

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ASYLUMWORKS, *et al.*,

Plaintiffs,

v.

ALEJANDRO MAYORKAS, Secretary,
U.S. Department of Homeland Security, *et al.*,

Defendants.

Civil Action No. 20-3815 (BAH)

ANSWER

Defendants, by undersigned counsel, respectfully submits this answer to Plaintiffs' amended complaint. Defendant denies all allegations not expressly admitted herein.

Affirmative Defenses

1. The amended complaint fails to state a claim upon which relief can be granted.
2. Plaintiffs' claims are not justiciable.
3. Plaintiffs have suffered no legally cognizable harm.
4. Plaintiffs have failed to exhaust administrative remedies.
5. Plaintiffs' requested relief is vague and unenforceable.
6. The challenged agency actions are consistent with the governing statute, are not arbitrary and capricious, and are supported by substantial evidence.

Responses to the Numbered Paragraphs

1. Defendants admit sentence one. Defendants admit that Chad F. Wolf, Acting Secretary of the Department of Homeland Security ("DHS"), delegated to Chad Mizell, Senior Official Performing the Duties of DHS General Counsel, the authority to sign the referenced rules. Defendants refer to the referenced Rules for a complete and accurate statement of their content

and deny any allegations inconsistent therewith. All other allegations not expressly admitted are denied.

2. Defendants admit that Congress established a statutory basis to apply for asylum. Defendants refer to the U.S. Code sections related to asylum for a complete and accurate statement of their content and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

3. Defendants refer to referenced rules for a complete and accurate statement of their content and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

4. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

5. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

6. Denied.

7. Denied.

8. Denied.

9. Admitted.

10. Admitted.

11. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

12. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

13. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

14. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

15. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

16. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

17. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

18. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

19. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

20. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

21. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

22. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

23. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

24. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

25. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

26. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

27. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

28. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

29. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

30. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

31. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

32. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

33. Admitted.

34. Defendants deny that Mr. Wolf took actions in excess of his authority and deny that he “purportedly” served as Acting Secretary of the U.S. Department of Homeland Security. Defendants admit that Mr. Wolf served as Acting Secretary and admit the other allegations in this paragraph.

35. Defendants deny that Mr. Mizelle took actions in excess of his authority, and deny that he “purportedly” served as Acting General Counsel and Senior Official Performing the Duties of General Counsel for DHS. Defendants refer to the public document relating the appointment of Mr. Mizelle to the referenced positions at DHS [cite] and deny any allegations inconstant therewith. Defendants admit the other allegations in this paragraph.

36. Admitted.

37. Admitted.

38. Admitted.

39. Defendants refer to the statutory and regulatory provisions of law governing eligibility for asylum and associated employment authorization for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. Defendants deny all other allegations in this paragraph.

40. Denied.

41. Defendants lack sufficient information to admit or deny the allegation in this paragraph.

42. Defendants refer to the referenced statutory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. Defendants lack sufficient information to admit or deny the remaining allegations in this paragraph.

43. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

44. Defendants admit that an EAD is required for an asylum seeker to be lawfully employed. All other allegations in this paragraph are denied.

45. Denied.

46. Regarding the content of the document quoted and referenced at footnote 8, Defendants refer to the referenced document for a complete and accurate statement of its contents; however, Defendants lack sufficient information to admit or deny the allegations in this paragraph.

47. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

48. Defendants admit that during the week of June 22, 2020, DHS introduced two new rules that changed the existing EAD system. Defendants deny all other allegations in this paragraph.

49. Admitted.

50. Defendants admit that on June 26, 2020, DHS published the Asylum Application, Interview, and Employment Authorization for Applicants rule.

51. Denied.

52. Defendants refer to the referenced Rules for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

53. Defendants refer to the referenced Rule and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. Likewise, Defendants refer to the referenced case citations for a complete and accurate recitation of the contents of those decisions. All other allegations are denied.

