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6
7 **UNITED STATES DISTRICT COURT**
8 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

9 Al Otro Lado, Inc., *et al.*,

10 Plaintiffs,

11 v.

12 Chad F. Wolf, *et al.*,

13 Defendants.
14
15

Case No. 17-cv-02366-BAS-KSC

**BRIEF OF FOURTEEN
ORGANIZATIONS ADVOCATING
FOR ASYLUM SEEKERS AS AMICI
CURIAE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Civil Procedure 7.1, each *amicus* party states that it does not have a parent corporation and no publicly held corporation owns 10 percent or more of the stock of any *amicus*.

Dated: October 27, 2020

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 15 *President’s Report to Congress on the*
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2 *Immigrant Message Even as Coronavirus*
3 *Dominates Campaign*, Reuters (Aug. 14, 2020,
4 6:03 AM), [https://www.reuters.com/article/us-](https://www.reuters.com/article/us-usa-election-immigration-insight/trump-pushes-anti-immigrant-message-even-as-coronavirus-dominates-campaign-idUSKCN25A18W)
5 [usa-election-immigration-insight/trump-pushes-](https://www.reuters.com/article/us-usa-election-immigration-insight/trump-pushes-anti-immigrant-message-even-as-coronavirus-dominates-campaign-idUSKCN25A18W)
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INTRODUCTION

The *Amici* are non-profit organizations dedicated to ensuring the equitable treatment of immigrants and asylum seekers, and in this capacity they have developed an interest and expertise in the unique issues facing migrants, particularly those from Central America. In 2016 the Defendants implemented a new policy to send asylum seekers who were arriving at points of entry (“POEs”) on the U.S.-Mexico border back to Mexico *before* being given an opportunity to state their asylum claim, aspects of which were formalized in 2018 and referred to as “metering” or “queue management” (the “Turnback Policy”).¹ The *Amici* have observed the myriad ways the Defendants—driven by deep-seated animus toward Central and South American immigrants—have sought to limit or foreclose access to the asylum process to immigrants from Central and South America, including through the implementation of a Turnback Policy deeply contrary to the United States’ commitment to the principles of asylum.² The Turnback Policy has had a severe impact on the lives of thousands of asylum seekers, who upon reaching the border are turned away and told they must wait in Mexico for their turn to be processed at some indeterminate time in the future. They may wait many months, during which they are exposed to pervasive and severe violence.

¹ The Turnback Policy, which turns back asylum seekers to Mexico before ever inspecting and processing them, is not to be confused with Defendants’ *further* policy of returning certain asylum seekers to Mexico *after* they apply for asylum, and forcing them to wait there while their asylum claim is adjudicated: the Migrant Protection Protocols, or “Remain in Mexico” policy. This Remain in Mexico policy, which was enjoined by the Ninth Circuit, is being challenged in a separate matter and will be heard by the Supreme Court. *Wolf v. Innovation Law Lab*, No. 19-1212 (certiorari granted Oct. 19, 2020), *on appeal from* 951 F.3d 1073 (9th Cir. 2020).

² *Amici* are aware that Plaintiffs challenge other tactics associated with Defendants’ policy and practice of turning asylum seekers away at the southern border, such as misrepresentations and coercion, but focus this brief on the central metering aspect of the Turnback Policy, and the government’s associated—but pretextual—justification of overcapacity.

1 Our government imposes these hardships on asylum seekers not because of
2 any legitimate justification or actual lack of processing capacity at ports of entry.
3 These justifications are proffered by Defendants but are transparently pretextual.
4 As discussed below, the rationale for the implementation of the Turnback Policy—
5 including purportedly limited capacity at POEs, the allegedly inherent dangers
6 posed by immigrants, and the supposedly unmanageable rates of immigration at the
7 U.S.-Mexico border—is not supported by the evidence or the Defendants’ prior
8 statements, and there is no bona fide lack of capacity at POEs that can justify such a
9 policy. Rather, the false and fundamentally misguided excuses that Defendants
10 have offered for implementing the Turnback Policy serve only to mask the true
11 motives for this politically driven attempt to render asylum functionally unavailable
12 to anyone attempting to enter through the U.S.-Mexico border: blatant animus
13 toward immigrants, particularly those from Latin America, and a desire to deter
14 current and future migrants from seeking asylum in the United States.

