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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

AL OTRO LADO, INC., a California corporation, 511 E. San Ysidro Blvd. #333, San Ysidro, CA 92173;

HAITIAN BRIDGE ALLIANCE, a California corporation, 4560 Alvarado Canyon Rd #1H, San Diego, CA 92120;

MARIA DOE[1]
c/o Center for Gender and Refugee Studies
200 McAllister Street

Case No.: 3:25-cv-01501-RBM-DDL

FIRST AMENDED COMPLAINT – CLASS ACTION

[1] On March 25, 2026, the Court granted Plaintiff's motion for Individual Plaintiffs to proceed pseudonymously. *See* ECF No. 63.

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DRAGON DOE
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Plaintiffs,

v.

DONALD J. TRUMP, President of the United States, in his official capacity, 1600 Pennsylvania Avenue, NW, Washington, DC 20500;

MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security, in his official capacity, 245

Murray Lane, SW, Washington, DC 20528;

MARCO RUBIO, U.S. Secretary of State, in his official capacity, Executive Office of the Legal Adviser and Bureau of Legislative Affairs, Suite 5.600, 600 19th Street, NW, Washington DC 20522;

TODD BLANCHE, Attorney General of the United States, in his official capacity, 950 Pennsylvania Avenue, NW, Washington, DC 20530;

RODNEY SCOTT, Commissioner, U.S. Customs and Border Protection, in his official capacity, 1300 Pennsylvania Avenue, NW, Washington, DC 20229;

DIANE J. SABATINO, Executive Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection, in her official capacity, 1300 Pennsylvania Avenue, NW, Washington, DC 20229;

Defendants.

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INTRODUCTION

1. Under U.S. law and fundamental constitutional principles of separation of powers, the President and the Executive Branch have a specific, cabined role: faithfully executing the laws Congress wrote, operating within the parameters Congress delineated, and applying the law reasonably. Where asylum seekers at ports of entry ("POEs") on the U.S.-Mexico border are concerned, President Trump and other executive officials have overstepped all these limits.

2. Starting the moment President Trump's second term began, Defendants exercised power that they do not possess to take actions that are both illegal and unconstitutional—all to prevent vulnerable people seeking safety from accessing the U.S. asylum process. Defendants failed to explain this dramatic departure from prior practice. Their actions have inflicted untold harm on asylum seekers, their legal representatives, and the rule of law.

3. From May 2023 until January 20, 2025, the only available avenue for most noncitizens outside the United States to seek asylum here was to make an appointment through CBP One, a difficult-to-use government-administered mobile application. During this time, the Government required people seeking asylum to register for CBP One and to wait in Mexico until they received an appointment to present themselves at a POE.[2]

4. When an asylum seeker appeared at a POE for their scheduled CBP One appointment, the Department of Homeland Security's ("DHS") usual practice was to issue them a notice to appear in immigration court and release them into the United States. The individual could then apply for asylum and related relief in immigration court proceedings.

5. In reliance on the Government's representations and practices, Individual Plaintiffs Maria Doe, Jessica Doe, Ali Doe, Eduardo Doe, Jean Doe, and

[2] For purposes of this Complaint, a "port of entry" or "POE" refers to a "Class A" port of entry, which indicates that the POE may be used by all travelers. 8 C.F.R. § 100.4(a).

Rous Doe, along with the subclass of asylum seekers they represent,[3] endured dangerous conditions in Mexico while trying repeatedly—often for months—to obtain CBP One appointments. Once they secured appointments, they did whatever was necessary to ensure that they reached the designated POE at the specified date and time, often navigating dangerous territory and spending substantial sums on travel. In the process, most individuals missed the 30-day deadline to apply for asylum in Mexico and risked forfeiting that opportunity.

6. But at noon ET on January 20, 2025, Defendants effectively terminated access to asylum at POEs. Defendants canceled all pending CBP One appointments and disabled the application's scheduling functionality. Later that day, President Trump issued an Executive Order directing the Secretary of Homeland Security to cease using CBP One altogether.

7. The shutdown of CBP One came without prior notice, explanation, or any chance for the public to comment, and effectively closed POEs along the southern border to all those who wished to seek asylum and who had waited their turn for a CBP One appointment.

8. Later on Inauguration Day, President Trump issued Proclamation No. 10888, 90 Fed. Reg. 8333 (Jan. 20, 2025) ("Proclamation"). The Proclamation indefinitely suspends the "entry" of all noncitizens who "fail[], before entering the United States, to provide Federal officials with sufficient medical information and reliable criminal history and background information as to enable fulfillment of the requirements of" 8 U.S.C. § 1182(a)(1)-(3). 90 Fed. Reg. 8335 at § 3.

9. The Proclamation also suspends both the "entry" and the "physical entry" of noncitizens deemed to be "engaged in the invasion," a concept the

[3] On March 30, 2026, the Court certified a class of noncitizens who sought or will seek to present themselves at POEs to seek asylum but are prevented from doing so based on actions challenged in this case, *see infra* ¶ 162 ("Asylum Class," represented by all Individual Plaintiffs), and a subclass of noncitizens whose CBP One appointments were scheduled and then canceled, *see infra* ¶ 162 ("CBP One Subclass").

Proclamation does not define. 90 Fed. Reg. 8335-36 at §§ 1, 4.

10. DHS guidance implementing the Proclamation states that noncitizens subject to the Proclamation are not permitted to cross the border for inspection at POEs.[4]

11. By taking these steps, Defendants established barriers that made it effectively impossible for Individual Plaintiffs or class members to access the U.S. asylum process at POEs.[5] First, Defendants pulled the rug out from under people who had made drastic and costly decisions in reliance on the processing requirements the Government had created. Then, Defendants imposed new, extra-statutory medical history and criminal background requirements that they knew virtually no asylum seeker could meet because individuals fleeing persecution rarely arrive at the border with such documents in hand. Moreover, Defendants established these requirements without even providing a mechanism for individuals to comply. And Defendants made vague, unsupported assertions that some noncitizens are "engaged" in an "invasion" of the United States and can be barred from seeking asylum on that basis. Upon information and belief, Defendants' actions have shut down all avenues for Individual Plaintiffs and class members to seek asylum at POEs in the United States.

12. There is no legal basis for Defendants' decisions to cancel scheduled CBP One appointments ("CBP One Cancellation") or to effectively close southern border POEs to people seeking asylum ("Asylum Shutdown Policy"). Nothing in the INA or the Constitution permits Defendants' actions.

13. Through the Proclamation, the Asylum Shutdown Policy, and their

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[4] Ex. D to Mot. for Summary Judgment, *Refugee & Immigr. Ctr. for Educ. & Legal Servs. v. Noem*, No. 1:25-cv-00306 (D.D.C. Mar. 24, 2025), ECF No. 44-4, https://www.courtlistener.com/docket/69606027/44/4/refugee-and-immigrant-center-for-education-and-legal-services-v-noem/. (Attached hereto as **Exhibit A**.)

[5] Through the Proclamation and its implementation, Defendants also prevented noncitizens physically present in the United States, including those who crossed the border between POEs, from accessing the asylum process. Those consequences of Defendants' actions are the subject of a separate challenge, *Refugee & Immigr. Ctr. for Educ. & Legal Servs v. Noem*, 174 F.4th 81 (D.C. Cir. 2026), *petition for cert. filed*, *Mullin v. Refugee & Immigr. Ctr. for Educ. & Legal Servs.* (No. 26-239).

implementation, as well as the CBP One Cancellation, Defendants have injured Individual Plaintiffs and class members. These unlawful actions have wreaked havoc on the lives of Individual Plaintiffs and those similarly situated by leaving them stranded in Mexico, where they face a persistent danger of kidnapping, murder, torture, rape, and other targeted violence.

14. By closing all pathways for people to access the U.S. asylum process at southern border POEs, Defendants' unlawful actions have also impaired Al Otro Lado's critical efforts to assist asylum seekers in Mexico in seeking protection in the United States and prevented Haitian Bridge Alliance from engaging in its core work of providing legal and humanitarian assistance to recently arrived Black migrants in the United States. The challenged actions, by causing immense panic and an acute humanitarian disaster for a vulnerable population, have interfered with both organizations' ability to provide comprehensive services to their clients.

15. Despite persistent efforts by Al Otro Lado and Haitian Bridge Alliance, among other organizations, and despite the Individual Plaintiffs' urgent need to seek asylum in the United States, Defendants show no signs of ending their unlawful actions. Accordingly, Plaintiffs require the intervention of this Court to prevent Defendants from continuing to exercise power they do not have and to imperil the lives and safety of Individual Plaintiffs and class members, as well as Organizational Plaintiffs' core activities.

JURISDICTION AND VENUE

16. This case arises under the Immigration and Nationality Act ("INA," 8 U.S.C. § 1101 *et seq.*), and its implementing regulations; the Administrative Procedure Act ("APA," 5 U.S.C. §§ 551 *et seq.* and 701 *et seq.*); and the U.S. Constitution.

17. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1346.

18. This Court has authority to grant declaratory relief under 28 U.S.C.

§§ 2201 and 2202.

19. The waiver of sovereign immunity in 5 U.S.C. § 702 applies to this action, in which Plaintiffs seek only non-monetary relief.

20. Venue is proper in this district under 28 U.S.C. § 1391(e) because Defendants are officers of the United States acting in their official capacity, Plaintiff Haitian Bridge Alliance's principal place of business is located in this district, Plaintiff Al Otro Lado maintains an office within this district, and a substantial part of the events or omissions giving rise to the claims occurred in this district.

PARTIES

A. Plaintiffs

21. Plaintiff Maria Doe, a Mexican national, intends to seek protection in the United States by presenting herself at a POE. She used the CBP One app to obtain an appointment to present herself at the San Ysidro POE. On January 20, 2025, Defendants canceled Maria's appointment and shut down all access to asylum at POEs, leaving her with no method of seeking protection.

22. Plaintiff Jessica Doe, a Colombian national, intends to seek protection in the United States by presenting herself at a POE. She used the CBP One app to obtain an appointment to present herself at the Brownsville POE. On January 20, 2025, Defendants canceled Jessica's appointment and shut down all access to asylum at POEs, leaving her with no method of seeking protection.

23. Plaintiff Ali Doe, an Afghan national, intends to seek protection in the United States by presenting himself at a POE. He used the CBP One app to obtain an appointment to present himself at the Nogales POE. On January 20, 2025, Defendants canceled Ali's appointment and shut down all access to asylum at POEs, leaving him with no method of seeking protection.

24. Plaintiff Eduardo Doe, a Venezuelan national, intends to seek protection in the United States by presenting himself at a POE. He used the CBP One app to obtain an appointment to present himself at the San Ysidro POE. On January 20,

2025, Defendants canceled Eduardo's appointment and shut down all access to asylum at POEs, leaving him with no method of seeking protection.

25. Plaintiff Jean Doe, a Haitian national, intends to seek protection in the United States by presenting himself at a POE. He used the CBP One app to obtain an appointment to present himself at the Nogales POE. On January 20, 2025, Defendants canceled Jean's appointment and shut down all access to asylum at POEs, leaving him with no method of seeking protection.

26. Plaintiff Rous Doe, a Venezuelan national, intends to seek protection in the United States by presenting herself at a POE. She used the CBP One app to obtain an appointment to present herself at the Nogales POE. On January 20, 2025, Defendants canceled Rous's appointment and shut down all access to asylum at POEs, leaving her with no method of seeking protection.

27. Plaintiff Diana Doe, a Mexican national, intends to seek protection in the United States by presenting herself at a POE. On January 20, 2025, Defendants shut down all access to asylum at POEs, leaving her with no method of seeking protection.

28. Plaintiff Anahi Doe, a Guatemalan national, intends to seek protection in the United States by presenting herself at a POE. On January 20, 2025, Defendants shut down all access to asylum at POEs, leaving her with no method of seeking protection.

29. Plaintiff Dragon Doe, an Ecuadorian national, intends to seek protection in the United States by presenting himself at a POE. On January 20, 2025, Defendants shut down all access to asylum at POEs, leaving him with no method of seeking protection.

30. Plaintiff Al Otro Lado, Inc. ("AOL") is a non-profit advocacy and legal services organization incorporated in California and headquartered in Los Angeles, with offices in San Diego and Calexico, California, and Tijuana and Mexico City, Mexico. AOL provides holistic legal and humanitarian support to refugees,

deportees, and immigrants on both sides of the U.S.-Mexico border. Its core work includes providing direct services and legal representation to people seeking asylum or navigating other immigration proceedings in the United States, providing know-your-rights information to migrants, human rights monitoring, seeking redress for civil rights violations, and advocating for immigration reform.