54. Defendants refer to the referenced Rule and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

55. Defendants refer to the referenced Rule and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

56. Defendants refer to the referenced Rule and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

57. Defendants refer to the referenced Rule and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

58. Defendants refer to the referenced Rule and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

59. Defendants refer to the referenced Rule and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

60. Defendants refer to the referenced Rule and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

61. Defendants refer to the referenced Rule and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

62. Defendants refer to the referenced statutory section, Rule, and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

63. Defendants refer to the referenced statutory section, Rule, and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

64. Defendants refer to the referenced Rule and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. Likewise, Defendants refer to the referenced case citations for a complete and accurate recitation of the contents of those decisions. All other allegations are denied.

65. Defendants refer to the referenced Rule and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

66. Defendants refer to the referenced Rule and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

67. Defendants refer to the referenced Rule and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

68. Defendants refer to the referenced Rule and regulations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

69. Denied.

70. Defendants admit that the referenced Rules are final agency actions. Defendants lack the knowledge necessary to admit or deny the remaining allegations.

71. Denied.

72. Regarding the content of the document quoted and referenced, Defendants refer to the referenced document for a complete and accurate statement of its contents; however, Defendants deny the allegations in this paragraph.

73. Denied.

74. Defendants refer to the referenced case citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. Defendants deny all other allegations in this paragraph.

75. Regarding the content of the document quoted and referenced, Defendants refer to the referenced document for a complete and accurate statement of its contents; however, Defendants deny the allegations in this paragraph.

76. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All allegations in this paragraph are denied.

77. Defendants refer to the referenced case citation for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. Defendants deny all other allegations in this paragraph.

78. Denied.

79. Defendants refer to the referenced statutory section and case citation for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

80. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

81. Defendants refer to the regulatory citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

82. Defendants refer to the referenced regulatory and case citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. Defendants lack sufficient information to admit or deny the allegations regarding Plaintiff K.N.E. and R.P.P. All other allegations in this paragraph are denied.

83. Defendants refer to the referenced case citation for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

84. Defendants refer to the referenced statutory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

85. Defendants refer to the referenced regulatory and statutory citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

Defendants lack sufficient information to admit or deny the allegations regarding Plaintiff D.M.C., V.M.B., U.O., L.G.M., and L.M.M.G. All other allegations in this paragraph are denied.

86. Denied.

87. Defendants refer to the referenced statutory citation for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

88. Defendants refer to the referenced regulatory citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

89. Defendants refer to the referenced statutory citation for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

90. Denied.

91. Admitted.

92. Defendants lack sufficient information to admit or deny the first sentence. All other allegations in this paragraph are denied.

93. Defendants refer to the referenced statutory citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

94. Defendants refer to the referenced statutory citation and UNHCR documents for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

95. Defendants refer to the referenced statutory citation and UNHCR document for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

96. Defendants refer to the referenced regulatory and case citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

97. Defendants refer to the referenced regulatory citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

98. Denied.

99. Denied.

100. Denied.

101. Defendants refer to the referenced regulatory citation for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

102. Defendants refer to the referenced regulatory citation for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

103. Defendants refer to the referenced statutory and case citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

104. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

105. Denied.

106. Denied.

107. Denied.

108. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

109. Denied.

110. Denied.

111. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

112. Defendants refer to the referenced statutory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

113. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. Defendants lack sufficient information to admit or deny the allegations regarding Plaintiffs G.S.M., U.O., and M.A.S. All other allegations in this paragraph are denied.

114. Defendants refer to the referenced regulatory citation for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

115. Defendants admit that DHS has discretion to consider a variety of options when considering regulatory changes. Defendants deny all other allegations in this paragraph.

116. Defendants refer to the referenced regulatory citation for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

117. Defendants refer to the referenced regulatory citation for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

118. Defendants admit that DHS has discretion to consider a variety of options when considering regulatory changes. Defendants deny all other allegations in this paragraph.

119. Defendants admit that DHS has discretion to consider a variety of options when considering regulatory changes. Defendants deny all other allegations in this paragraph.

120. Defendants refer to the referenced regulatory citation for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. Defendants admit that DHS has discretion to consider a variety of options when considering regulatory changes. Defendants deny all other allegations in this paragraph.