15 *Amici* are deeply concerned by the government’s multi-faceted attack, of
16 which the Turnback Policy is a central part, on this country’s profound legal and
17 moral commitment to principles of asylum law. And if the Turnback Policy is
18 permitted to continue, the *Amici*, all of whom advocate for asylum seekers and
19 many of whom focus specifically on asylum claims, will be hamstrung in their
20 mission to ensure that vulnerable refugees have a fair opportunity to seek asylum or
21 other forms of immigration relief. By impermissibly restricting the availability of
22 asylum for those who enter the United States through the U.S.-Mexico border, the
23 Turnback Policy creates concrete devastation and risk for already vulnerable
24 individuals and families fleeing violence, only to be shunted aside and forced to
25 wait in dangerous conditions on the Mexico side of the U.S.-Mexico border. The
26 Turnback Policy needlessly places the lives of countless individuals seeking refuge
27 at risk.

28

1 **STATEMENT OF INTEREST OF THE *AMICI CURIAE***

2 *Amici curiae* are the Asian Law Alliance; Bet Tzedek; Catholic Charities
3 Community Services, Archdiocese of New York Division of Immigrant & Refugee
4 Services; City Bar Justice Center; HIAS and Council Migration Services, Inc. of
5 Philadelphia, d/b/a HIAS Pennsylvania; Immigrant Defense Project; International
6 Refugee Assistance Project; LatinoJustice PRLDEF; The Legal Project; Michigan
7 Immigrant Rights Center; Pangea Legal Services; The Public Law Center; University
8 of California Irvine School of Law Immigrant Rights Clinic; and UnLocal, Inc. (the
9 “*Amici*”).

10 The *Amici* are fourteen non-profit organizations dedicated to ensuring the
11 equitable treatment of all immigrants, including asylum seekers. In this capacity,
12 all the *Amici* advocate for asylum seekers, and many focus specifically on asylum
13 claims, serving people who enter the United States through the U.S.-Mexico border.
14 The Turnback Policy needlessly places the lives of countless asylum seekers at risk
15 by impermissibly restricting the availability of asylum for those who enter the
16 United States through the U.S.-Mexico border. The *Amici* have seen, often
17 firsthand, the devastating consequences of Defendants’ and the Trump
18 Administration’s (the “Administration”) anti-asylum policies at the border,
19 including the concrete danger and violence visited on vulnerable populations forced
20 to wait in precarious conditions on the Mexican side of the U.S.-Mexico border.
21 The *Amici* seek to protect the humanitarian policy of asylum and have a strong
22 interest in ensuring that federal laws are interpreted to afford asylum protection as
23 Congress intended and the United States’ international obligations require. A
24 complete list of the *Amici* is contained in the Appendix.

25 **ARGUMENT**

26 **I. THE DEFENDANTS’ POLICIES HAVE CAUSED A SEVERE**
27 **HUMANITARIAN CRISIS**

28 In decades of serving asylum seekers, the *Amici* have become intimately

1 acquainted with the tragic circumstances that compel people to flee their homes due
2 to violence and persecution. Asylum seekers arrive at the border scared, tired, and
3 in dire need of the protections the asylum laws were so carefully crafted to provide.
4 It is the experience of the *Amici* that asylum seekers who continue to seek asylum at
5 the U.S.-Mexico border are in more dire need than ever before. Many of these
6 asylum seekers have suffered brutal violence, including rape, abuse, assault, murder
7 of friends and family, extortion, and countless other traumatic experiences. They
8 have a profound fear of being forced to return to their home countries, a fear so
9 great that they had no option other than to flee and travel thousands of miles to the
10 United States.

11 However, the Defendants seek to deter and delay to the point of denial
12 asylum seekers from pursuing the opportunity to seek asylum in the United States.
13 The Turnback Policy is based on the false pretext that POEs were unable to handle
14 asylum-seeker flows at the border. Based on this falsehood, Customs and Border
15 Protection (“CBP”) forces asylum seekers to wait in Mexico, only to be inspected
16 when their name is finally called at some indeterminate future time—frequently
17 many *months* later. Many thousands of migrants have been sent back to Mexico,
18 and they are forced to wait to begin the asylum process. As of August 2020,
19 approximately 15,000 asylum seekers are estimated to be on lengthy waitlists in
20 Mexican border cities, hoping for it to become their turn to even receive the
21 opportunity to begin the process of seeking asylum.³ They face wait times of up to
22 *11 months* to be processed, all while living without adequate shelter or basic
23 necessities.⁴ And now, those arriving at the border are unable to get their name
24 onto the asylum waitlists at all (and are thus being denied access to the asylum

25 ³ Stephanie Leutert, Savitri Arvey & Ellie Ezzell, *Metering Update*, Strauss
26 Center1-2 (Aug. 2020), [https://www.strausscenter.org/wp-](https://www.strausscenter.org/wp-content/uploads/MeteringUpdate_200820.pdf)
27 [content/uploads/MeteringUpdate_200820.pdf](https://www.strausscenter.org/wp-content/uploads/MeteringUpdate_200820.pdf) [hereinafter “August 2020 Metering
Update”].