31. AOL's Border Rights Project provides legal education, representation, accompaniment, and human rights monitoring for thousands of asylum seekers each year who wish to seek asylum in the United States and, more recently, those forced to seek asylum in Mexico due to the Proclamation and the Asylum Shutdown Policy. AOL also provides humanitarian assistance to meet the basic needs of the populations it serves at the U.S.-Mexico border.

32. Through the Proclamation, the Asylum Shutdown Policy, and their implementation, as well as the CBP One Cancellation, Defendants have thwarted AOL's ability to carry out its core activities. AOL can no longer accompany or assist individuals in accessing the U.S. asylum system at POEs because Defendants have cut off all paths to seek asylum at U.S. POEs. Instead, AOL has been forced to shift its focus to attempt to meet the acute humanitarian needs associated with migrants' long-term presence in Mexico. AOL's clients now face indefinite—if not permanent—stays in unsanitary and precarious conditions, fall victim to violence perpetrated by criminal groups and Mexican officials, and even die while waiting for the now nonexistent chance to present at a U.S. POE to seek asylum. The resulting decrease in asylum seekers in the United States has also threatened AOL's existing funding sources, including its contracts for U.S.-based work, made in the context of the longstanding obligation of providing access to asylum.

33. Plaintiff Haitian Bridge Alliance ("HBA") is a Black-led, women-led, Haitian Kreyòl-speaking grassroots and community-based nonprofit organization incorporated in California. HBA's main office is located in San Diego, California. HBA provides migrants and immigrants with humanitarian, legal, and social services,

with a particular focus on Black immigrants, the Haitian community, women and girls, LGBTQIA+ individuals, as well as survivors of torture and other human rights abuses. HBA was founded for the purpose of assisting recently arrived Haitian and other Black immigrants in acclimating to and navigating their new lives in the United States, including pursuing lawful immigration status. Since 2016, this founding principle has informed how HBA has developed its core work, which includes providing U.S.-based legal assistance and humanitarian services to welcome recently arrived Black immigrants. Until the Proclamation and Asylum Shutdown Policy were enacted, HBA maintained a significant presence on the U.S.-Mexico border in order to provide legal assistance and humanitarian services to Black migrants waiting in dire conditions in Mexico for the opportunity to seek asylum at U.S. POEs. HBA's border work is critical in light of the scarcity of linguistically and culturally appropriate resources for the Haitian community in northern Mexico.

34. Through the Proclamation, the Asylum Shutdown Policy, and their implementation, as well as the CBP One Cancellation, Defendants have prevented HBA from engaging in its core activity of welcoming recently arrived Black migrants with legal and humanitarian assistance in the United States. HBA has had to constrict various aspects of its U.S.-based services as the number of Black migrants arriving in the country has fallen precipitously. Additionally, the closure of POEs has interfered with HBA's ability to provide meaningful services at the border, as the acute humanitarian needs of their client population have vastly increased. Although HBA still employs a contractor at the border to monitor conditions and aid any migrants who need assistance, HBA cannot effectively assist community members who have experienced extreme violence, medical emergencies, and even death, because they have been permanently stranded in Mexico.

B. Defendants

35. All Defendants are sued in their official capacities.

36. Defendant Donald J. Trump is the President of the United States. In that

capacity, he issued the Proclamation challenged in this lawsuit and oversees its implementation and enforcement.

37. Defendant Markwayne Mullin is the U.S. Secretary of Homeland Security. As the principal officer in charge of DHS, Defendant Mullin is responsible for the administration of U.S. immigration laws pursuant to 8 U.S.C. § 1103. He oversees each of the component agencies within DHS, including CBP, has ultimate authority over all DHS policies, procedures, and practices; and implements and enforces the Proclamation, the Asylum Shutdown Policy, the CBP One Cancellation, and any related DHS policies and guidance.

38. Defendant Marco Rubio is the U.S. Secretary of State, the principal officer in charge of the Department of State. In that capacity, he assists in implementing and enforcing the Proclamation, the Asylum Shutdown Policy, and any related agency policies and guidance.

39. Defendant Todd Blanche is the U.S. Attorney General, the principal officer in charge of the Department of Justice. In that capacity, Defendant Blanche is charged with assisting in implementing and enforcing the Proclamation, the Asylum Shutdown Policy, and any related agency policies and guidance.

40. Defendant Rodney Scott is the Commissioner of CBP, the DHS component responsible for border security. Defendant Scott, who reports to Defendant Mullin, is a supervisory official with direct authority over all CBP operations and responsibility for overseeing the implementation and enforcement of the Proclamation, the Asylum Shutdown Policy, the CBP One Cancellation, and any related CBP policies and guidance.

41. Defendant Diane J. Sabatino is the Executive Assistant Commissioner of CBP's Office of Field Operations ("OFO"). OFO is the largest component of CBP and is responsible for safeguarding border security at POEs. She exercises authority over 19 major field offices and 328 POEs. Defendant Sabatino, who reports to Defendant Scott, is a supervisory official responsible for implementing and enforcing

the Proclamation, the Asylum Shutdown Policy, the CBP One Cancellation, and any related OFO policies and guidance at POEs.

LEGAL BACKGROUND

A. Noncitizens May Seek Asylum at POEs "Irrespective of" Their Admissibility or Lack of Entry Documents.

42. Congress passed the Refugee Act in 1980, and for the past 46 years, it has made clear that noncitizens have a right to apply for asylum "irrespective of" their immigration or other status, including admissibility. 8 U.S.C. § 1158(a)(1) (1996); *see also id.* § 1158(a) (1980).

43. The INA "sets the boundaries of admissibility into the United States." *Trump v. Hawaii*, 585 U.S. 667, 695 (2018). The INA defines "admission" as "the lawful entry of the [noncitizen] into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A).

44. Section 1182(a) sets forth classes of noncitizens who are "inadmissible" to the country, including people with certain "health related" conditions and people with specific criminal convictions. Those who are inadmissible under one or more provisions of § 1182(a) are "ineligible to receive visas and ineligible to be admitted to the United States" unless the INA allows for a waiver of the applicable ground of inadmissibility. 8 U.S.C. § 1182(a). Visa applicants must provide the government sufficient information, including medical and criminal history, to establish that they are not inadmissible to the United States in order to be granted a visa that authorizes their admission into the United States at a port of entry.

45. By contrast, asylum seekers need not be "admissible" under the INA or possess a visa to avail themselves of the right to seek asylum. Even people who are inadmissible to the United States under 8 U.S.C. § 1182(a) are allowed to apply for asylum under 8 U.S.C. § 1158(a)(1).

46. Additionally, the INA does not require noncitizens to provide any of the medical or criminal history required of visa applicants before beginning the process

of applying for asylum.

47. Since the Refugee Act passed in 1980, the INA has permitted seeking asylum "at a land border or port of entry," § 1158(a) (1980), or "at a designated port of arrival," § 1158(a)(1) (1996). While the government has at times "delayed" the ability to access the asylum process at POEs in order to mitigate "unsanitary, inhumane, and sometimes dangerous conditions at ports," no administration has ever before adopted a policy under the INA of "prevent[ing] all potential arriving asylum applicants from ever reaching the point where an application could be filed." *Mullin v. Al Otro Lado*, 609 U.S. 258, 278 (2026).[6] Indeed, such a policy would run afoul of Congress' statutory scheme and intent.

48. Instead, when a noncitizen at a POE lacks an entry document, as is the case for most people seeking asylum at the border, CBP may place such individuals in either expedited removal proceedings under 8 U.S.C. § 1225(b)(1) or regular removal proceedings under 8 U.S.C. § 1229a, or may parole them into the United States under 8 U.S.C. § 1182(d)(5)(A), enabling them to file an affirmative asylum application.

49. If a noncitizen in expedited removal proceedings expresses an intention to apply for asylum or a fear of persecution, CBP has a mandatory duty to refer the noncitizen for a screening interview by an asylum officer. 8 U.S.C. § 1225(b)(1)(A)(ii). If the asylum officer, or the immigration judge upon review of the asylum officer's decision, determines that the noncitizen has a credible fear of

[6] The Supreme Court held in *Mullin v. Al Otro Lado*, 609 U.S. 258 (2026), that noncitizens whom Defendants turn back from POEs before they step foot on U.S. soil do not "arrive[] in" the United States for purposes of 8 U.S.C. §§ 1158(a)(1) and 1225(a)(1), and therefore they have no right to inspection and asylum processing enforceable via 5 U.S.C. § 706(1) before they are physically present on U.S. soil. However, neither the Supreme Court nor the courts below in *Mullin* resolved those plaintiffs' separate claims that the "metering," or waitlist, policy at issue there was unauthorized by law, nor did the case address whether the policy was arbitrary and capricious under 5 U.S.C. § 706(2). *Mullin* also explicitly left open the possibility of a challenge to a policy that bars all prospective asylum seekers from accessing the U.S. asylum process at southern border POEs. 609 U.S. at 278.

persecution, the noncitizen will be placed in regular removal proceedings before an immigration judge. *See* 8 U.S.C. § 1225(b)(1)(B)(ii); 8 C.F.R. §§ 208.30(f), 1208.33(b)(v)(A).

50. A noncitizen in regular removal proceedings may submit an asylum application. 8 U.S.C. § 1158(d)(1); *see generally* 8 C.F.R. Part 208 Subpart A, Part 1208 Subpart A.

51. In sum, the INA allows for noncitizens to access the asylum process at ports regardless of their admissibility or lack of entry documents. A policy or practice that entirely ends noncitizens' ability to seek asylum at POEs based on their inadmissibility or lack of entry documents is thus contrary to Congress's statutory framework.

B. The President's Limited Authority to "Suspend Entry" Authorizes a Temporary Bar Only on Legal Admission, Not Asylum.

52. Congress delegated to the President in the 1952 INA the power to suspend "entry" of noncitizens into the United States under specific circumstances. *See* Pub. L. No. 82-414, 66 Stat. 163, 188 (1952). The key language of that provision is now codified in INA § 212(f) (8 U.S.C. § 1182(f)), which provides in relevant part:

> Whenever the President finds that the entry of any [noncitizens] or of any class of [noncitizens] into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all [noncitizens] or any class of [noncitizens] as immigrants or nonimmigrants, or impose on the entry of [noncitizens] any restrictions he may deem to be appropriate.

53. Crucially, the suspension of entry that is contemplated by § 212(f) does not permit Defendants to suspend access to the asylum process because individuals who seek asylum at a POE do not legally "enter" the country.

54. The terms "entry" and "admission" are used interchangeably in the INA. *Hawaii*, 585 U.S. at 695 n.4 (citing 8 U.S.C. § 1101(a)(13)(A)). Thus, a noncitizen who presents at a POE has not "entered" the United States if their inspection by an immigration officer results in physical presence but not admission. *See Shaughnessy*

v. United States ex rel. Mezei, 345 U.S. 206, 215 (1953) (noncitizens who are physically present and paroled into the country pending adjudication of rights are "treated as if stopped at the border," and do not make an "entry").

55. Asylum seekers processed at POEs have neither effectuated an entry nor been admitted. Similarly, a grant of asylum is also not an "admission," *i.e.*, an "entry." *E. Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 757 (9th Cir. 2018).

56. The President's authority to "suspend entry" under § 212(f) thus does not encompass the power to suspend access to asylum, including at POEs. Congress has made extensive changes to the INA since 1952 (when the language of § 212(f) was adopted) and indeed since 1980 (when the asylum system was created), but it has never revised § 212(f) to permit otherwise.

57. Courts have also assumed that § 212(f) does not give the President authority to override other provisions of the INA. *See, e.g.*, *Hawaii*, 585 U.S. at 689. Therefore, § 212(f) does not authorize the President to violate or abrogate the INA's scheme governing inspection, admission, and asylum, other than by authorizing a proclamation that otherwise admissible noncitizens are temporarily inadmissible.

58. No president invoked § 212(f) for nearly 30 years, until 1981.[7] Since then, presidents have typically used § 212(f) to suspend the entry of noncitizens who have an affiliation with a group that the government opposes or who are engaged in objectionable conduct. Consistent with the statute's explicit focus on "entry," the Executive Branch's longstanding legal position has been that § 212(f) does not affect asylum eligibility or procedures. *See* 89 Fed. Reg. 81156, 81163 n.53 (Oct. 7, 2024).

59. The other provision on which the Proclamation relies, INA § 215(a)(1), likewise only relates to regulating "entry" or lawful admission. Section 215(a)(1) provides that, "[u]nless otherwise ordered by the President, it shall be unlawful . . . for any [noncitizen] to depart from or enter or attempt to depart from or enter the

[7] *See* Kelsy Y. Santamaria, *et al.*, Cong. Rsch. Serv., *Presidential Authority to Suspend Entry of Aliens Under 8 U.S.C. § 1182(f)* (2024), at 3, 22.

