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POLITICS

Why the Seattle Case Looms Above Other Immigration Challenges

Judge Robart's ruling for nationwide halt to Trump's immigration order has swift impact



While other courts have chipped away at Mr. Trump's directive, Seattle-based Judge James L. Robart ordered a nationwide halt to all of its main parts. *PHOTO: JOSE ROMERO/AGENCE FRANCE-PRESSE/GETTY IMAGES*

By **ASHBY JONES** and **JACOB GERSHMAN**

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In the 10 days since President Donald Trump handed down his executive order on immigration, plaintiffs have flooded the courts with legal challenges. As of Sunday, more than two dozen petitions and lawsuits had been filed.

But for the moment, one lawsuit looms above all others, a case brought by Washington state and Minnesota filed last week in Seattle federal court.

The pre-eminence of the Seattle case, which now sits with a federal appeals court in San Francisco, owes largely to the breadth of the ruling made Friday by U.S. District Judge James L. Robart.

While other courts have chipped away at Mr. Trump’s directive, the Seattle-based judge ordered a nationwide halt to all of its main parts, a dramatic and controversial move that went far beyond other rulings so far.

TRUMP'S FIRST 100 DAYS

Trump Rips Judge on Ruling Against Immigration Order

A federal appeals court is set to rule on President Donald Trump’s executive order on immigration in a decision that may have more influence—and last longer—than usual because of the longstanding vacant seat on the U.S. Supreme Court.

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The impact was immediate: Travelers who had been barred from entering the U.S. under the order began to arrive this weekend, without apparent incident.

Legal experts called the move unusual, but well within Judge Robart’s discretion to make.

The White House appealed the ruling on Saturday. Mr. Trump was critical of Judge Robart, referring to him as “this so-called judge,” in a tweet Saturday. He also said the ruling was “ridiculous and will be overturned!”

Before Judge Robart’s ruling, several courts had curbed parts of Mr. Trump’s travel ban, but had largely chosen to leave the main thrust of it undisturbed.

A day after Mr. Trump signed the order, a federal judge in Brooklyn, N.Y., blocked the government from deporting refugees, visa holders and others from the seven listed countries who had been cleared to enter the U.S. but were detained as they came into country.

A federal judge in Virginia last week temporarily blocked the federal government from detaining green card holders at Dulles International Airport.

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A federal court in Los Angeles, meanwhile, issued a temporary restraining order on Tuesday that prohibited the government from denying entry to immigrants from the seven countries with valid visas. The order didn't address

refugees or nonimmigrants, such as students and tourists.

Exactly why Judge Robart chose the path he did wasn't completely explained in his order. His broad power derives from the idea that in presiding over a dispute, a judge generally has the authority to bind the parties from acting in a way deemed to violate the law. That power often inherently broadens when a case involves the U.S. government—and a widely applied federal policy.

Judge Robart concluded the states were likely to succeed on the merits of their claims, but didn't engage in a full analysis of the constitutional issues. Rather, his ruling emphasized the impracticable nature of a piecemeal order.

He wrote: “partial implementation [of the executive order] would undermine...Congress's instruction that the immigration laws of the United States should be enforced vigorously and uniformly.”

In that section, Judge Robart cited Brownsville, Texas-based U.S. District Judge Andrew Hanen, who in 2015 issued a nationwide injunction blocking the implementation of Obama administration policies that granted some protection to children of illegal immigrants.

Other factors could have been at play in dictating the scope of the order since the plaintiffs were two states—Washington and Minnesota—rather than individuals.

“It’s fairly straightforward to give relief when the plaintiffs are individuals asking for [something] specific and discrete,” said Adam Winkler, a constitutional-law expert at the University of California, Los Angeles. “But when you have a whole state, or two states, it can be hard to give relief that’s short of comprehensive.”

The ruling’s breadth might also have been driven by a perceived need to halt, at least temporarily, the confusion created by week’s other rulings, say legal experts.

But despite its front-runner status at the moment, legal experts say there is no guarantee the Seattle case will be the one to provide resolution to the constitutional and other issues raised in the legal challenges.

For instance, were the Ninth U.S. Circuit Court of Appeals to enter a stay, the case would go back to Judge Robart, who would move forward with the substance of the case rather than potentially have the case end up quickly before the Supreme Court, said Erwin Chemerinsky, an expert on the federal court system and the dean at the University of California, Irvine, School of Law.

Early Sunday morning, the Ninth Circuit denied a request from the Justice Department to lift the stay. Instead, the court asked for further legal briefings on the issue, the last of them due Monday afternoon.

A halt of the stay would put the Seattle case on a slower track, opening the door for other challenges and other rulings to move ahead of it.

“With so many cases coming up in so many courts, it’s not clear that this case is going to be the most important,” said Mr. Winkler. “How it plays out from here is anyone’s guess.”

—*Joe Palazzolo and Nicole Hong contributed to this article.*

Write to Ashby Jones at ashby.jones@wsj.com and Jacob Gershman at jacob.gershman@wsj.com