28 ⁴ *See id.* at 10.

1 process entirely) because CBP has extended an order indefinitely blocking the entry
2 of individuals seeking to enter the United States through the U.S.-Mexico border
3 without proper travel documents, ostensibly due to COVID-19.⁵

4 Congress drafted the asylum laws with a clear understanding of the needs of
5 asylum seekers, knowing that “[t]he refugees of tomorrow, like the refugees of
6 today, [would] continue to look to the United States for safe haven and resettlement
7 opportunities—and our government [would] continue to be called upon to help.” S.
8 Rep. No. 96-256, at 3 (1979). Indeed, Congress sought to “establish a national
9 policy of *welcome* to refugees.” S. Rep. No. 96-590, at 82 (1980) (Conf. Rep.)
10 (emphasis added). This is particularly true for unaccompanied children, who have
11 special immigration protections created by Congress that Defendants blatantly
12 ignore.

13 It is Congress’s considered judgment on the importance of providing an
14 opportunity for safe haven, which reflects humanitarian protection enshrined in
15 domestic and international law, that must guide the Court, and not Defendants’
16 unsound statements that do little to mask an underlying disdain for asylum seekers.

17 **II. THE DEFENDANTS’ JUSTIFICATIONS FOR THE TURNBACK**
18 **POLICY ARE NOT LEGITIMATE**

19 **A. Metering was not instituted as the result of a bona fide lack of**
20 **capacity or personnel to deal with increasing numbers of asylum**
21 **seekers at the U.S.-Mexico border.**

22 Defendants initially implemented the Turnback Policy at the San Ysidro
23 POE, but it soon spread to other POEs spanning the entirety of the U.S.-Mexico
24 border, and was formalized through the use of “metering” or “queue management”
25 techniques. Under the Turnback Policy, CBP officials turn away non-citizens
26 seeking asylum at the U.S.-Mexico border, telling them that the POE is at capacity
27 and they must return later to be processed. Ex. 4 to MSJ at 171:7-13.⁶ As reported

28 ⁵ See *id.* at 1.

⁶ Exhibit citations refer to exhibits filed with Plaintiffs’ Motion for Summary Judgment, ECF No. 535.

1 by non-governmental organizations like the *Amici* and confirmed by Plaintiffs, CBP
2 officers achieve this using lies, manipulation, and even physical force, and have
3 forced thousands of vulnerable migrants, including unaccompanied children, to wait
4 indefinitely on the Mexican side of the U.S.-Mexico border.⁷

5 The *Amici* have become acutely aware of the ways in which the Turnback
6 Policy forces asylum seekers to wait in squalid, inhumane conditions. Families
7 often lack shelter, bathrooms, and food, and while they wait to be processed, many
8 have been kidnapped, robbed, extorted, or murdered, and all suffer from the risks of
9 such dangers. The port of entry at the U.S.-Mexico border between Matamoros and
10 Brownsville is illustrative. At that port, which is relatively small compared to other
11 POEs, hundreds of asylum seekers are kept on a waiting list—in a handwritten
12 book—maintained by Mexican immigration officials, and forced to wait for months
13 in Mexico before CBP permits them to cross the bridge into the U.S. to seek
14 asylum.⁸ But as of 2019, only around *seven* asylum seekers were being called for
15 processing each week—on average, only one per day.⁹ And for the majority of
16 2020, this number has fallen to zero for at least six ports of entry.¹⁰

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18 ⁷ See, e.g., Dara Lind, *The US Has Made Migrants at the Border Wait Months to*
19 *Apply for Asylum. Now the Dam is Breaking*, Vox (Nov. 28, 2018),
20 [https://www.vox.com/2018/11/28/18089048/border-asylum-trump-metering-](https://www.vox.com/2018/11/28/18089048/border-asylum-trump-metering-legally-ports)
21 [legally-ports](https://www.vox.com/2018/11/28/18089048/border-asylum-trump-metering-legally-ports); Jonathan Blitzer, *The Long Wait for Tijuana’s Migrants to Process*
22 *Their Own Asylum Claims*, The New Yorker (Nov. 29, 2018),
23 [https://www.newyorker.com/news/dispatch/the-long-wait-for-tijuanas-migrants-to-](https://www.newyorker.com/news/dispatch/the-long-wait-for-tijuanas-migrants-to-process-their-own-asylum-claims)

