deadlines in *Pars Equality Center v. Trump* in the U.S. District Court for the District of Columbia referencing the White House’s intention to release a new, “substantially revised” EO. The court granted the motion in part and has requested that both parties file a joint status report by the close of business on Wednesday, February 22nd updating the court as to the status of the revised EO.

In light of these developments, the focus will shift to next week, when President Trump will likely issue the new, “tailored” Executive Order.

Topics: Refugees, Immigration

Tags: Washington v. Trump

Peter Margulies is a professor at Roger Williams University School of Law, where he teaches Immigration Law, National Security Law and Professional Responsibility. He is the author of *Law’s Detour: Justice Displaced in the Bush Administration* (New York: NYU Press, 2010).