United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe." 8 U.S.C. § 1185(a)(1).

60. As with § 212(f), § 215(a)(1) does not authorize the President to abrogate other statutory provisions or statutory schemes. This provision typically has been invoked in conjunction with § 212(f). And consistent with the Executive Branch's recognition that "this provision 'substantially overlap[s]' with" § 212(f), *Hawaii*, 585 U.S. at 683 n.1 (quoting Brief submitted by the Government 32-33), the Executive Branch has never before claimed—and indeed has expressly disavowed—that it empowers the President to "impose [a] condition and limitation on asylum eligibility." 89 Fed. Reg. at 81164 n.56.

61. The Proclamation also cites Article II and Article IV, Section 4 of the Constitution as authority to suspend the "physical entry" of noncitizens "engaged in the invasion." 90 Fed. Reg. 8335 at § 4. Article II requires the President to "take Care that the Laws be faithfully executed" and does not authorize him to violate any Acts of Congress or undermine a statutory scheme. U.S. Const. art. II, § 3. Article IV, Section 4 requires the United States—not the President—to "protect each [State in this Union] from invasion." *Id.* art. IV, § 4. Asylum seekers coming to ports of entry on the border are not engaged in an "invasion" within the meaning of Article IV, Section 4 or any other part of the Constitution, and thus the President lacks authority to prevent their "physical entry" into POEs.

FACTUAL BACKGROUND

62. Since the Proclamation and implementing guidance went into effect in early 2025, noncitizens without travel documents have had no way to access the U.S. asylum process at POEs along the southern border. While the government has previously enacted policies restricting access to POEs based on capacity concerns and the global COVID-19 pandemic, the enactment of the Asylum Shutdown Policy starting in January 2025 marked the first time an administration has used immigration

laws to entirely foreclose the possibility of seeking asylum at these ports.

A. May 2023 – January 20, 2025: For Virtually All Individuals Arriving at a POE, CBP One Is the Only Way to Access Asylum.

63. Beginning in May 2023, the Government began requiring noncitizens seeking asylum at POEs to schedule an appointment in advance using a smartphone application called "CBP One."

64. CBP did so pursuant to two rules, the May 2023 Circumvention of Lawful Pathways Rule ("CLP Rule")[8] and the June 2024 Securing the Border Rule ("STB Rule").[9] While there are some differences between the two Rules, their effect was to channel nearly all asylum seekers coming to POEs through the CBP One process and to make those without a CBP One appointment ineligible for asylum.

65. The CLP and STB Rules contained certain narrow exceptions for some particularly vulnerable noncitizens without CBP One appointments. 88 Fed. Reg. at 31318; 89 Fed. Reg. 48487, 48491-92 (June 3, 2024). But in practice, most migrants were unable to invoke the exceptions, leaving them ineligible to seek or be granted asylum without a CBP One appointment.

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[8] Circumvention of Lawful Pathways, 88 Fed. Reg. 31313 (May 16, 2023); 8 C.F.R. § 208.33(a)(1), (2)(ii)(B). Challenges to the validity of the CLP Rule remain pending. *E. Bay Sanctuary Covenant v. Trump*, No. 18-cv-06810-JST, 2026 WL 1256873 (N.D. Cal. May 7, 2026) (reaffirming 2023 summary judgment order vacating the CLP Rule as unlawful because, *inter alia*, it is contrary to § 1158(a)(1)), *appeal docketed*, No. 26-4982 (9th Cir. Aug. 4, 2026); *M.A. v. Mayorkas*, No. 1:23-cv-01843, 2023 WL 5321924 (D.D.C. Jul. 6, 2023). The CLP Rule expired on May 11, 2025, and has not been extended to apply to new arrivals. *E. Bay Sanctuary Covenant v. Trump*, No. 4:18-cv-06810 (N.D. Cal. May 20, 2025), ECF 210 at 1.

[9] Securing the Border, 89 Fed. Reg 48,710 (published June 7, 2024) (interim final rule); Securing the Border, 89 Fed. Reg. 81156 (Oct. 7, 2024) (final rule). The suspension and limitation on "entry" in the STB Rule were in effect when the average number of daily encounters of migrants at the southern border surpassed a certain threshold. 89 Fed. Reg. 80,35153. That threshold had been exceeded continuously since July 2020. *See* "The Futility of 'Shutting Down Asylum' by Executive Action at the U.S.-Mexico Border," Wash. Office on Lat. Am. (June 4, 2024), https://www.wola.org/analysis/futility-of-shutting-down-asylum-by-executive-action-us-mexico-border/. On May 9, 2025, the U.S. District Court for the District of Columbia vacated the STB Rule in large part. *Las Americas Immigrant Advocacy Center v. U.S. DHS*, No. 1:24-cv-01702 (D.D.C. May 9, 2025), ECF No. 92, *appeal docketed*, No. 25-5313 (9th Cir. August 28, 2025).

66. Although both Rules purported to preserve access for people seeking asylum who presented at a POE without a CBP One appointment, CBP's inspection and processing of asylum seekers at POEs without appointments nearly came to a border-wide halt during the time the Rules were in force.

67. CBP blocked access to POEs for individuals without CBP One appointments, turning them back before they could cross the international border into a POE. The CLP and STB Rules effectively created a digital metering system that restricted access to the U.S. asylum process to a limited number of migrants who had access to a smartphone and were technologically savvy enough to navigate the app, literate in one of the languages supported by the app, and able to wait indefinitely in Mexico until an appointment became available and could be scheduled.

68. To register on the app, noncitizens had to submit extensive biographic and biometric information, after which they could request an appointment within a 23-hour period (e.g., 11 a.m. that day to 10 a.m. the following day). If they received an appointment, they would be notified the next day. The app used "geofencing" technology to limit its use to individuals physically located within specific geographic areas of Mexico. Because the Government restricted use of the app in this way, anyone hoping to access the asylum process in the United States via a southern border POE had to be physically present in Mexico to request an appointment.

69. Beginning in July 2023, CBP made 1,450 CBP One appointments available per day, divided among eight major POEs across the southern border. CBP's practice was to schedule appointments approximately three weeks in advance.

70. The number of CBP One appointments available was inadequate relative to the number of noncitizens in dire need of protection. As of November 2024, some Mexicans reported waiting up to 11 months for a CBP One appointment, and some non-Mexicans reported waiting up to seven months.[10]

[10] Strauss Center for International Security and Law, *Asylum Processing at the U.S.-Mexico Border November 2024* (Nov. 2024), at 4,

71. By January 2025, the practical effect of the CLP and STB Rules was that only those migrants lucky enough to obtain one of the scarce CBP One appointments could reach a POE, be inspected, and access the asylum process. Moreover, asylum was generally unavailable to people who entered between POEs.

72. Until January 20, 2025, the Government lauded CBP One and encouraged noncitizens to make appointments using the system. *See, e.g.*, 89 Fed. Reg. at 81156, 81184, 81192, 81213, 81215 (calling CBP One "significant," "important," "key," "critical," and "especially critical during emergency border situations"). In doing so, the Government repeatedly made clear that noncitizens who made CBP One appointments would be able to seek asylum and other humanitarian relief in the United States. *See, e.g.*, 88 Fed. Reg. at 31350, 31400-01; *Las Americas Immigrant Advocacy Ctr. v. United States DHS*, No. 1:24-cv-1702 (D.D.C. Dec. 4, 2024) ECF No. 62, at 6-9; *id.* (Dec. 18, 2024) ECF No. 67, at 3.

73. Migrants seeking CBP One appointments could not count on obtaining an appointment at any specific time. To the contrary, most attempts to sign up failed given the limited number of appointment slots. People routinely would try to sign up every day for months before securing a CBP One appointment, and thousands of people never obtained one despite repeated attempts. Lack of internet access and electricity, lack of understanding of the few languages available on the CBP One app, and other technology-related issues prevented countless others from successfully navigating the app.

74. Despite the obstacles to accessing the CBP One app and the egregious living conditions they were forced to endure, thousands of people seeking asylum went to great lengths to follow the Government's instructions, avoid crossing the border unlawfully, and preserve their access to asylum in the United States by using the app to try to schedule appointments at POEs. Critically, for most individuals,

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https://www.strausscenter.org/publications/asylum-processing-at-the-u-s-mexico-border-november-2024/.

reliance on the CBP One process foreclosed the possibility of seeking asylum in Mexico because of Mexico's filing deadline and how the Mexican asylum system's physical location requirement interacted with the app.

75. To apply for asylum in Mexico, a migrant must submit an application within 30 days of arriving in the country. Many migrants were advised by local government or other authorities not to apply for asylum in Mexico if they intended to seek protection in the United States, and their 30-day windows thus expired while they were waiting for CBP One appointments. Moreover, the *Comisión Mexicana de Ayuda a Refugiados* (Mexican Commission on Aid to Refugees, or "COMAR"), Mexico's asylum agency, indicated that missing the deadline due to use of the CBP One app would not excuse noncompliance with the 30-day deadline, thereby barring asylum in Mexico for many migrants.

76. Additionally, an individual seeking asylum in Mexico must remain in the Mexican state where they first applied for asylum throughout the pendency of their claim. Departure from the state will lead COMAR to deem the application abandoned. Many migrants were also required to apply in Mexico's southern states, where they first encountered Mexican authorities. Because use of CBP One was initially restricted to people in northern Mexico, many people were forced to abandon asylum claims they had filed in other parts of the country in order to travel northward to the geographic area where CBP One was accessible.

77. Overcoming the 30-day bar and reinstating an abandoned claim are very difficult in the Mexican asylum system, especially for those without an attorney, and the vast majority of people seeking asylum in Mexico do not have access to legal representation.

78. As of January 20, 2025, many migrants seeking access to POEs to apply for asylum had forfeited their chance to seek asylum in Mexico, instead relying on CBP One to seek safety in the United States.

79. On the morning of January 20, 2025, approximately 30,000 asylum

seekers who had CBP One appointments scheduled within the next month were waiting in Mexico. Some had booked flights to the border and to their eventual destinations in the United States, only to arrive at the border to learn that their appointments had been canceled.

80. At that time, many more migrants in Mexico had registered on CBP One and had been using the app in the hope of obtaining an appointment. The vast majority had not yet secured one of the limited appointments. Countless others had not yet successfully registered on the CBP One app.

B. Access to the U.S. Asylum Process at Ports of Entry Ended on January 20, 2025.

1. Immediately After President Trump's Inauguration, CBP Canceled All Scheduled CBP One Appointments and Disabled CBP One.

81. Throughout the presidential campaign in 2023 and 2024, then-candidate Trump repeatedly used "xenophobic and racist rhetoric against migrants."[11] He referred often to migration at the U.S.-Mexico border—which consisted largely of people seeking asylum—as an "invasion,"[12] and accused the Biden administration of "import[ing] an army of illegal alien gang members and migrant criminals from the dungeons of the third world … from prisons and jails and insane asylums and mental institutions."[13] President Trump lamented the low numbers of migrants from

[11] Myah Ward, *We watched 20 Trump rallies. His racist, anti-immigrant messaging is getting darker*, Politico (Oct. 12, 2024), https://www.politico.com/news/2024/10/12/trump-racist-rhetoric-immigrants-00183537.

[12] *Read the Transcript of Donald J. Trump's Convention Speech*, The New York Times (Jul. 19, 2024), https://www.nytimes.com/2024/07/19/us/politics/trump-rnc-speech-transcript.html.

[13] Ward, *supra* n. 11. The Republican National Committee's official 2024 platform also claimed that President Biden had "deliberately encouraged" "millions of illegal Migrants . . . to invade our Country." Repub. Nat'l Committee, *2024 GOP Platform* (Jul. 8, 2024), https://www.presidency.ucsb.edu/documents/2024-republican-party-platform.

predominantly-white nations like Denmark, Norway, and Switzerland,[14] and accused migrants of "poisoning the blood of our country."[15] His campaign spokesperson stated that he was committed to "using every available resource to seal the border and stop the invasion of millions of illegal aliens into our country,"[16] and candidate Trump himself pledged to "clos[e] the border" on "Day One."[17]

82. Beginning at noon Eastern Time on January 20, 2025, CBP—without prior notice or explanation—began turning away asylum seekers with CBP One appointments from southern border POEs, telling them that their appointments had been canceled.

83. Just moments later, CBP posted an announcement on its website stating: "Effective January 20, 2025, the functionalities of CBP One™ that previously allowed undocumented [noncitizens] to submit advance information and schedule appointments at eight southwest border ports of entry is [sic] no longer available, and existing appointments have been cancelled."[18]

84. The same day, President Trump issued the "Securing Our Borders" executive order that directed the Secretary of Homeland Security to cease using the

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[14] Maggie Haberman & Michael Gold, *Trump, at Fund-Raiser, Says He Wants Immigrants from 'Nice' Countries*, The New York Times (Apr. 7, 2024), https://www.nytimes.com/2024/04/07/us/politics/trump-immigrants-nice-countries.html.