24 [process-their-own-asylum-claims](https://www.newyorker.com/news/dispatch/the-long-wait-for-tijuanas-migrants-to-process-their-own-asylum-claims).
25 ⁸ Elizabeth Trovall, *‘Metering’ Policy at the Southern Border Faces Renewed*
26 *Scrutiny*, NPR (July 3, 2019),
27 [https://www.npr.org/2019/07/03/738586876/metering-policy-at-the-southern-](https://www.npr.org/2019/07/03/738586876/metering-policy-at-the-southern-border-faces-renewed-scrutiny)

28 [border-faces-renewed-scrutiny](https://www.npr.org/2019/07/03/738586876/metering-policy-at-the-southern-border-faces-renewed-scrutiny).
⁹ *Id.*; see also Elliot Spagat, Nomaan Merchant & Patricio Espinoza, *For Thousands*
29 *of Asylum Seekers, All They Can Do Is Wait*, AP (May 9, 2019),
30 <https://apnews.com/article/ed788f5b4269407381d79e588b6c1dc2> (“Some days
31 they take people, then they don’t, then it’s every third day’ . . .”).

32 ¹⁰ August 2020 Metering Update, at 4-10.

1 Defendants claim this situation is necessary because ports of entry were
2 overwhelmed by “surges” and lacked the capacity to hold and process the asylum
3 seekers waiting to be processed. *See, e.g.*, Defs.’ Memorandum in Support of
4 Cross-Motion for Summary Judgment and Opposition to Pls.’ Motion for Summary
5 Judgment at 10-15. This claim is based on a nebulous definition for “capacity” that
6 obscures the fact that CBP, despite drastic increases in resources and plenty of
7 capacity, has chosen to flatly refuse to process immigration applications
8 commensurate with the actual capacity that CBP possesses.

9 **B. Defendants have no clear definition for “capacity,” making any**
10 **defense of the Turnback Policy based on “capacity” necessarily**
11 **pretextual.**

12 That Defendants’ claims regarding capacity are pretextual is highlighted by
13 the fact that in June 2018, CBP suddenly changed its metric for “capacity,” moving
14 from a concrete and well-tracked metric of “detention capacity” to one that they do
15 not track and cannot calculate for any port of entry. *See* Pls.’ Memorandum of
16 Points and Authorities in Support of their Motion for Summary Judgment at 14-16;
17 Ex. 14 to MSJ at 140:2-6; Ex. 17 to MSJ at 73:6-11, 129:23-131:5. CBP’s new
18 metric, “operational capacity,” is different than “the physical capacity which is the
19 space within the detention cells.” *See* Ex. 10 to MSJ at 74:12-14; *see also id.* at
20 76:7-9 (“[T]he capacity is not just the physical space but the operational aspects of
21 what’s taking place.”). Instead, operational capacity is based on a number of
22 subjective and wide-ranging factors, including “the demographics of those in
23 custody” and “the issues and sickness issues.” *See id.* at 74:14-22. These factors
24 could “change [the] operational capacity at any given time.” Ex. 17 to MSJ at
25 130:24-131:1; *see also id.* at 130:4-8 (“I do not know of any report that’s going to
26 give you a daily operational capacity. Again, that’s fluid, it’s very dynamic, and it
27 changes multiple times even within a day.”).

28 What this means is that Defendants do not calculate, define, or track the very
metric that they claim justifies the Turnback Policy. Moreover, this metric

1 obscures the fact that CBP, in reality, had plenty of capacity at POEs. The adoption
2 of a new and completely unverifiable definition of capacity in June 2018, around
3 the same time that CBP memorialized aspects of the Turnback Policy in writing,
4 gave CBP the ability to claim capacity constraints and thus impose metering at the
5 border, even as capacity remained available.