121. Denied.

122. Defendants refer to the referenced regulatory citation for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

123. Defendants refer to the referenced regulatory and case citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

124. Defendants refer to the referenced regulatory and statutory citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

125. Defendants refer to the referenced regulatory and statutory citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

126. Defendants refer to the referenced regulatory and citation for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

127. Defendants refer to the referenced regulatory and statutory citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. In reference to paragraph 109, Defendants rely on their response to that paragraph. All other allegations in this paragraph are denied.

128. Defendants refer to the referenced regulatory and citation for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

129. Denied.

130. Defendants refer to the referenced regulatory and citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

131. Defendants lack sufficient information to admit or deny the allegations regarding Plaintiff L.G.M., L.M.M.G., and U.O. All other allegations in this paragraph are denied.

132. Denied.

133. Defendants refer to the referenced statutory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

134. Denied.

135. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

136. Denied.

137. Denied.

138. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

139. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

140. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

141. Denied.

142. Defendants refer to the referenced regulatory sections and cited materials for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

143. Defendants refers to the referenced regulatory and statutory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

144. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

145. Defendants refer to the referenced regulatory section and case citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

146. Defendants refer to the referenced regulatory and statutory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

147. Defendants lack sufficient information to admit or deny the allegations in this paragraph regarding plaintiff M.A.S. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

148. Denied.

149. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

150. Denied.

151. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

152. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

153. Defendants refer to the referenced statutory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

154. Denied.

155. Denied.

156. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

157. Denied.

158. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

159. Denied.

160. Denied.

161. Denied.

162. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

163. Defendants refer to the referenced regulatory section and case citation for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

164. Defendants refer to the referenced case citation for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

165. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

166. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to Plaintiff N.E.F. and to C.A. All other allegations in this paragraph are denied.

167. Denied.

168. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

169. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

170. Defendants refer to the referenced case section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

171. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

172. Denied.

173. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

174. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

175. Denied.

176. Denied.

177. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

178. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

179. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

180. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

181. Denied.

182. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

183. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. Defendants admit that some asylum seekers apply for asylum while present in the United States on a visa that authorizes work. All other allegations in this paragraph are denied.

184. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

185. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

186. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

187. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

188. Denied.

189. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

190. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

191. Defendants refer to the referenced case citations for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

192. Defendants refer to the referenced regulatory and case citations and other materials for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

193. Denied.

194. Denied. With respect to the footnote, Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in the footnote are denied.

195. Defendants refer to the referenced regulatory and statutory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

196. Denied.

197. Denied.

198. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

199. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

200. Denied.

201. Defendants refer to the referenced regulatory section and case citation for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

202. Denied.

203. Denied.

204. Defendants refer to the referenced statutory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

205. Defendants refer to the referenced statutory section and its congressional history for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

206. Defendants refer to the referenced statutory sections, Refugee Convention articles, and case citation for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

207. Defendants refer to the referenced case citation for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

208. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

209. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

210. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

211. Defendants refer to the referenced Refugee Convention and statutory section for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

212. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

213. Defendants admit that an EAD is one document an asylum seeker may use to obtain a SSN. All other allegations in this paragraph are denied.

214. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

215. Defendants refer to the referenced regulatory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

216. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

217. Denied.

218. Denied.

219. Defendants lack sufficient information to admit or deny the allegations in this paragraph. All other allegations in this paragraph are denied.

220. Denied.

221. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

222. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

223. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

224. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

225. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

226. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

227. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

228. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

229. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

230. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

231. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

232. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

233. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

234. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

235. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

236. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

237. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

238. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

239. Defendants lack sufficient information to admit or deny the allegations in this paragraph related to the Plaintiffs identified in this paragraph. All other allegations in this paragraph are denied.

240. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

241. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

242. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

243. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

244. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

245. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

246. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

247. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

248. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

249. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

250. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

251. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

252. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

253. Defendants lack sufficient information to admit or deny the allegations in this paragraph.

254. Defendants admit then Acting Secretary Wolf signed a ratification on September 17, 2020, ratifying “any and all actions involving delegable duties that I have taken from November 13, 2019, through September 10, 2020, the date of the execution of the Gaynor Order, and I hereby affirm and ratify the above noted November 14, 2019 NPRM originally approved by former Acting Secretary McAleenan.” Defendants further admit Mr. Wolf signed ratifications on October 7 and November 16, 2020, ratifying the Notices of Proposed Rulemaking for each Rule issued by Mr. McAleenan. Defendants refer to the ratifications for a full and accurate statement of their contents and deny any allegations inconsistent therewith.

255. Denied.

256. Defendants refer to referenced clause of the U.S. Constitution for a complete an accurate statement of its content and deny any allegations inconsistent therewith.

257. Defendants refer to referenced authorities for a complete an accurate statement of their content and deny any allegations inconsistent therewith.

258. Defendants refer to referenced authorities for a complete an accurate statement of their content and deny any allegations inconsistent therewith.

259. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

260. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

261. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

262. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

263. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

264. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

265. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

266. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

267. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

268. Defendants admit Secretary Kristjen M. Nelsen was sworn in as the Secretary of Homeland Security on December 6, 2017. Defendants deny the other allegations in this paragraph.

269. Admitted.

270. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

271. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

272. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

273. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

274. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

275. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

276. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

277. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

278. Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

279. Defendants admit Mr. Wolf, the Senate-confirmed Under Secretary for Strategy, Policy and Plans, became Acting Secretary under the operative succession order issued under 6 U.S.C. § 113(g)(2). Defendants refer to referenced authorities for a complete and accurate statement of their content and deny any allegations inconsistent therewith.

280. Denied.

281. Denied.

282. Denied.

283. Denied.

284. Defendants refer to the referenced statutory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

285. Defendants refer to referenced authorities for a complete an accurate statement of their content and deny any allegations inconsistent therewith.

286. Defendants admit then Secretary Nielsen resigned on April 10, 2019. Defendants deny the other allegations in this paragraph.

287. Defendants refer to the referenced statutory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

288. Defendants admit first sentence and deny the second sentence of this paragraph. Defendants admit Mr. Mitnick was no longer employed as the DHS General Counsel after September 17, 2019.

289. Denied.

290. Denied.

291. Defendants admit Mr. Mitnick was no longer employed as the DHS General Counsel after September 17, 2019. Defendants deny the other allegations in this paragraph.

292. Defendants refer to referenced authorities for a complete an accurate statement of their content and deny any allegations inconsistent therewith.

293. Denied.

294. Denied.

295. Denied.

296. Denied.

297. Defendants refer to the referenced statutory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

298. Defendants refer to the referenced authorities for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. Defendants deny the other allegations in this paragraph.

299. Denied.

300. Denied.

301. Denied.

302. Defendants refer to the referenced authorities for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. Defendants deny the other allegations in this paragraph.

303. Admitted.

304. Denied.

305. Denied.

306. Defendants refer to the referenced documents for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

307. Defendants refer to the referenced document for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

308. Defendants admit the Order Designating the Order of Succession for Secretary of Homeland Security became effective immediately upon the affixing of Mr. Gaynor's signature. Defendants admit it did not provide a notification to Congress that Mr. Gaynor was designated as an acting officer. Defendants admits sentence three. Defendants admits Mr. Gaynor did not tender

a resignation letter from his role as Acting Secretary. Defendants deny the other allegations in this paragraph.

309. Defendants refer to the referenced document for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

310. Defendants refer to the referenced document for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

311. Defendants refer to the referenced document for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

312. Defendants refer to the referenced document for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

313. Denied.

314. Denied.

315. Denied.

316. Denied.

317. Denied.

318. Denied.

319. Denied.

320. Denied.

321. Denied.

322. Denied.

323. Denied.

324. Denied.

325. Denied.

326. Defendants admit Mr. Wolf signed an Order Designating an Order of Succession for the Secretary of Homeland Security on January 11, 2021. Defendants further admit that upon his resignation as Acting Secretary, Mr. Wolf resumed his duties as Under Secretary for Strategy, Policy and Plans.