[15] Kate Sullivan, *Trump's anti-immigrant comments draw rebuke*, CNN (Oct. 6, 2023), https://www.cnn.com/2023/10/06/politics/trump-anti-immigrant-comments/index.html.

16 Charlie Savage, Jonathan Swan & Maggie Haberman, *Deploying on U.S. Soil: How Trump Would Use Soldiers Against Riots, Crime and Migrants*, The N.Y. Times (Aug. 17, 2024), https://www.nytimes.com/2024/08/17/us/politics/trump-2025-insurrection-act.html.

[17] Joseph Zeballos-Roig, *Trump's 'dictator' comments further complicate border talks*, Semafor (Dec. 7, 2023), https://www.semafor.com/article/12/06/2023/trump-dictator-border-talks ("'This guy, he says, "You're not going to be a dictator, are you?"' Mr. Trump said, referring to [Sean] Hannity. 'No, no, no – other than Day 1. We're closing the border. . . . After that, I'm not a dictator.'").

[18] Ximena Bustillo & Jasmine Garsd, *Trump reinforces use of his 'Remain in Mexico' policy*, NPR (Jan. 20, 2025), https://www.npr.org/2025/01/20/g-s1-43802/trump-immigration-border-remain-in-mexico-policy.

CBP One mobile application "as a method of paroling or facilitating the entry of otherwise inadmissible [noncitizens] into the United States." 90 Fed. Reg. 8467, 8,468 (Jan. 20, 2025). That same evening, President Trump issued the Proclamation. 90 Fed. Reg. 8333.

85. Since January 20, 2025, CBP, in coordination with Mexican authorities, has been turning away people trying to present at POEs, including those who have presented at the date and time designated in their CBP One appointments, and refusing to inspect and process them.

86. On January 21, 2025, CBP issued a press release announcing the "removal of the scheduling functionality of the CBP One™ mobile application, effective Jan. 20, 2025, at noon EST" and the cancellation of all existing appointments, totaling approximately 30,000.[19] The press release offered no justification or explanation for these actions. Nor did it mention the significant reliance interests on the continued availability of CBP One appointments that the Government's prior actions had generated.

87. Defendants' decision to cancel scheduled CBP One appointments and remove the app's scheduling functionality eliminated the only method available to virtually all individuals seeking asylum at the U.S.-Mexico border between May 2023 and the morning of January 20, 2025.

2. Defendants Close Ports of Entry to Asylum Seekers.

88. The Proclamation, issued by President Trump on January 20, 2025, asserts that "[o]ver the last 4 years," people without entry documents coming into the United States were not being effectively screened for inadmissibility under 8 U.S.C. §§ 1182(a)(1)-(3) because such screening "can be wholly ineffective in the border environment"; that such screening is legally "required"; that § 1182(a)(1)-(3)

[19] *CBP Removes Scheduling Functionality in CBP One™ App*, U.S. Customs & Border Protection (last modified Jan. 22, 2025), https://www.cbp.gov/newsroom/national-media-release/cbp-removes-scheduling-functionality-cbp-one-app.

requires federal officials to "*verify with certainty* the criminal record [and] national-security risks associated with the *illegal entry* of every alien at the southern border"; and that the lack of such screening thus "[led] to the unauthorized entry of innumerable illegal [noncitizens] into the United States." 90 Fed. Reg. at 8333 (emphasis added). The Proclamation's preamble also vaguely asserts that based on the "current state of the southern border," there is an "ongoing" "invasion" there. 90 Fed. Reg. at 8334.

89. The Proclamation does not discuss the situation for asylum seekers at ports of entry. Rather, it refers only to "[noncitizens] who have traveled from countries around the world to enter the United States illegally," "the unauthorized entry of innumerable illegal [noncitizens] into the United States," "the illegal entry of every [noncitizen] at the southern border," and "[noncitizens] who illegally cross the southern border." *Id.* at 8333.

90. The Proclamation names no actual, concrete public health, public safety, or national security consequences flowing from the long-standing policy of providing access to the asylum process at ports. Rather, it refers to the possibility that "innumerable [noncitizens] *potentially* carrying communicable diseases" and "millions of [noncitizens] who *potentially* pose significant threats to health, safety, and national security" are now present in the United States. *Id.* at 8334 (emphasis added).

91. The Proclamation also provides no data for its claim that "millions of [noncitizens] who potentially pose significant threats to health, safety, and national security have moved into communities nationwide." Instead, the Proclamation states without support that "countless millions" of noncitizens "evaded detection and illegally entered the United States" in the four preceding years, and that "at least 8 million illegal aliens were encountered along the southern border" during that time. First, the Proclamation provides no evidence that "countless millions" of people crossed the border and evaded CBP's detection during that period, and on

information and belief, such evidence does not exist. Second, the mention of "at least 8 million illegal aliens" is inaccurate and misleading, as CBP's own data shows that Border Patrol encountered fewer than eight million noncitizens along the southwest border away from POEs between January 2021 and December 2024,[20] and inadmissible noncitizens who went to POEs for inspection, including asylum seekers, did nothing "illegal." And the Proclamation does not acknowledge that CBP's encounter data includes (1) people whom the government itself paroled at POEs after they provided information about their backgrounds and the government concluded they did not pose a risk to the United States; (2) recidivists, *i.e.*, multiple "encounters" for the same people who crossed the border multiple times; and (3) people who were removed from the United States after being "encountered" and therefore have not "moved into communities" in the United States.

92. The Proclamation misstates the law, which does not require that CBP officers at POEs make a final determination on the admissibility under 8 U.S.C. § 1182(a)(1)–(3) of noncitizens without entry documents, or to "verify with certainty" whether they pose a criminal- or national-security-related risk. Instead, because such individuals are plainly inadmissible because of their lack of entry documents, 8 U.S.C. § 1182(a)(7)(A)(i), they are "ineligible to be admitted to the United States" regardless of whether any additional grounds of inadmissibility also apply, *id.* § 1182(a). Thus, providing background information will not alter the result of an inspection, which will necessarily be a determination that the noncitizen is inadmissible and instead may only be paroled and/or placed in some form of removal proceedings. The Proclamation does not acknowledge that an inspecting officer needs no additional information to "determine[]" that such a noncitizen is amenable

[20] *Southwest Land Border Encounters FY22*, U.S. Customs & Border Protection (last modified Feb. 12, 2025), https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters-fy22; *Southwest Land Border Encounters*, U.S. Customs & Border Protection (last modified Nov. 4, 2026), https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters.

to expedited removal, *id.* § 1225(b)(1)(A)(i); or alternatively, to "determine[] the noncitizen is not clearly and beyond a doubt entitled to be admitted" and amenable to regular removal proceedings under 8 U.S.C. §1229a, *id*. § 1225(b)(2)(A); neither of which requires the noncitizen's immediate release into the United States without additional vetting. The Proclamation also does not acknowledge that under either scenario, the noncitizen need not be admissible under § 1182(a)(1)–(3) to seek asylum, or that neither applying for nor receiving asylum constitute "entry" or "admission" as those terms are used in the INA.

93. Nor does the Proclamation acknowledge that where an inspecting officer merely "suspects" that an arriving noncitizen is inadmissible under certain terrorism- or national-security-related portions of § 1182(a)(3), special inspection and removal provisions apply that allow the inspecting officer to order removal on the spot, but also require Attorney General review of all such removal orders. 8 U.S.C. § 1225(c); 8 C.F.R. § 235.8.

94. The Proclamation does not acknowledge that the asylum application process already provides ample opportunity for DHS to verify each applicant's identity and background to the extent required by law, *see* 8 U.S.C. § 1158(b)(2), since the asylum application form (Form I-589) requires applicants to disclose their biographical information, their criminal histories, and their membership and participation in any groups, and to provide their fingerprints.

95. The Proclamation refers vaguely to "the presence of, and control of territory by, international cartels and other transnational criminal organizations on the other side of the southern border, as well as terrorists and other malign actors who intend to harm the United States." 90 Fed. Reg. at 8333.

96. However, the Proclamation makes no connection between the presence of cartels and organized crime in Mexico and its decision to end access to asylum at POEs, nor does it assert or provide any data to support the idea that any asylum seekers presenting at POEs are actually "terrorists" or "malign actors."

97. The Proclamation makes no mention of the consequences for asylum seekers of being stranded in "territory" the government concedes is controlled by cartels and transnational criminal organizations.

98. The Proclamation also claims that "the number of [noncitizens] illegally crossing the southern border" can "increase[] to levels that prevent actual operational control of the border."[21] *Id.* at 8334. The Proclamation does not assert, however, that providing access to asylum at POEs has any impact whatsoever on "operational control."

99. Invoking §§ 212(f) and 215(a)(1), the Proclamation "suspends the entry" indefinitely of noncitizens "engaged in the invasion" "until [the President] issue[s] a finding that the invasion at the southern border has ceased," and of noncitizens who "fail[], before entering the United States, to provide Federal officials with sufficient medical information and reliable criminal history and background information as to enable fulfillment of the requirements of" § 1182(a)(1)-(3), on or after January 20, 2025. 90 Fed. Reg. at 8335, §§ 1, 3.

100. In addition to suspending "entry" pursuant to §§ 212(f) and 215(a)(1), the Proclamation also suspends the "physical entry of any [noncitizen] engaged in the invasion across the southern border" "until [the President] issue[s] a finding that the invasion at the southern border has ceased." President Trump asserts the authority to do so flows from Article II and Article IV, section 4 of the Constitution. 90 Fed. Reg. at 8335, § 4.

101. The Proclamation further orders the Secretary of Homeland Security,

[21] In 2006, Congress passed the Secure Fence Act of 2006, requiring the Secretary of Homeland Security to "take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States." *See* Secure Fence Act of 2006, Pub. L. No. 109-367, § 2, 120 Stat. 2638, 2638 (2006) (codified at 8 U.S.C. § 1701 note). Congress defined "operational control" as "the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful [noncitizens], instruments of terrorism, narcotics, and other contraband." *Id.* § 2(b). Under that definition, no administration has ever achieved or maintained "operational control."

the Secretary of State, and the Attorney General to "take all appropriate action" to "repel, repatriate, or remove any [noncitizen] engaged in the invasion across the southern border of the United States on or after the date of this order" and to otherwise take "appropriate actions as may be necessary to achieve the objectives of" the Proclamation. 90 Fed. Reg. at 8335-36, §§ 4-5.

102. Finally, the Proclamation indicates that it does not impair "the authority granted by law to an executive department or agency" and provides that it "shall be implemented consistent with applicable law." 90 Fed. Reg. at 8336, §§ 5-6.

103. On information and belief, Defendants began implementing the Asylum Shutdown Policy, under which they block asylum seekers from accessing POEs along the southern border, immediately after the inauguration. In early February 2025, CBP issued written guidance to its Office of Field Operations in the form of a memorandum and an attached muster memorializing the Asylum Shutdown Policy.[22] The muster states that it is implementing Section 3 of the Proclamation. Defendants updated the OFO guidance on February 28, 2025.

104. CBP's written guidance implements the Proclamation and memorializes the Asylum Shutdown Policy by:

a. Stating that Section 3 of the Proclamation "suspends entry to the U.S. at all [POEs] for [noncitizens] who fail to provide sufficient medical information and reliable criminal history and background information to enable fulfillment of the requirements of sections 1182(a)(l)-(3) of the [INA]";

b. Exempting from the Proclamation U.S. citizens, lawful permanent residents, people with "valid entry documents" (such as a visa), and unaccompanied children; and

c. Stating that noncitizens "subject to the Proclamation shall not be

[22] Exhibit A, *supra* n. 4.

permitted to cross the international boundary," even if the person "claims or manifests a fear at the international boundary line."