6 **C. CBP refused to operate at capacity, despite increased numbers of**
7 **resources available to work with immigrants.**

8 Defendants’ purported capacity constraints, especially under the nebulous
9 “operational capacity” definition, are an obvious pretext for the implementation of a
10 Turnback Policy with other objectives. In reality, CBP insisted on operating *below*
11 its capacity. “From 2016 to 2019, most ports of entry consistently reported that
12 they were below capacity. Further still, some ports of entry reported being
13 consistently below 50 percent capacity.” Appellees’ Supplemental Excerpts of
14 Record in Support of Opposition to Motion for Stay Pending Appeal, Vol. 5, at 979,
15 *Al Otro Lado, Inc. v. Chad Wolf*, No. 19-56417 (9th Cir. filed Dec. 23, 2019)
16 (“Leutert Report”).¹¹ In fact, “80 percent of the times when these ports of entry
17 were redirecting asylum seekers, their facilities were *completely empty*.” *Id.*
18 (emphasis added); *see also id.* at 1007, 1010-11. This excess of capacity was
19 confirmed by senior CBP and U.S. Immigration and Customs Enforcement (“ICE”)
20 officials at the San Ysidro POE, who stated in 2018 that “CBP has only actually
21 reached its detention capacity a couple of times per year and during a ‘very short
22 period’ in 2017.”¹² Similarly, during its investigation of the Administration’s

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24 ¹¹ *See also* David J. Bier, *Officials Mised Congress to Ignore Asylum Law & Set*
25 *Up Family Separations*, Cato (Sept. 29, 2020), [https://www.cato.org/blog/officials-](https://www.cato.org/blog/officials-mised-congress-ignore-asylum-law-set-family-separations)
26 [mised-congress-ignore-asylum-law-set-family-separations](https://www.cato.org/blog/officials-mised-congress-ignore-asylum-law-set-family-separations) (“CBP-OFO revealed in
27 a FOIA release this month that it had the capacity for double the number of daily
28 detentions than it was allowing in December 2018 . . .”).

¹² Amnesty Int’l, USA: “You Don’t Have Any Rights Here”: Illegal Pushbacks,
Arbitrary Detention & Ill-Treatment of Asylum-Seekers in the United States 15

1 “zero-tolerance policy,” which directed U.S. Attorneys’ Offices along the southern
2 border to prosecute all cases of illegal entry and attempted illegal entry, the Office
3 of Inspector General “did not observe severe overcrowding at the ports of entry it
4 visited.”¹³ Notably, in some instances—as confirmed by CBP officers—when CBP
5 officers told asylum seekers a port of entry was at capacity and turned them back,
6 the port was *not* at capacity and CBP officers were instructed to lie to asylum
7 seekers. *See* Ex. 1 to MSJ at 100:22-101:6.

8 Additionally, the number of migrants processed at POEs today is not
9 appreciably higher than it was in 2015 (and is far lower than 2016), despite the
10 addition of nearly 1,000 officers since then.¹⁴ Rates of migration at the border have
11 been far higher in the past than those now occurring,¹⁵ and border patrol agents
12 made approximately 1.7 million apprehensions in FY2000 alone,¹⁶ which pales in
13 comparison to the 553,378 apprehended in FY2016 at the height of the purported
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16 _____
17 (Oct. 2018),
18 <https://www.amnesty.org/download/Documents/AMR5191012018ENGLISH.PDF>.

19 ¹³ Dep’t of Homeland Security, Office of Inspector General, Special Review –
20 Initial Observations Regarding Family Separation Issues Under the Zero Tolerance
21 Policy 7 (Sept. 27, 2018), <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-84-Sep18.pdf>.

22 ¹⁴ *See* David J. Bier, *Despite More Staff, CBP Says “No Resources” To Process Asylum Applicants At Port*, Cato Institute (Dec. 5, 2019),
23 <https://www.cato.org/blog/despite-more-staff-cbp-says-no-resources-process-asylum-applicants-ports>.

24 ¹⁵ *See* Congressional Research Service, *Recent Migration to the United States from Central America: Frequently Asked Questions 2* (Jill H. Wilson, Jan. 29, 2019),
25 <https://crsreports.congress.gov/product/pdf/R/R45489/1> (showing that apprehension rate average between 2009-2018 was 401,000 individuals, compared to a high of 1.62 million in 1986, and 1.64 million in 2000).

26 ¹⁶ *See* Jeffrey S. Passel & D’vera Cohn, *U.S. Unauthorized Immigrant Total Dips to Lowest Level in a Decade*, Pew Research Center (Nov. 27, 2018),
27 <https://www.pewresearch.org/hispanic/2018/11/27/u-s-unauthorized-immigrant-total-dips-to-lowest-level-in-a-decade/>.

