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Oral Argument Held January 14, 2021

February 8, 2021

BY ECF

Mark J. Langer
Clerk, U.S. Court of Appeals for the D.C. Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, DC 20001

Re: Supplemental Authority in
Gomez v. Trump, No. 20-5292

Dear Mr. Langer:

Plaintiffs respectfully submit this response to clarify a point raised for the first time in the Government's letter filed earlier today.

The second and third paragraphs of the Government's letter address the consequences for Plaintiffs whose visas have expired, or will expire in the future if their bearers are unable to use them to enter the country.

But this appeal concerns Presidential Proclamations that unlawfully suspend "the *entry*" of immigrants and nonimmigrants. JA244, JA248 (emphasis added); *see* 8 U.S.C. § 1182(f). If the entry suspension is promptly enjoined, which is the relief that Plaintiffs seek through this appeal, individuals holding valid visas (including the diversity-visa Plaintiffs and thousands of class members) would be able to use their visas to enter the country *before* those visas expire.

It is true, as the Government suggests, that if an individual Plaintiff's visa expires before it can be used, relief in the district court would be necessary to secure reissuance of the visa. Plaintiffs intend expeditiously to seek such relief in the district court. But that additional relief (visa reissuance) is separate and distinct from the relief that Plaintiffs seek through this appeal (the ability to use current, valid visas to enter the country). The Government, moreover, has indicated its opposition to

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Plaintiffs' forthcoming request for an order requiring visa reissuance, and it is uncertain whether the district court will grant such an order.

Separately, Plaintiffs advise the Court that while Plaintiffs believed at the time of the original Rule 28(j) letter that visas issued pursuant to the district court's injunction would "begin to expire as early as March 10," class members have since contacted class counsel to clarify that their visas are set to expire on varying dates beginning as soon as February 14. Each day that the Proclamations' entry suspensions remain in place means that the use of these visas remains barred, that more visas will expire, and that (in the Government's view) more lottery winners will permanently be deprived of their chance to immigrate.

Respectfully submitted,

/s/ Cleland B. Welton II

Cleland B. Welton II

Counsel for Appellants

Cc: Counsel of Record (via ECF)

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2021, I filed the foregoing with the Clerk of the Court for the U.S. Court of Appeals for the D.C. Circuit by using the CM/ECF system, which will serve all counsel of record.

/s/ Cleland B. Welton II

Cleland B. Welton II

Counsel for Appellants