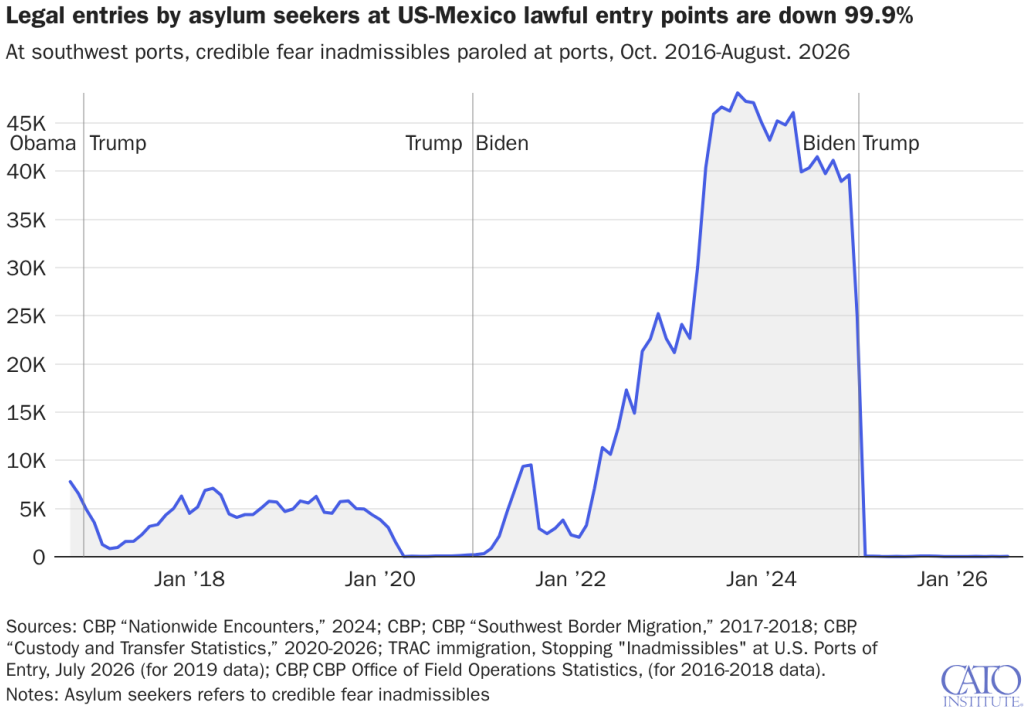
105. The guidance also implements the Securing Our Borders executive order and notes that, at the time the muster was issued, the STB Rule was still in effect.

106. DHS has confirmed that pursuant to CBP's guidance implementing the Proclamation, noncitizens at land border POEs "who lack valid entry documents or who otherwise fail to provide sufficient medical information or reliable criminal history and background information are prevented from entering the United States at the physical border." *Refugee & Immigr. Ctr. for Educ. & Legal Servs. v. Noem*, No. 1:25-cv-00306 (D.D.C. Mar. 24, 2025), ECF Nos. 44-5, Declaration of Ihsan Gunduz, Acting Deputy Assistant Secretary for Border and Immigration Policy, DHS, ¶ 35.

107. Upon information and belief, Defendants have not provided any mechanism for asylum seekers to provide medical history and criminal background information to CBP prior to presenting at POEs.

108. Data show that essentially no asylum seekers have been allowed into POEs to seek asylum since January 20, 2025. Asylum seeker processing at POEs has

decreased by 99.9% since fall 2016, as follows:[23]



109. On March 1, 2025, President Trump posted on the Truth Social internet platform that, based on data of apprehensions at the U.S.-Mexico border in the previous month, "The Invasion of our Country is OVER."[24] The President did not rescind the Proclamation, however, and the Government continues to block asylum seekers from POEs on the U.S.-Mexico border.

110. Then, on June 25, 2026, Deputy White House Chief of Staff for Policy Stephen Miller stated publicly, "America's doors are closed fully to asylum-seekers . . . . All asylum claims across the southwest border are always fake."[25]

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[23] David J. Bier, *President Trump Cut Legal Immigrant Entries 2.7 Times More Than Illegal Entries*, Cato at Liberty (Oct. 8, 2026), https://www.cato.org/blog/trump-cut-legal-entries-27-times-more-illegal-entries.

[24] @realDonaldTrump, Truth Social (Mar. 1, 2025, 1:22 PM), https://www.trumpstruth.org/statuses/29926#.

[25] *WATCH: Stephen Miller says 'America's doors are closed fully to asylum seekers' after Supreme Court rulings*, PBS (June 25, 2026), https://www.pbs.org/newshour/politics/watch-stephen-miller-says-americas-doors-are-closed-fully-to-asylum-seekers-after-supreme-court-rulings.

3. Defendants' Unlawful Actions Place People Seeking Asylum in Grave Danger.

111. Pursuant to the Proclamation, the Asylum Shutdown Policy, and their implementation, as well as the CBP One Cancellation, CBP officers are blocking asylum seekers' access to POEs, leaving them stranded under perilous conditions in Mexico. To this day, the State Department warns that "violent crime" such as "homicide, kidnapping, carjacking, sexual assault, and robbery" is widespread and common in Mexico."[26] The State Department has also recognized that armed groups frequently limit the movements of migrants within Mexico and that human smuggling organizations hold significant power throughout the country.[27]

112. Migrants in Mexico also face local military, law enforcement, and immigration officials who are hostile to their presence in the country and target them for extortion, violence, and arbitrary detention.

113. Multiple reports have highlighted the troubling collaboration between Mexican officials and criminal organizations in perpetrating crimes against migrants in Mexico.[28] Such collusion is particularly prevalent in the border towns of Matamoros, Nuevo Laredo, and Reynosa, located in Tamaulipas state, where over 40 percent of CBP One appointments were issued as of November 2024, and where

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[26] U.S. Dep't of State, Bureau of Consular Affairs, Mexico Travel Advisory (May 29, 2026), https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/mexico-travel-advisory.html.

[27] U.S. State Department, Mexico 2024 Human Rights Report (2024), https://www.state.gov/wp-content/uploads/2025/09/MEXICO-2024-HUMAN-RIGHTS-REPORT.pdf ; U.S. State Department, Mexico 2023 Human Rights Report (2023), https://www.state.gov/wp-content/uploads/2024/02/528267_MEXICO-2023-HUMAN-RIGHTS-REPORT.pdf.

[28] *See, e.g.*, The Hope Border Institute, *"I am physically and mentally exhausted": Migration policies and health at the US-Mexico border* (Feb. 2025) https://www.hopeborder.org/_files/ugd/e07ba9_ace6c56b089a413c8b50b459c3f99826.pdf.

hundreds of migrants remain stranded today.[29] The groups controlling criminality in Tamaulipas make millions of dollars annually from cross-border drug trafficking, human trafficking, and migrant smuggling.

114. These dangers persist. Migrants in Mexico's northern border cities, particularly women and girls, continue to face "extremely high levels of violence, including kidnapping, human trafficking, and exploitation."[30] In July 2026, for example, state authorities in Ciudad Juárez rescued 14 kidnapped migrants, including minors, whose captors were demanding thousands of dollars for each migrant's release.[31] Black migrants are especially vulnerable; as one recent report found, Haitian migrants' "darker skin and limited Spanish make them easy targets for both Mexican authorities and cartels."[32]

115. Yet, the U.S. government has outsourced a substantial portion of immigration enforcement to the Mexican government and encouraged the militarization of Mexico's response to migration flows. The Mexican government has deployed National Guard soldiers alongside agents from the *Instituto Nacional de Migración* ("INM"), the Mexican immigration agency, to monitor, interdict, and turn back noncitizens seeking to reach the U.S.-Mexico border.[33]

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[29] *See* Strauss Center for International Security and Law, *Asylum Processing at the Border Waitlists: November 2024*, *supra* n. 10, at 2-3; Stephanie Leutert & Caitlyn Yates, Strauss Ctr. for Int'l Sec. & L., *Migration Dynamics and Conditions at the U.S.-Mexico Border: August 2026*, at 6-7 (Aug. 2026), https://www.strausscenter.org/publications/migration-dynamics-and-conditions-at-the-u-s-mexico-border-august-2026/ (estimating that approximately 750 migrants remain in Matamoros, Reynosa, and Nuevo Laredo).

[30] Jennie van den Boogaard, *Refugees in Mexico: What You Need to Know*, HIAS (May 13, 2026), https://hias.org/news/refugees-mexico-what-you-need-know/; *see also* Leutert & Yates, *supra* n. 29, at 6 ("Civil society organizations have also detailed widespread violence against migrants, both in southern Mexico and in cities along the U.S.-Mexico border.").

[31] Leutert & Yates, *supra* n. 29, at 8-9.

[32] Ctr. for Gender & Refugee Studies et al., *Imigran Kòm Pyès Negosyasyon: Immigrants as a Bargaining Chip* (Oct. 21, 2026) at 7, https://cgrs.uclawsf.edu/en/our-work/publications/imigran-k%C3%B2m-py%C3%A8s-negosyasyon-immigrants-bargaining-chip.

[33] Leutert & Yates, *supra* n. 29, at 1.

116. Human Rights First has tracked reports of over 2,500 asylum seekers and other migrants who survived kidnapping, murder, torture, rape, assault, and other serious harms while they were stranded in Mexico in the year following the May 2023 CLP Rule.[34] Since the Asylum Shutdown Policy took effect, asylum seekers have been stranded in Mexico for far longer, with no end in sight. Migrants who seek refugee status in Mexico now face a two-year wait that places "many individuals and families in legal limbo," and "all migrants face unstable living conditions and security risks throughout the country."[35]

117. Other civil society organizations have also documented widespread violence against migrants in cities along the U.S.-Mexico border and in southern Mexico, where many people seeking asylum were stranded until they obtained CBP One appointments and were permitted to travel within Mexico.[36]

118. Black, Indigenous, LGBTQIA+, and non-Spanish speaking migrants

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[34] *See, e.g.*, Human Rights First, *Trapped, Preyed Upon, and Punished: One Year of the Biden Administration Asylum Ban* (May 2024), https://humanrightsfirst.org/wp-content/uploads/2024/05/Asylum-Ban-One-Year-Report_final-formatted_5.13.24.pdf.

[35] *See* Leutert & Yates, *supra* n. 29, at 5; see also Ctr. for Gender & Refugee Studies et al., *supra* n. 32, at 3–4 (reporting that asylum eligibility determinations in Tapachula take six to eighteen months).

[36] *See, e.g.*, Leutert & Yates, *supra* n. 29, at 6 (noting "widespread violence against migrants" in towns along the U.S.-Mexico border and in southern Mexico); Human Rights Watch, *"We Couldn't Wait": Digital Metering at the U.S.-Mexico Border* (May 2024), https://www.hrw.org/report/2024/05/01/we-couldnt-wait/digital-metering-us-mexico-border ("The more difficult it is for migrants to cross the U.S.-Mexico border, the more money cartels make, whether from smuggling operations or from kidnapping and extortion."); The Hope Border Institute, *"I am physically and mentally exhausted": Migration policies and health at the US-Mexico border*, (February 2025), https://www.hopeborder.org/_files/ugd/e07ba9_ace6c56b089a413c8b50b459c3f99826.pdf (survey of 177 migrants in Ciudad Juárez conducted by Hope Border Institute showed that four out of five respondents had been victims of some form of cartel violence, including a particular prevalence of kidnappings in which Mexican officials were sometimes complicit); KBI and WOLA, *From the Field: The First 14 Days of Border Impacts Under the Trump Administration's Executive Orders* (Jan. 2025), https://www.kinoborderinitiative.org/abuse-documentation/, https://www.kinoborderinitiative.org/wp-content/uploads/2025/02/One-Pager-2-weeks-after-Trumps-come-back-1.pdf (comparable dangers of violence and extortion against migrants in Nogales by criminal organizations and human rights abuses by Mexican authorities).

face a particularly high risk of discrimination and targeted violence from local police and cartels while waiting in Mexico.[37]

119. In addition to threats to their physical safety, migrants in Mexico often have difficulty securing access to stable housing, employment, food, drinking water, medical care, and other basic needs.

120. Further, given these unsustainable conditions, Defendants' Asylum Shutdown Policy incentivizes migrants fleeing violence and persecution to attempt dangerous and unlawful border crossings outside of POEs.

4. Defendants' Unlawful Actions Have Caused Severe Harm to Each of the Plaintiffs.

121. **Harm to Maria Doe.** In 2019, Mexican police associated with the *Cártel de Jalisco Nueva Generación* physically assaulted Maria, her first husband, and their younger son in their home and then murdered her husband. Due to Maria's participation in the criminal case against the assailants, the cartel began its years-long retaliation against her and her family, resulting in the murder of a family friend and the disappearance of Maria's son, his wife, and their two-year-old daughter. Due to repeated threats from the cartel, Maria has relocated repeatedly in Mexico. However, cartel members have found her and kidnapped her multiple times to try to convince her to recant her testimony, which has placed several high-ranking Mexican government officials in jail. In February 2024, the cartel again kidnapped Maria along with her second husband, whom they badly beat. Maria and her husband fled to Tijuana.