1 2016 surge.¹⁷ While these figures do not refer specifically to the number of
2 migrants entering POEs, they do demonstrate that the rates of migration
3 experienced when the Turnback Policy was implemented at the U.S.-Mexico border
4 are substantially below historical rates. And even if rates of immigration were to
5 appreciably increase, Defendants already had contingency plans in place to expand
6 their detention capacity. *See* Ex. 14 to MSJ at 156:23-157:12. As Leutert
7 explained, “CBP field offices create contingency plans that explain in detail how
8 POEs can temporarily increase their capacity in response to an increased number of
9 asylum seekers.” Leutert Report at 978-79, 1014-15. But CBP declined to enact
10 these plans, instead deciding to “hold at the line if necessary.” *Id.* at 1015-16
11 (quoting the Executive Director of the Laredo Field Office). As Leutert concluded,
12 “metering practices and turn-backs have remained in place regardless of the
13 migration level at the port of entry.” Leutert Report at 1028-29. This does not
14 make sense unless one concludes that the purpose of the Turnback Policy is not to
15 address a legitimate concern about capacity to process asylum seekers at POEs on
16 the U.S.-Mexico border.

17 In sum, despite Defendants’ attempt to create a black box around their
18 operations that would allow them, at any time, to claim there are serious “capacity”
19 constraints at a port of entry, it is clear that ports were not at capacity—operational
20 or otherwise—and that CBP declined to use their significant resources to assist
21 asylum seekers.

22 **III. THE TRUE MOTIVATIONS FOR METERING ARE TO DETER**
23 **IMMIGRANTS FROM SEEKING ASYLUM**

24 **A. The policies implemented by Defendants at the U.S.-Mexico**
25 **Border demonstrate a desire to reduce and deter asylum rather**
26 **than an effort to address capacity problems at the border.**

27 ¹⁷ *See* U.S. Customs & Border Protection, Southwest Border Migration FY 2020,
28 <https://www.cbp.gov/newsroom/stats/sw-border-migration> (last visited Oct. 26, 2020).

1 Defendants’ true reason for subjecting asylum seekers and other immigrants
2 to cruel and harsh conditions at the U.S.-Mexico border—conditions with which
3 unfortunately the *Amici* have grown all too familiar—is animus toward Central and
4 South American immigrants and a desire to cut off an asylum process that
5 Defendants view as too permissive. Indeed, the Turnback Policy is just one in
6 myriad policies put in place by Defendants and the Administration that all work
7 towards a broader purpose of reducing and deterring asylum seekers. Deterring
8 asylum is the goal; it is not an unfortunate side effect of a sober analysis of
9 migration rates or an earnest assessment of capacity and operational limitations.
10 Deterring asylum and denying access to the asylum process are in themselves the
11 desired outcomes, and the legal and administrative justifications constructed to
12 support these goals are merely artifice.

13 When the Turnback Policy is seen, as it should be, as but one part of a
14 broader tactical assault on asylum seekers at the southern border, the ultimate
15 objective to deter asylum seekers and abandon the United States’ commitment to
16 asylum becomes even more clear. Beyond the Turnback Policy, other components
17 of this broader ultimate objective include:

- 18 • barring asylum for anyone who crosses the U.S.-Mexico border
19 outside of a port of entry;¹⁸
- 20 • capping the refugee resettlement program at a historic low of 15,000
21 participants;¹⁹

22 _____
23 ¹⁸ Donald J. Trump, *Presidential Proclamation Addressing Mass Migration*
24 *Through the Southern Border of the United States*, The White House (Nov. 9,
25 2018), [https://www.whitehouse.gov/presidential-actions/presidential-proclamation-](https://www.whitehouse.gov/presidential-actions/presidential-proclamation-addressing-mass-migration-southern-border-united-states/)
26 [addressing-mass-migration-southern-border-united-states/](https://www.whitehouse.gov/presidential-actions/presidential-proclamation-addressing-mass-migration-southern-border-united-states/); *see also* Aliens Subject
27 to a Bar on Entry Under Certain Presidential Proclamations; Procedures for
28 Protection Claims, 83 Fed. Reg. 55,934, 55,947 (Nov. 9, 2018).

¹⁹ Office of the Spokesperson, *Transmission of the President’s Report to Congress*
on the Proposed Refugee Admissions for FY 21, U.S. Department of State (Sept. 30,
2020), <https://www.state.gov/transmission-of-the-presidents-report-to-congress-on->

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- attempting to deny asylum to domestic violence victims and victims of gang violence;²⁰
- instituting a “Travel Ban;”²¹
- implementing a policy that allows USCIS officers to deny any visa or green card application that contains deficient evidence or an error without providing any opportunity to correct;²²
- separating parents from their children at the border as a deterrent to migration;²³
- revoking Temporary Protected Status for over 300,000 people;²⁴
- rejecting Forms I-918 (U-Nonimmigrant Status) and I-589 (Asylum and Withholding of Removal) if any field is left blank, including fields that are not applicable to the immigrant;²⁵
- banning noncitizens who pass through another country before reaching the U.S.-Mexico border from seeking asylum in the United

the-proposed-refugee-admissions-for-fiscal-year-2021/?ct=t(AgencyUpdate_100120).

