



National Asian Pacific American Bar Association

News Release

For Immediate Release
April 2, 2018

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NAPABA Leads 62 APA Bar Associations in Supreme Court Amicus Brief Challenging President's Third Muslim and Refugee Ban

WASHINGTON — The National Asian Pacific American Bar Association (NAPABA) led 62 affiliated national and local Asian Pacific American bar associations in filing an [amicus brief](#) in *Trump v. State of Hawaii* ([No. 17-965](#)), to be argued before the United States Supreme Court on April 25, 2018. Together, these Asian Pacific American bar associations urged the Court to support the injunction of President Trump's Sept. 24, 2017, revised executive order barring refugees and individuals from six Muslim-majority countries from entering the U.S.

"The Asian Pacific American legal community has once again said that the President's actions are discriminatory and unlawful," said NAPABA President Pankit J. Doshi. "Lower courts from across of the country have repeatedly upheld injunctions on all three versions of the ban. NAPABA has argued in each of those cases that the ban violates key principles of our laws and harkens back to an era of invidious discrimination our country has rejected. Today, we again bring forward the consensus of the Asian Pacific American legal community urging the Supreme Court to uphold the Ninth Circuit's ruling and reject discrimination under the color of law."

The Trump Administration's appeals in this case, *State of Hawaii v. Trump*, arises from the legal challenges to the third revised executive order, which was announced in September 2017 and set to take effect Oct. 18, 2017. On Oct. 17, 2017, Judge Derrick K. Watson of the U.S. District Court for the District of Hawaii granted the temporary restraining order. The Ninth Circuit upheld the injunction on Dec. 22, 2017. NAPABA filed [amicus briefs](#) in both courts.

NAPABA's Supreme Court amicus brief describes decades of statutory exclusion of citizens of Asian and Pacific Island countries under early U.S. immigration law, including the Chinese Exclusion Act of 1882 — the first federal law to ban a group of people on the basis of their race. The Civil Rights Era marked a dramatic turning point that saw Congress dismantle nationality-based discrimination with the Immigration and Nationality Act of 1965. The brief explains that presidential discretion in the area of immigration and refugee admission, while broad, is limited

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by statute. NAPABA argues that President Trump’s revised order, with its anti-Muslim underpinnings, violates the unambiguous prohibition on discrimination established by Congress.

A related challenge exists in *International Refugee Assistance Project v. Trump*. Judge Theodore K. Chuang of the U.S. District Court of Maryland enjoined the visa ban on Oct. 17, 2017. The Fourth Circuit upheld his ruling on Feb. 15, 2018. NAPABA filed [amicus briefs](#) in support of the injunction in both courts.

NAPABA opposed earlier iterations of the executive order, including submitting [amicus briefs](#) at the District, Circuit, and Supreme Court level.

NAPABA recognizes lead pro bono counsel, James W. Kim, a NAPABA member and partner at McDermott Will & Emery LLP, in Washington, D.C.; Mr. Kim’s team (including Cathy Zeman Scheineson, Matthew M. Girgenti, and Llewelyn M. Engel); NAPABA Amicus Committee co-chairs, Professor Radha Pathak of Whittier Law School and Albert Giang, a partner at Boies Schiller Flexner LLP in Los Angeles; and Meredith Higashi, NAPABA Civil Rights Committee co-chair for their leadership drafting the brief, as well as recognizes the NAPABA staff for their efforts.

NAPABA was joined on this Supreme Court amicus brief by 62 affiliated Asian Pacific American bar associations:

- Arizona Asian American Bar Association
- Asian American Bar Association of Greater Chicago
- Asian American Bar Association of Houston
- Asian American Bar Association of Kansas City
- Asian American Bar Association of New York
- Asian American Bar Association of Ohio
- Asian American Bar Association of the Greater Bay Area
- Asian American Criminal Trial Lawyers Association
- Asian American Lawyers Association of Massachusetts
- Asian Bar Association of Washington
- Asian Pacific American Bar Association of Central Ohio
- Asian Pacific American Bar Association of Colorado
- Asian Pacific American Bar Association of Los Angeles County
- Asian Pacific American Bar Association of Maryland
- Asian Pacific American Bar Association of Pennsylvania
- Asian Pacific American Bar Association of Silicon Valley
- Asian Pacific American Bar Association of Solano County
- Asian Pacific American Bar Association of South Florida
- Asian Pacific American Bar Association of Tampa Bay
- Asian Pacific American Lawyers Association of New Jersey

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- Asian Pacific American Lawyers of the Inland Empire
- Asian/Pacific Bar Association of Sacramento
- California Asian Pacific American Bar Association
- Charlotte Asian Pacific American Bar Association
- Chinese American Bar Association of Greater Chicago
- Connecticut Asian Pacific American Bar Association
- Federation of Asian Canadians – Ontario
- Filipino American Lawyers Association of Chicago
- Filipino American Lawyers Association of New York
- Filipino American Lawyers of San Diego
- Filipino Bar Association of Northern California
- Filipino Lawyers of Washington
- Greater Orlando Asian American Bar Association
- Japanese American Bar Association
- Korean American Bar Association of Chicago
- Korean American Bar Association of DC
- Korean American Bar Association of Northern California
- Korean American Bar Association of San Diego
- Korean American Bar Association of Southern California
- Korean American Bar Association of Washington
- Korean American Lawyers Association of Greater New York
- Minnesota Asian Pacific American Bar Association
- Missouri Asian-American Bar Association
- NAPABA Hawaii Chapter
- National Conference of Vietnamese American Attorneys
- National Filipino American Lawyers Association
- Orange County Asian American Bar Association
- Oregon Asian Pacific American Bar Association
- Oregon Filipino American Lawyers Association
- Pan Asian Lawyers of San Diego
- Philippine American Bar Association
- Sacramento Filipino American Lawyers Association
- South Asian Bar Association - Southern California
- South Asian Bar Association of Chicago
- South Asian Bar Association of Northern California
- South Asian Bar Association of San Diego
- South Asian Bar Association of Washington
- Southern California Chinese Lawyers Association
- Taiwanese American Lawyers Association
- Thai American Bar Association
- Vietnamese American Bar Association of Northern California
- Vietnamese American Bar Association of Southern California

Read NAPABA’s amicus briefs in this series of cases [here](#).

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For more information, the media may contact Brett Schuster, NAPABA communications manager, at 202-775-9555 or bschuster@napaba.org.

The National Asian Pacific American Bar Association (NAPABA) is the national association of Asian Pacific American attorneys, judges, law professors, and law students. NAPABA represents the interests of almost 50,000 attorneys and over 80 national, state, and local Asian Pacific American bar associations. Its members include solo practitioners, large firm lawyers, corporate counsel, legal services and non-profit attorneys, and lawyers serving at all levels of government.

NAPABA continues to be a leader in addressing civil rights issues confronting Asian Pacific American communities. Through its national network of committees and affiliates, NAPABA provides a strong voice for increased diversity of the federal and state judiciaries, advocates for equal opportunity in the workplace, works to eliminate hate crimes and anti-immigrant sentiment, and promotes the professional development of people of color in the legal profession.

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