122. Since reaching Tijuana in August 2024, Maria and her husband have

[37] *See* Leutert & Yates, *supra* n. 29, at 6 (describing "Black, LGBTQ+, Indigenous, and non-Spanish speaking asylum seekers often facing targeted discrimination"); Ctr. for Gender & Refugee Studies et al., *supra* n. 32, at 5, 7 (reporting that Haitian migrants' "darker skin and limited Spanish make them easy targets for both Mexican authorities and cartels," and that Haitians in Tapachula are "extremely vulnerable to mistreatment by immigration agents"); Human Rights First, *Trapped, Preyed Upon, and Punished*, *supra* n. 34, at 12–14.

lived in hiding, at first staying for many months in a shelter where someone helped them register for CBP One. They received an appointment to present at the San Ysidro port of entry on February 9, 2025. Their appointment was canceled on January 20, 2025.

123. Since then, Maria has remained in hiding with her husband, her physical and mental health have deteriorated, and they live in constant fear. They heard that the cartel has offered a reward of seven million Mexican pesos for information about their whereabouts. They have changed their phone numbers and do not make contact with any family or friends.

124. **Harm to Jessica Doe.** Jessica and her three children fled Colombia in June 2024 because of intensifying death threats from a powerful gang and drug trafficking organization known as *Los Paisas*. When she was 16, Jessica's family moved her to live with her mother in Bogotá, where *Los Paisas* forced her to work for them. They regularly raped her, beat her, threatened her and her family, and sold her as a sex slave. When she tried to flee, they hurt or killed someone she loved, including murdering her mother. They subsequently murdered Jessica's close friend before her eyes and then brutally beat Jessica until they thought she was dead. Jessica moved to other places in Colombia, but *Los Paisas* always found her. In June 2024, after *Los Paisas* threatened to kill her son, Jessica and her three children fled to Mexico City with the intention of seeking asylum in the United States.

125. After she got to Mexico City, Jessica registered immediately for CBP One and tried every day to secure an appointment. The sole exception was during the five days in September 2024 when she was kidnapped and detained by gang members who intended to sell her into sexual slavery. After escaping from her kidnappers, Jessica and her children moved to Matamoros. She resumed her daily attempts to secure a CBP One appointment until January 17, 2025, when she finally received an appointment scheduled for February 9, 2025.

126. On January 20, 2025, when Jessica learned that her appointment had

been canceled, she fell into a deep depression and contemplated suicide. On January 25, 2025, she tried to approach the Matamoros port of entry, but Mexican officials blocked her before she could get to the bridge and told her that "there was no CBP One anymore." Jessica, who has multiple sclerosis, and her children, one of whom is epileptic, remain in Matamoros, where they struggle to survive and she lives in constant fear that she will be kidnapped or trafficked and that her children will be harmed. Jessica missed the 30-day deadline to apply for asylum in Mexico. If she and her children were forced to return to Colombia, Jessica is certain that *Los Paisas* would kill or disappear them.

127. **Harm to Ali Doe.** Ali Doe fled Afghanistan due to the imminent Taliban takeover in 2021. He feared for his life under the Taliban because of his work with the previous government and his Hazara ethnicity. After spending three years in Iran, he was unable to obtain status there and was forced to return to Afghanistan, where he lived in hiding for about a month before fleeing the country again in July 2024. Ali reached Tapachula, Mexico around October 2024 and left soon afterward for Mexico City.

128. Soon after his arrival in Mexico, Ali registered for CBP One. After attempting to secure an appointment for several weeks, he received one on or around January 6, 2025, to present at the Nogales port of entry on January 23, 2025. Ali spent approximately 9,000 Mexican pesos to travel to Nogales and presented at the POE for his appointment, but U.S. immigration officials told him the CBP One program was canceled and turned him away. He returned to the POE over the next week to try to seek asylum but gave up hope after seeing that no one could get in.

129. Since his CBP One appointment was canceled, Ali has struggled with depression. Unable to speak Spanish and without support, he feels unsafe in Mexico. Ali missed the 30-day deadline to apply for asylum in Mexico. If forced to return to Afghanistan, he fears that he would be killed.

130. **Harm to Eduardo Doe.** Eduardo Doe fled Venezuela in

November 2024 because police and military officials threatened to detain and kill him. An active senior colonel in the Venezuelan National Guard ordered Eduardo to attend a rally in support of the Maduro regime, but he refused to comply and immediately left the country. After leaving, he learned that some acquaintances who had also refused to attend the rally were detained before they could escape the country. After a harrowing journey through the Darién Gap, Eduardo was abducted by cartel members almost immediately upon his arrival in Chiapas, Mexico. He was held for two weeks, brutally tortured, and threatened with indefinite detention.

131. After managing to escape from his kidnappers, Eduardo made his way to Tapachula, where he went into hiding while making daily attempts to secure a CBP One appointment. On January 3, 2025, Eduardo received confirmation that he had secured an appointment at the San Ysidro POE on January 21, 2025. He left Tapachula for Tijuana around January 16, 2025, but received notification on January 20, 2025, that his appointment had been canceled. On or around January 21, 2025, Eduardo attempted to approach the San Ysidro POE, but Mexican officials blocked him before he reached the border.

132. Since then, Eduardo has not attempted to return to a POE. He has been told that Mexican officials detain people who do so and send them to Chiapas, where he was previously kidnapped and tortured. The cancellation of his CBP One appointment has taken a toll on Eduardo's mental health, and he lives in a state of constant fear that he may be kidnapped or harmed again. He missed the 30-day deadline to apply for asylum in Mexico. If forced to return to Venezuela, he fears he will be disappeared or killed.

133. **Harm to Jean Doe.** Jean fled Haiti in October 2017, after individuals who are now members of the *Viv Ansanm* gang killed his father and threatened him with the same fate. He fled to Chile, where his wife joined him a few months later and where their children were born. Jean and his family subsequently left Chile because they were unable to obtain residency and because Jean feared retaliation for

reporting a theft by organized crime.

134. Following an arduous journey through several countries, Jean and his family reached Mexico City and registered for CBP One in November 2023. They tried every day to get a CBP One appointment. A Mexican immigration official had told Jean that they could not seek asylum in both Mexico and the United States, and they missed the 30-day deadline to apply for asylum in Mexico. On January 1, 2025, Jean and his family finally received a CBP One appointment to present at the Nogales port of entry on January 20, 2025.

135. Jean and his wife gave up their apartment in Mexico City and paid about 10,000 Mexican pesos to travel to Nogales for their CBP One appointment. On the morning of January 20, 2025, while they were standing in line at the Nogales port of entry, a U.S. immigration official told Jean and his family that the President had blocked CBP One, sent them away, and made clear that they would not be processed if they returned. The family is devastated, demoralized, and struggling financially as a result of the expenses they incurred to travel to the border. They do not feel safe in Mexico, especially since Jean narrowly escaped an armed kidnapping. If forced to return to Haiti, Jean fears that the gang that killed his father will kill him, too.

136. **Harm to Rous Doe.** Rous fled Venezuela because of abuse based on her sexual orientation and perceived gender identity. Both the Venezuelan police and National Guard members subjected her to verbal slurs, beatings, threats, and harassment on countless occasions because she presented as an effeminate gay man. When she tried to file complaints with both agencies, they laughed and threatened to detain her so that she would be raped in jail. In 2019, National Guard members singled Rous out at a checkpoint, called her "faggot," and destroyed her passport. Fearing that the authorities would subject her to additional harm, she avoided leaving her house and later fled to Colombia.

137. During her time in Colombia, Rous began to present as a woman, but still faced discrimination, including denial of work, based on her gender identity.

Desperate to find safety, she decided to brave the journey through the Darién Gap to seek protection in the United States.

138. Soon after reaching Tapachula in November 2024, Rous registered for CBP One. In order to do so, she had to buy a new phone and phone chip that could support the CBP One app. Due to these expenses, she had very little money for food. On January 4, 2025, Rous received an appointment for January 23, 2025, at the Nogales port of entry.

139. On January 19, 2025, while traveling by bus to Nogales for her CBP One appointment, Rous was kidnapped by individuals who appeared to be Mexican officials and held for seven weeks. While detained, Rous learned from another hostage that all CBP One appointments had been canceled. Since her release, she has been extremely traumatized. Rous missed the 30-day deadline to apply for asylum in Mexico. She fears that she may be kidnapped again or otherwise targeted because she is transgender.

140. **Harm to Diana Doe.** Diana has been attempting to flee Mexico since members of the *Familia Michoacana* cartel killed and dismembered her son after she failed to comply with their extortion demands. The cartel has continued to make death threats against Diana, her partner, and her surviving children.

141. After she and her family arrived in Tijuana in March 2024, Diana registered for the CBP One app. Although she requested an appointment every day for many months, she did not receive one prior to the cancellation of CBP One.

142. Stranded near the border, Diana and her family are afraid even to go outside for fear that members of the cartel will find them. They have not approached a port of entry to request asylum due to the threat posed by the cartel. Since the cancellation of CBP One, Diana has been suffering physically and mentally. She is depressed, still grieving the loss of her son under horrific circumstances.

143. **Harm to Anahi Doe.** Anahi Doe fled Guatemala at the age of 18 after being subjected to violence and discrimination throughout her life for being

perceived as gay. Her father abused her so severely that she feared for her life. She is currently undergoing hormone therapy to finally be able to live as a woman, consistent with her gender identity.

144. Anahi reached Tapachula, Mexico in September 2016. She fled Tapachula in 2020 after being repeatedly threatened and harassed by armed gang members who thought she had reported their illegal activities and moved to Tijuana.

145. After leaving an abusive relationship with a man in Tijuana, Anahi took refuge in a shelter, where she registered for the CBP One app in 2024 to seek asylum in the United States. Despite daily attempts to obtain an appointment, Anahi never received one before Defendants ended the use of CBP One for scheduling.

146. The termination of CBP One has taken a toll on Anahi's mental health, and she is experiencing depression and anxiety. She does not feel safe in Mexico due to the discrimination and harassment she has faced for being transgender, and she fears her abusive ex-partner could find her.

147. **Harm to Dragon Doe.** Dragon fled Ecuador in November 2024 after receiving death threats from the Revolutionary Armed Forces of Colombia ("FARC"). Although he reported the threats to the prosecutor's office, the Ecuadorian government took no steps to protect him.

148. Dragon reached Mexico around November 20, 2024, and made his way to Hidalgo, where he registered for the CBP One app. Although he attempted to secure a CBP One appointment every day for nearly two months, he never received one. Confused by the process and having received error messages on the CBP One app, Dragon traveled to Nogales on or around January 18, 2025. He attempted to approach the Nogales port of entry to seek asylum, but a Mexican police officer outside the port told him that the United States was not letting anyone cross the border. He continued trying to get a CBP One appointment until Defendants terminated the use of the app for scheduling.

149. Dragon missed the 30-day deadline to apply for asylum in Mexico,

where he remains stranded and vulnerable. Since CBP One was canceled, he has felt completely dejected. If he is forced to return to Ecuador, he fears he will be killed.

150. **Harm to Al Otro Lado.** Defendants' policies and actions have interfered with AOL's core work of assisting migrant populations on both sides of the U.S.-Mexico border in understanding, accessing, and navigating the complex asylum system in the United States. The Proclamation, the Asylum Shutdown Policy, and their implementation, as well as the CBP One Cancellation, have impeded AOL's ability to provide legal education, accompaniment, and direct representation to its clients by closing all pathways for people to access the U.S. asylum process.

151. AOL has long provided humanitarian assistance to individuals temporarily stranded in northern Mexico due to the harmful effects of restrictive U.S. asylum policies. However, the nature and scope of these individuals' needs have fundamentally shifted as a result of the Proclamation, the Asylum Shutdown Policy, and the CBP One Cancellation.

152. Prior to January 20, 2025, asylum seekers required access to information regarding the U.S. asylum system, accompaniment to POEs, and temporary assistance with basic needs while they were waiting in Mexico. The Border Rights Project, founded in 2017, was created to meet those needs. Now, to meet the needs of the populations it serves, AOL must attempt to provide legal assistance and help finding long-term housing, securing employment, enrolling children in school, and obtaining medical care—all in Mexico. AOL's clients frequently fall ill due to unsanitary and precarious conditions and a lack of basic necessities, experience violence at the hands of criminal groups and Mexican officials, and sometimes die.

153. Coordinating with Mexican organizations to facilitate the long-term care and integration of clients stranded indefinitely in Mexico requires large amounts of AOL's staff time that would otherwise be allocated to providing direct services to people seeking asylum in the United States and reunifying families separated at the U.S.-Mexico border, among other projects.

154. The decrease in asylum seekers in the United States resulting from Defendants' actions has also threatened AOL's existing funding streams and its contracts for domestic work. Much of AOL's funding for U.S.-based legal representation and services requires it to meet quantitative metrics, which have become much harder to attain given the shutdown of all means of accessing the U.S. asylum process at POEs.