²⁰ See *Matter of A-B-*, 27 I&N Dec. 316 (A.G. 2018).

²¹ See, e.g., Laura King, Barbara Demick & Molly Hennessy-Fiske, *Trump’s Ban on Some U.S. Entries Sparks Confusion and Protest Worldwide, and Legal Rebukes at Home*, L.A. Times (Jan. 28, 2017), <https://www.latimes.com/nation/la-na-pol-refugee-policy-20170128-story.html>.

²² Kavitha Surana, *Authorities Can Now Deny Visa and Green Card Applications Without Giving Applicants a Chance to Fix Errors*, ProPublica (Sept. 11, 2018, 12:52 PM), <https://www.propublica.org/article/authorities-can-now-deny-visa-and-green-card-applications-without-giving-applicants-a-chance-to-fix-errors>.

²³ See, e.g., Scott Simon & Cindy Carcamo, *Parents of 545 Children Separated at U.S.-Mexico Border Have Not Been Located*, NPR (Oct. 24, 2020), <https://www.npr.org/2020/10/24/927384388/parents-of-545-children-separated-at-u-s-mexico-border-have-not-been-located>.

²⁴ See Miriam Jordan, *Trump Administration Ends Protected Status for Thousands of Hondurans*, N.Y. Times (May 4, 2018), <https://www.nytimes.com/2018/05/04/us/honduras-temporary-protected-status.html>.

²⁵ Dep’t of Homeland Security, *Ombudsman Alert: Recent Updates to USCIS Form Instructions* (Jan. 23, 2020), <https://www.dhs.gov/blog/2020/01/23/ombudsman-alert-recent-updates-uscis-form-instructions>.

- 1 States unless first denied asylum in Mexico or another third country;²⁶
- 2 • instituting the public charge rule to deny green cards, visas, and other
- 3 forms of legal immigration status to low-income households;²⁷ and
- 4 • enacting the Migrant Protection Protocols or “Remain in Mexico”
- 5 program to require asylum seekers to wait in Mexico even after the
- 6 asylum process has begun, while their claims are being adjudicated.²⁸

7 Defendants’ broad-ranging attacks on asylum have deterred asylum seekers from
 8 entering the United States and threaten the immigration system as a whole.

9 **B. Defendants’ true motivations are further demonstrated by**
 10 **repeated attempts to vilify immigrants.**

11 Defendants and the Administration seek to justify the anti-immigrant policies
 12 they rigorously enforce, including the Turnback Policy and its metering tactics, by
 13 portraying immigrants as a violent group. The claim is both baseless as a matter of
 14 fact and totally irrelevant as a matter of asylum law. At bottom, the repeated,
 15 baseless insistence that immigrants are “criminal” invaders demonstrates the
 16 animus motivating Defendants’ and the Administration’s policies.

17 Stephen Miller—now President Trump’s chief advisor on immigration
 18 matters and the architect of the “zero-tolerance” policy²⁹—has a long history of
 19 linking immigration with crime, and has been reported to have cited anti-immigrant
 20 publications such as VDARE and American Renaissance approvingly in emails and

21 ²⁶ Asylum Eligibility and Procedural Modifications, 84 Fed. Reg. 33,829, 33,830
 22 (July 16, 2019).

23 ²⁷ Daniella Silva, *Federal Appeals Court Upholds Bar on Trump's Public Charge*
 24 *Rule*, NBC News (Jan. 8, 2020), <https://www.nbcnews.com/news/latino/federal-appeals-court-upholds-bar-trump-s-public-charge-rule-n1112666>.

25 ²⁸ *See supra* note 1.

26 ²⁹ Miller also championed the Administration’s efforts to set arrest quotas for
 27 undocumented immigrants, separate families at refugee resettlement facilities, and
 28 enact an executive order effectively banning immigration from several Muslim-
 majority countries. Michael Edison Hayden, *Stephen Miller’s Affinity for White*
Nationalism Revealed in Leaked Emails, Southern Poverty Law Center (Nov. 12,
 2019), <https://www.splcenter.org/hatewatch/2019/11/12/stephen-millers-affinity-white-nationalism-revealed-leaked-emails>.