327. Defendants refer to the referenced document for a complete and accurate statement of its contents and deny any allegations inconsistent therewith.

328. Defendants admit Mr. Wolf signed a ratification on January 14, 2021 ratifying “any and all prior regulatory actions involving delegable duties that I have taken from November 13, 2019, through January 11, 2021.” Defendants also admit Secretary ratified Mr. McAleenan’s issuance of the Notices of Proposed Rulemaking for the Rules. Defendants refer to the referenced documents for a complete and accurate statement of their contents and deny any allegations inconsistent therewith.

329. Denied.

330. Denied.

331. Denied.

332. Denied.

333. Denied.

334. Denied.

335. Defendants hereby incorporate all of their answers to the referenced paragraphs and allegations as if fully set forth here.

336. Defendants refer to the referenced statutory and regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. Defendants deny all other allegations in this paragraph.

337. Denied.

338. Denied.

339. Defendants hereby incorporate all of their answers to the referenced paragraphs and allegations as if fully set forth here.

340. Defendants refer to the referenced statutory section for a complete and accurate statement of its contents and deny any allegations inconsistent therewith. All other allegations in this paragraph are denied.

341. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. Defendants deny all other allegations in this paragraph.

342. Defendants refer to the referenced regulatory sections for a complete and accurate statement of their contents and deny any allegations inconsistent therewith. Defendants deny all other allegations in this paragraph.

343. Denied.

344. Denied.

345. Denied.

346. Denied.

347. Denied.

348. Defendants hereby incorporate all of their answers to the referenced paragraphs and allegations as if fully set forth here.

349. Defendants refer to the referenced statute for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

350. Defendants refer to the referenced statute for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

351. Defendants refer to the referenced statute for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

352. Defendants refer to the referenced statute for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

353. Denied.

354. Denied.

355. Denied.

356. Defendants hereby incorporate all of their answers to the referenced paragraphs and allegations as if fully set forth here.

357. Defendants refer to the referenced statute for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

358. Defendants refer to the referenced statute for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

359. Defendants refer to the referenced statute for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

360. Defendants refer to the referenced statute for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

361. Defendants refer to the referenced statute for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

362. Defendants refer to the referenced statute for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

363. Defendants refer to the referenced statute for a complete and accurate statement of its contents and denies any allegations inconsistent therewith.

364. Denied.

365. Denied.

366. Denied.

367. Denied.

368. Denied.

369. Denied.

370. Denied.

371. Denied.

372. Denied.

373. Defendants hereby incorporate all of their answers to the referenced paragraphs and allegations as if fully set forth here.

374. Defendants admit first sentence. Defendants admit then Acting Secretary Gaynor signed an “Order Designating the Order of Succession for Secretary of Homeland Security” on September 10, 2020. Defendants’ respectfully refer the document for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

375. Defendants admit then Acting Secretary Gaynor signed an “Order Designating the Order of Succession for Secretary of Homeland Security” on November 14, 2020. Defendants’ respectfully refer the document for a full and accurate statement of its contents and deny any allegations inconsistent therewith.

376. Defendants refer to answers previously provided regarding Mr. Wolf’s ratifications.

377. Denied.

- 378. Denied.
- 379. Denied
- 380. Denied.
- 381. Denied.
- 382. Denied.
- 383. Denied.
- 384. Denied.
- 385. Denied.
- 386. Denied.
- 387. Denied.
- 388. Denied.
- 389. Denied.
- 390. Denied.

The remainder of the amended complaint consists of Plaintiffs' request for relief.

Defendants deny that Plaintiffs are entitled to the requested relief.

Dated: June 8, 2021
Washington, D.C.

Respectfully submitted,

CHANNING D. PHILLIPS, D.C. Bar #415793
Acting United States Attorney

BRIAN P. HUDAK
Acting Chief, Civil Division

By: /s/ Johnny Walker
JOHNNY H. WALKER, D.C. Bar #991325
Assistant United States Attorney
555 4th Street, N.W.
Washington, District of Columbia 20530
Telephone: 202 252 2575
Email: johnny.walker@usdoj.gov

Counsel for Defendants