155. AOL routinely submits comments on proposed federal rules that impact its client population. Defendants' failure to provide an opportunity to submit comments on the CBP One Cancellation has harmed AOL by depriving it of the ability to advocate for the interests of the communities that it serves.

156. As a result of Defendants' actions, AOL staff and leadership have suffered the painful emotional burden of watching their clients suffer and sometimes die for lack of access to the U.S. asylum process.

157. **Harm to Haitian Bridge Alliance.** Defendants' actions have concretely and perceptibly impaired both the legal and humanitarian services that HBA provides. The Proclamation, the Asylum Shutdown Policy, and their implementation, as well as the CBP One Cancellation, have prevented HBA from engaging in its core work of welcoming recently arrived Black migrants to the United States by providing them with legal and humanitarian assistance. Since its founding, HBA has provided legal representation and immigration counseling, as well as a full range of humanitarian services and referrals, to that population. However, HBA's welcoming work has suffered significant setbacks as the number of Black migrants arriving in the country has fallen precipitously because of Defendants' policies ending all access to asylum at POEs. This includes layoffs of four individuals contracted to do the domestic work of assisting recently arrived clients. Because the Proclamation and Asylum Shutdown Policy have effectively closed every available avenue for asylum at POEs, HBA's border presence has dwindled to a sole contractor.

158. The Asylum Shutdown Policy has also frustrated HBA's core

U.S.-based work by creating a humanitarian disaster and causing immense panic among the organization's confused and desperate clients in Mexico. Thousands of Black migrants have flooded HBA with inquiries and concerns about their legal options, causing HBA to struggle to meet their needs for counseling and accurate information about the state of asylum in the United States. The need to focus resources on the vulnerable client population stuck at the border has also forced HBA to reduce much of its core work meeting the economic and living needs of Haitian immigrants already in the country.

159. Additionally, the closure of POEs to asylum seekers has interfered with HBA's ability to provide meaningful legal and humanitarian services at the border, as the acute humanitarian needs of their client population have increased. Since January 20, 2025, at least two of HBA's clients have died while waiting to access asylum in Mexico, and many others are suffering from critical medical problems; previously, HBA would have assisted such individuals by filing parole applications or accompanying them to present at POEs in order to try to save their lives. Moreover, numerous clients have reported experiencing pressing physical and psychological ailments brought on by the dangerous and discriminatory conditions in Mexico and the stress of having no recourse to seek safety in the United States. This includes women with high-risk pregnancies who have had miscarriages, children suffering from malnutrition and heat exhaustion, other people who have suffered heart attacks, and even one client who went mute. HBA cannot effectively assist community members who have experienced extreme violence, medical emergencies, and even death because they have been permanently stranded in Mexico.

160. HBA routinely submits comments on proposed federal rules that impact its client population. Defendants' failure to provide an opportunity to submit comments on the CBP One Cancellation has harmed the organization by depriving it of the ability to advocate for the interests of the communities that it serves.

161. HBA is deeply committed to supporting the Haitian and Black migrant

communities around the U.S.-Mexico border, but there is widespread fear within the organization that it will not be able to meet its goals or effectively serve as a lifeline and advocate for migrant communities if Defendants' actions remain in effect.

CLASS ACTION CERTIFICATION AND RENEWED CLASS ALLEGATIONS

A. The Court's Certification of the Asylum Class and CBP One Subclass.

162. On March 30, 2026, this Court certified the following class and subclass in this action pursuant to Federal Rule of Civil Procedure 23(b)(2):

- **Asylum Class**: All noncitizens who, on or after January 20, 2025, have sought or will seek to present themselves at a Class A POE on the U.S.-Mexico border to seek asylum; who were or will be prevented from accessing the U.S. asylum process by or at the direction of Defendants based on the Proclamation or the Asylum Shutdown Policy; who continue to seek access to the U.S. asylum process; and who are not physically present in the United States.
- **CBP One Subclass**: All noncitizens who received appointments through the CBP One app to present themselves at a Class A POE on the U.S.-Mexico border; whose appointments were canceled by Defendants on January 20, 2025; who continue to seek access to the U.S. asylum process; and who are not physically present in the United States.

(ECF No. 64 at 16.)

163. The Court further appointed the Individual Plaintiffs as representatives of the Asylum Class, the CBP One Individual Plaintiffs as representatives of the CBP One Subclass, and Plaintiffs' counsel as Class Counsel. (*Id.*)

164. The Court's certification order reflects several characteristics of the Asylum Class and CBP One Subclass that render class-wide treatment appropriate, including the substantial number of class members, the common injury arising from

Defendants' challenged actions, the existence of common questions of law and fact capable of class-wide resolution, the typicality of the Individual Plaintiffs' claims, and the availability of relief applicable to the classes as a whole.

165. As set forth below, these characteristics continue to support the maintenance of this action on behalf of the certified Asylum Class and CBP One Subclass.

B. Restated Class Allegations.

166. Alongside the Organizational Plaintiffs, the Individual Plaintiffs bring this action pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(2) on behalf of themselves and all other persons similarly situated, based on the Asylum Class and CBP One Subclass definitions, *supra* ¶ 162.

167. **Fed. R. Civ. P. 23(a)(1) – Numerosity.** The Asylum Class and the CBP One Subclass are so numerous that joinder of all class members is impractical. Pursuant to the Proclamation, the Asylum Shutdown Policy, and the CBP One Cancellation, Defendants have prevented thousands of noncitizens from accessing the U.S. asylum process at POEs and deprived them of their statutory right to apply for asylum. Moreover, class members are geographically dispersed along the U.S.-Mexico border and elsewhere, making joinder of all class members impractical. Based on Defendants' prior practices relating to CBP One appointments, there are approximately 30,000 potential members of the CBP One Subclass alone, who are readily identifiable by Defendants.

168. **Fed. R. Civ. P. 23(a)(2) – Commonality.** There are numerous questions of law and fact common to the members of the Asylum Class and CBP One Subclass. The legality of the Proclamation, the Asylum Shutdown Policy, and the CBP One Cancellation are systemic questions capable of common proof. Questions of law and fact that are common to the Asylum Class include whether (a) Defendants' actions violate the INA and/or the APA; and (b) Defendants' actions are *ultra vires*.

169. Questions of law and fact that are common to the CBP One Subclass

include whether (a) Defendants' cancellation of CBP One Subclass members' appointments despite their significant reliance interests was arbitrary and capricious; and (b) Defendants violated the APA's procedural requirements by canceling CBP One appointments without notice or explanation.

170. Even if there are "different factual circumstances between each class member's particular experience," that "does not destroy commonality because there is still a common underlying legal question regarding whether each and every class member was illegally denied access to the asylum system because of the Defendants' overarching policy." *Al Otro Lado, Inc. v. Wolf*, 336 F.R.D. 494, 503 (S.D. Cal. 2020).

171. **Fed. R. Civ. P. 23(a)(3) – Typicality.** Individual Plaintiffs' claims are reasonably coextensive with those of the Asylum Class because the Individual Plaintiffs, like all Asylum Class members, were or will be denied access to the U.S. asylum process based on Defendants' unlawful actions in implementing the Proclamation and the Asylum Shutdown Policy. The Individual Plaintiffs representing the CBP One Subclass, like all CBP One Subclass members, have been injured by the CBP One Cancellation because, in reliance on Defendants' instructions, they waited in Mexico under dangerous conditions to obtain CBP One appointments, risked forfeiting the opportunity to seek asylum in Mexico, and incurred related travel and other expenses.

172. **Fed. R. Civ. P. 23(a)(4) – Adequacy.** Individual Plaintiffs will fairly and adequately protect the interests of the class members they represent. Individual Plaintiffs will pursue this action vigorously through qualified counsel on behalf of the Asylum Class and, where relevant, the CBP One Subclass. None of the Individual Plaintiffs have antagonistic or conflicting interests. Rather, they all share a common interest in enjoining and/or vacating the Proclamation, the Asylum Shutdown Policy, and/or the CBP One Cancellation, and being able to access the U.S. asylum process at a POE along the U.S.-Mexico border. Furthermore, Plaintiffs' counsel will

adequately protect the interests of the class because they have demonstrated expertise in litigating class actions, including challenges to Defendants' immigration policies, and have dedicated significant resources to litigating this matter.

173. **Fed. R. Civ. P. 23(b)(2).** Defendants have acted or refused to act on grounds that apply generally to the class and subclass, rendering injunctive and declaratory relief appropriate as to the Asylum Class and CBP One Subclass as a whole. Specifically, Defendants have implemented, enforced, and perpetuated the Proclamation and Asylum Shutdown Policy at POEs on the U.S.-Mexico border with respect to all Asylum Class members. Similarly, Defendants have implemented the CBP One Cancellation with respect to all CBP One Subclass members. Pursuant to these executive actions, Defendants have deprived Individual Plaintiffs and class members of access to the asylum process at POEs on the U.S.-Mexico border in violation of the INA and the APA and in excess of their authority.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF
Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A)–(C), Unauthorized and Contrary to Law
(All Plaintiffs Against All Defendants Except President Trump)

174. Plaintiffs reallege and incorporate by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

175. The APA requires courts to hold unlawful and set aside any agency action that is "not in accordance with law," is "contrary to constitutional right, power, privilege, or immunity," or is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(A)–(C).

176. The Asylum Shutdown Policy is a final agency action under 5 U.S.C. § 704.

177. The Asylum Shutdown Policy violates APA § 706(2)(A), (B), and (C) because it "prevent[s] all potential arriving asylum applicants from ever reaching the point where an application could be filed," *Mullin v. Al Otro Lado*, 609 U.S. 258,

278 (2026), unless they already separately possess authorization to enter the United States and are not deemed to be "engaged in the invasion." No statute or constitutional provision authorizes such a policy.

178. The Asylum Shutdown Policy also invalidates Congress's intention that asylum would be accessible at ports of entry, regardless of a noncitizen's status under the INA.

179. The Asylum Shutdown Policy violates APA § 706(2)(A) and (C) because the statutory authority Defendants have invoked—8 U.S.C. §§ 1182(a), (f), and 1185(a)—does not authorize the Policy.

180. The Asylum Shutdown Policy violates APA § 706(2)(A) and (B) because the constitutional authorities Defendants have invoked—Article II (foreign affairs power) and Article IV, Section 4 (power to protect against Invasion in the Guarantee Clause)—do not authorize the Policy. Nor does the President have any inherent power to end access to the asylum process at POEs.

181. CBP officers, in coordination with Mexican authorities, implemented the Asylum Shutdown Policy at the instigation, under the control or authority, or with the knowledge, consent, direction, and/or acquiescence of Defendants.

182. By implementing the Asylum Shutdown Policy, Defendants have irreparably injured Individual Plaintiffs by leaving them stranded indefinitely in Mexico, where they face a risk of serious harm, and rendering it impossible for them ever to access the asylum process.

183. In addition, by implementing the Asylum Shutdown Policy, Defendants have irreparably injured Plaintiffs Al Otro Lado and Haitian Bridge Alliance by interfering with their core activities.

SECOND CLAIM FOR RELIEF
Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), Arbitrary and Capricious
(All Plaintiffs Against All Defendants Except President Trump)

184. Plaintiffs reallege and incorporate by reference each and every

allegation contained in the preceding paragraphs as if set forth fully herein.

185. The APA requires courts to hold unlawful and set aside any agency action that is "arbitrary, capricious, [or] an abuse of discretion." 5 U.S.C. § 706(2)(A).

186. The Asylum Shutdown Policy is a final agency action under 5 U.S.C. § 704.

187. The Asylum Shutdown Policy is arbitrary and capricious. Defendants have failed to articulate a reasoned explanation for their change in policy; failed to justify their departure from longstanding agency practice permitting asylum access at ports of entry for noncitizens without separate authorization to enter the United States; relied on factors Congress did not intend to be considered; failed to consider important aspects of the problem; offered explanations for their actions that run counter to the evidence before the agencies; failed to consider significant alternatives; relied on incorrect and inaccurate data (or no data at all); relied on legally erroneous reasoning; and offered explanations for their actions that are so implausible they cannot be ascribed to a difference in view or the product of agency expertise.

188. The Asylum Shutdown Policy is arbitrary and capricious because Defendants did not articulate a reasoned explanation for ending all access to asylum at ports.

189. The Asylum Shutdown Policy is arbitrary and capricious because Defendants failed to supply a reasoned analysis justifying their departure from a decades-long practice of permitting asylum access at ports of entry regardless of individuals' status or admissibility.

190. The Asylum Shutdown Policy is arbitrary and capricious because Congress did not intend for Defendants to consider admissibility, let alone demand admissibility-related documentation, when deciding whether to grant access to the asylum process.

