

ORAL ARGUMENT NOT YET SCHEDULED**No. 21-5200**

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NANCY GIMENA HUI SHA-HUI SHA, on behalf of herself and others similarly situated,
Plaintiffs-Appellees,
v.

ALEJANDRO MAYORKAS, Secretary of Homeland Security, et al.,
Defendants-Appellants.

On Appeal from the United States District Court
for the District of Columbia, No. 1:21-cv-00100
Before the Honorable Judge Emmet G. Sullivan

**MOTION OF SCHOLARS OF REFUGEE AND IMMIGRATION LAW
FOR LEAVE TO FILE AN AMICUS CURIAE BRIEF IN OPPOSITION TO
DEFENDANTS-APPELLANTS' EMERGENCY MOTION TO STAY
PENDING APPEAL**

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September 23, 2021

Proposed amici curiae respectfully move this Court for leave to file a brief in support of Plaintiffs-Appellees in this matter. The proposed amici—scholars with expertise in United States and international law governing refugees and United States immigration law, who collectively spent decades researching and writing about refugee and immigration law—are as follows:

- T. Alexander Aleinikoff is University Professor at The New School and Director of the Zolberg Institute on Migration and Mobility; former United Nations Deputy High Commissioner for Refugees (2010-2015); and co-author of a leading textbook, *Immigration and Citizenship: Process and Policy*.
- Deborah Anker is Clinical Professor of Law at Harvard Law School; Founder of the Harvard Immigration and Refugee Clinic; and author of a leading treatise, *Law of Asylum in the United States*.
- James C. Hathaway is the James E. and Sarah A. Degan Professor of Law at Michigan Law, University of Michigan; founding director of Michigan Law's Program in Refugee and Asylum Law; and the author of *The Rights of Refugees under International Law*.
- Gerald L. Neuman is the J. Sinclair Armstrong Professor of International, Foreign, and Comparative Law at Harvard Law School; a Co-Director of the Human Rights Program at Harvard Law School; and the author of *Strangers to the Constitution: Immigrants, Borders and Fundamental Law*.*

Proposed amici submit that they will bring a unique perspective to the issues presented—that of professors who teach and publish scholarship about United States refugee and immigration law. They have a strong interest in the proper interpretation and administration of the nation's immigration laws for refugees. In

* University affiliations are provided solely for informational purposes.

their brief, proposed amici provide an overview of the protections that Congress has enacted into United States law for refugees, often to effectuate principles of international law and United States treaty obligations. Proposed amici were permitted by the district court to present their views.

Plaintiffs-Appellees consent to the relief sought in this motion. Defendants-Appellants take no position other than that any brief from proposed amici should be due at the same time as Plaintiffs-Appellees' opposition. Proposed amici are filing this motion (with the proposed brief attached) before that deadline.

CONCLUSION

This Court should grant proposed amici leave to file the attached brief in opposition to Defendants-Appellants' emergency motion for a stay pending appeal.

Respectfully submitted.

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CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(a) in that, according to the word-count function of the word-processing system used to prepare the brief, the motion contains 381 words, excluding the portions exempted by Rule 32(f).

/s/ Daniel S. Volchok

Daniel S. Volchok

CERTIFICATE OF SERVICE

On this 23rd day of September, 2021, I electronically filed the foregoing using the Court's appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by that system.

/s/ Daniel S. Volchok

DANIEL S. VOLCHOK