191. The Asylum Shutdown Policy is arbitrary and capricious because its

purpose is to cut off access to the asylum process at ports of entry, rather than to serve a legitimate government purpose, such as preventing "interfere[nce] with the proper conduct of inspection[s]" at ports of entry or preventing "unsanitary, inhumane, [or] dangerous conditions at ports of entry." *Mullin*, 609 U.S. at 278.

192. The Asylum Shutdown Policy is arbitrary and capricious because Defendants' public justifications for the Policy are pretextual, and the genuine justifications for the policy flow from bad-faith animus toward people seeking protection at the U.S.-Mexico border.

193. The Asylum Shutdown Policy is arbitrary and capricious because it "prevent[s] all potential arriving asylum applicants from ever reaching the point where an application could be filed," *Mullin*, 609 U.S. at 278, unless they already separately possess authorization to enter the United States.

194. The Asylum Shutdown Policy is arbitrary and capricious because Defendants failed to consider the harms that the Policy causes to noncitizens who seek access to the asylum process before implementing the Policy.

195. The Asylum Shutdown Policy is arbitrary and capricious because Defendants failed to consider that the most vulnerable asylum seekers will often lack the time or means to provide information in advance of their arrival at a port of entry, such that those most in need of protection are most likely to be unable to access the asylum process.

196. The Asylum Shutdown Policy is arbitrary and capricious because Defendants failed to consider that failure to provide in advance information related to medical, criminal, and other background is unrelated to the ultimate merits of an asylum application.

197. The Asylum Shutdown Policy is arbitrary and capricious because Defendants failed to consider that asylum seekers already provide the background information necessary to demonstrate asylum eligibility, *see* 8 U.S.C § 1158(b)(2), as part of the asylum application process.

198. The Asylum Shutdown is arbitrary and capricious because § 212(f) operates to provide authority to define additional inadmissibility grounds beyond those specified in § 1182(a), not to expand the legal consequences for inadmissibility under § 1182(a) beyond barring entry (i.e., admission).

199. The Asylum Shutdown Policy is arbitrary and capricious because Defendants failed to consider that a noncitizen arriving at a POE who lacks an entry document is inadmissible for that reason alone, such that they may not be granted admission, and will be placed in some form of removal proceeding, regardless of any other ground of inadmissibility. *See* 8 U.S.C. §§ 1182(a), (a)(7)(A)(1), 1225(b)(1)–(2), (c).

200. The Asylum Shutdown Policy is arbitrary and capricious because Defendants failed to consider the harm that the Policy causes to efforts to secure the border, as the Policy incentivizes unlawful border crossing.

201. The Asylum Shutdown Policy is arbitrary and capricious because Defendants failed to consider that the Policy prevents the implementation of processes and consequences laid out in U.S. immigration law because it prevents CBP officers from conducting inspections of people seeking to come into the United States at ports, thereby preventing their placement in removal proceedings and the possibility of United States obtaining a removal order against them.

202. The Asylum Shutdown Policy is arbitrary and capricious because the failure of an asylum seeker to provide medical information, criminal history, or other background information prior to coming to a port of entry does not demonstrate that the asylum seeker poses a risk of harm to the United States, particularly where the asylum seeker has urgently fled persecution and where Defendants have not created a mechanism for providing such information in advance.

203. The Asylum Shutdown Policy is arbitrary and capricious because agency guidance states that noncitizens without a travel document who nonetheless "provide sufficient medical information or reliable criminal history information" are

not subject to the Proclamation. Therefore, the guidance directing that noncitizens "subject to the Proclamation shall not be permitted to cross the international boundary" should not apply to those who provide "sufficient" information in advance. However, there is no mechanism in place for providing such information, so accessing the asylum process in this manner is effectively impossible.

204. The Asylum Shutdown Policy is arbitrary and capricious because Defendants failed to consider any alternatives that would allow for access to the asylum process at ports of entry.

205. The Asylum Shutdown Policy is arbitrary and capricious because Defendants relied on incorrect and inaccurate data and descriptions of the facts on asylum seekers at ports, and on no data at all regarding the "significant threats" they claim to be targeting.

206. The Asylum Shutdown Policy is arbitrary and capricious because it is based on the legally erroneous notion that a noncitizen's admissibility may or must be vetted before they may apply for asylum.

207. The Asylum Shutdown Policy is arbitrary and capricious because it is based on the legally erroneous notion that the power under § 1182(f) to bar "entry" encompasses the power to bar noncitizens from crossing the international boundary at a port of entry in order to seek asylum.

208. The Asylum Shutdown Policy is arbitrary and capricious because it is based on the unsupported and legally erroneous notion that people coming to ports to seek asylum are "engaged in the invasion."

209. The Asylum Shutdown Policy is arbitrary and capricious because its unexplained, unsupported presumption that people coming to ports to seek asylum are "engaged in the invasion" is so implausible that it cannot be ascribed to a difference in view or be the product of agency expertise.

210. The Asylum Shutdown Policy is arbitrary and capricious because it is inconsistent with the United States' treaty obligations, which encompass a duty not

to engage in refoulement and a duty to provide those at our border who are fleeing persecution or torture access to a process for consideration of their claims.

211. CBP officers, in coordination with Mexican authorities, implemented the Asylum Shutdown Policy at the instigation, under the control or authority, or with the knowledge, consent, direction, and/or acquiescence of Defendants.

212. By implementing the Asylum Shutdown Policy, Defendants have irreparably injured Individual Plaintiffs by forcing them to wait indefinitely in Mexico, where they face a risk of serious harm, and rendering it impossible for them to ever access the asylum process.

213. In addition, by implementing the Asylum Shutdown Policy, Defendants have irreparably injured Plaintiffs Al Otro Lado and Haitian Bridge Alliance by interfering with their core activities.

THIRD CLAIM FOR RELIEF
Administrative Procedure Act, 5 U.S.C. §§ 553, 706(2)(D), Agency Action Without Observance of Procedure Required by Law (Plaintiffs Maria Doe, Jessica Doe, Rous Doe, Jean Doe, Ali Doe, and Eduardo Doe, on behalf of the CBP One Subclass, and the Organizational Plaintiffs Against All Defendants Except President Trump)

214. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

215. The APA requires courts to hold unlawful and set aside any agency action taken "without observance of procedure required by law." 5 U.S.C. § 706(2)(D).

216. Pursuant to the Government's Circumvention of Lawful Pathways and Securing the Border Rules, CBP One had been virtually the exclusive means for noncitizens approaching Class A POEs to seek asylum since May 2023 until the CBP One Cancellation.

217. The CBP One Cancellation—the decision to cancel all scheduled CBP One appointments—amounts to final agency action under 5 U.S.C. § 704.

218. Under the APA, agency action that, *inter alia*, alters the rights and

obligations of parties, is considered a "legislative rule." 5 U.S.C. §§ 553, 706(2)(D). The CBP One Cancellation is a legislative rule, under which DHS and CBP categorically canceled all preexisting CBP One appointments, thereby eliminating the ability of thousands of individuals to seek asylum at Class A POEs along the U.S.-Mexico border.

219. A "legislative rule" must undergo notice and comment. 5 U.S.C. §§ 553, 706(2)(D). Because the Government created the legal framework that made appointments obtained through CBP One the sole mechanism for seeking asylum at POEs through a legislative rule, Defendants were required to engage in notice-and-comment rulemaking to terminate the use of CBP One for this purpose. Defendants failed to follow notice-and-comment rulemaking procedures prior to the CBP One Cancellation.

220. As a result of Defendants' actions constituting violations of APA §§ 553 and 706(2), Defendants have irreparably injured both the Individual and Organizational Plaintiffs by depriving them of the opportunity to participate in the rulemaking process.

FOURTH CLAIM FOR RELIEF
Administrative Procedure Act, 5 U.S.C. § 706(2)(A), Arbitrary and Capricious
(Plaintiffs Maria Doe, Jessica Doe, Rous Doe, Jean Doe, Ali Doe, and Eduardo Doe, on behalf of the CBP One Subclass, Against All Defendants Except President Trump)

221. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

222. The APA prohibits federal agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C § 706(2)(A).

223. Pursuant to the Government's Circumvention of Lawful Pathways and Securing the Border Rules, CBP One had been virtually the exclusive means for noncitizens approaching Class A POEs to seek asylum since May 2023 until the CBP

One Cancellation.

224. In reliance on the Government's representations that noncitizens who made CBP One appointments would be able to seek asylum in the United States, the CBP One Subclass used the CBP One app to schedule appointments at POEs; incurred related travel and other expenses; spent months waiting in Mexico in precarious circumstances; and risked forfeiting the opportunity to seek asylum in Mexico.

225. The CBP One Cancellation—the decision to cancel all pending CBP One appointments—amounts to final agency action under 5 U.S.C. § 704.

226. The CBP One Cancellation is arbitrary and capricious. In canceling scheduled CBP One appointments, Defendants failed to articulate a reasoned explanation for their decision; relied on factors Congress did not intend to be considered; failed to consider important aspects of the problem; and failed to consider significant alternatives.

227. The CBP One Cancellation is arbitrary and capricious because Defendants did not articulate a reasoned explanation for canceling all CBP One appointments or disabling the application's scheduling functionality.

228. The CBP One Cancellation is arbitrary and capricious because Defendants did not articulate a reason for departing from prior agency policy.

229. The CBP One Cancellation is arbitrary and capricious because Defendants did not consider the reliance interests of the people who had obtained appointments via CBP One.

230. The CBP One Cancellation is arbitrary and capricious because Defendants failed to consider the resulting harms to people who had obtained appointments via CBP One.

231. The CBP One Cancellation is arbitrary and capricious because its purpose is to cut off access to the asylum process at ports of entry, rather than to serve a legitimate government purpose, such as preventing "interfere[nce] with the proper

conduct of inspection[s]" at ports of entry or preventing "unsanitary, inhumane, [or] dangerous conditions at ports of entry." *Mullin*, 609 U.S. at 278.

232. The CBP One Cancellation is arbitrary and capricious because Defendants failed to consider any alternatives that would allow for access to the asylum process at ports of entry.

233. By implementing the CBP One Cancellation, Defendants have irreparably injured the CBP One Subclass by forcing them to wait indefinitely in Mexico, where they face a risk of serious harm, and rendering it impossible for them to ever access the asylum process.

FIFTH CLAIM FOR RELIEF
Ultra Vires Action
(All Plaintiffs Against All Defendants)

234. Plaintiffs repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

235. There is no statute or constitutional provision that authorizes the Proclamation or the Asylum Shutdown Policy.

236. Plaintiffs have a non-statutory right of action to have Defendants' actions declared unauthorized and enjoined.

237. By implementing the Proclamation and the Asylum Shutdown Policy, Defendants have irreparably injured Individual Plaintiffs by forcing them to wait indefinitely in Mexico, where they face a risk of serious harm, and rendering it impossible for them to ever access the asylum process.

238. In addition, by implementing the Proclamation and the Asylum Shutdown Policy, Defendants have irreparably injured Plaintiffs Al Otro Lado and Haitian Bridge Alliance by interfering with their core activities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that the Court grant the following relief:

(1) Declare that the Asylum Shutdown Policy and its implementation

exceed Defendants' authority and are unlawful, arbitrary, and capricious under 5 U.S.C. § 706(2);

(2) Declare that 8 U.S.C. § 1182(a)(1)–(3) cannot be used as a basis to deny access to the U.S. asylum process;

(3) Declare that 8 U.S.C. § 1182(f) cannot be used as a basis to deny access to the U.S. asylum process;

(4) Declare that neither Art. II nor Art. IV, Section 4 of the U.S. Constitution authorize the President to deny access to the U.S. asylum process;

(5) Declare that Defendants' decision to cancel the CBP One Subclass's appointments to present at POEs was arbitrary and capricious, in violation of 5 U.S.C. § 706(2);

(6) Declare that Defendants' failure to follow notice-and-comment rulemaking procedures prior to the CBP One Cancellation violated 5 U.S.C. § 706(2)(D);

(7) Enjoin Defendants from implementing the Asylum Shutdown Policy;

(8) Pursuant to 5 U.S.C. § 705, postpone the effective date of all agency action implementing the Proclamation, the Asylum Shutdown Policy, and the CBP One Cancellation pending a final decision in this case;

(9) Hold unlawful and set aside the Asylum Shutdown Policy;

(10) Hold unlawful and set aside the CBP One Cancellation and restore access to the asylum process at POEs for the CBP One Subclass;

(11) Award Plaintiffs their reasonable attorneys' fees, costs, and other expenses pursuant to 28 U.S.C. § 2412 and any other applicable law; and

(12) Grant any and all such other relief as the Court deems just and

equitable.

Dated: November 12, 2026

Respectfully Submitted,

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