1 conversations with Breitbart News in the past.³⁰ Former Secretary of Homeland
2 Security Kirstjen Nielsen criticized media reports for portraying the 2018 migrant
3 caravan as a sympathetic group of women and children, and she instead alleged that
4 the caravan includes “500 criminals” and “known gang members.”³¹

5 For his part, President Trump stated that the Central American caravan
6 consisted of “[m]any Gang Members,”³² “very tough fighters and people,”³³ “bad
7 thugs and gang members,”³⁴ and “stone cold criminals.”³⁵ The President in May
8 2018, when speaking of unaccompanied minors, said “[t]hey look so innocent;
9 they’re not innocent.”³⁶ He has also likened immigrants to dangerous invaders on
10 numerous occasions, stating:

- 11 • “We cannot allow all of these people to invade our Country.
12 When somebody comes in, we must immediately, with no Judges
13 or Court Cases, bring them back from where they came.”³⁷

14 ³⁰ Associated Press, *White House Aide Stephen Miller Pushed Racist Immigration*
15 *Coverage in Leaked Emails*, L.A. Times (Nov. 12, 2019),
16 <https://www.latimes.com/politics/story/2019-11-12/stephen-miller-white-house-racist-immigration-emails>.

17 ³¹ Richard Gonzales, *DHS Chief Visits U.S.-Mexico Border, Defends*
18 *Administration’s Asylum Rules*, NPR (Nov. 20, 2018),
19 <https://www.npr.org/2018/11/20/669826023/dhs-chief-visits-u-s-mexico-border-defends-administrations-asylum-rules>.

20 ³² Donald Trump (@realDonaldTrump), Twitter (Oct. 29, 2018),
<https://twitter.com/realdonaldtrump/status/1056919064906469376?lang=en>.

21 ³³ Donald Trump (@realDonaldTrump), Twitter (Oct. 31, 2018),
<https://twitter.com/realdonaldtrump/status/1057612657665171457?s=20>.

22 ³⁴ Donald Trump (@realDonaldTrump), Twitter (Oct. 31, 2018),
<https://twitter.com/realdonaldtrump/status/1057614564639019009?s=20>.

23 ³⁵ Donald Trump (@realDonaldTrump), Twitter (Nov. 26, 2018),
24 <https://twitter.com/realdonaldtrump/status/1067015026995879937?s=20>.

25 ³⁶ Donald J. Trump, *Remarks by President Trump at a Roundtable Discussion on*
26 *Immigration, Bethpage, NY*, The White House (May 23, 2018),
<https://www.whitehouse.gov/briefings-statements/remarks-president-trump-roundtable-discussion-immigration-bethpage-ny>.

27 ³⁷ Donald Trump (@realDonaldTrump), Twitter (Jun. 24, 2018),
28 <https://twitter.com/realdonaldtrump/status/1010900865602019329?s=21>.

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- “We’re talking about an invasion of our country with drugs, with human traffickers, with all types of criminals and gangs.”³⁸
- “As everyone knows, the United States of America has been invaded by hundreds of thousands of people coming through Mexico Gang members, smugglers, human traffickers, and illegal drugs and narcotics of all kinds are pouring across the Southern Border and directly into our communities. Thousands of innocent lives are taken every year as a result of this lawless chaos. It must end NOW!”³⁹

While these xenophobic claims have been repeatedly debunked by actual social science⁴⁰—and are otherwise irrelevant to the regular processing of asylum claims—they only underscore relevant decisionmakers’ poorly articulated animus toward Central and South American immigrants.

Defendants’ justifications for their efforts to meter asylum seekers at POEs are consistent with the Administration’s pattern of hostility toward immigrant groups, as expressed from the earliest days of the presidential campaign to the present. Animus toward vulnerable immigrants is the true—and *only*—justification

³⁸ Donald Trump, *Remarks by President Trump on the National Security and Humanitarian Crisis on our Southern Border*, The White House (Feb. 15, 2019), <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-national-security-humanitarian-crisis-southern-border>.

³⁹ Donald Trump, *Statement from the President Regarding Emergency Measures to Address the Border Crisis*, The White House (May 30, 2019), <https://www.whitehouse.gov/briefings-statements/statement-president-regarding-emergency-measures-address-border-crisis>.

⁴⁰ Anna Flagg, *Is There a Connection Between Undocumented Immigrants and Crime?*, The Marshall Project, (May 13, 2019, 5:00 AM), <https://www.themarshallproject.org/2019/05/13/is-there-a-connection-between-undocumented-immigrants-and-crime>; Michelangelo Landgrave & Alex Nowrasteh, *Criminal Immigrants in 2017: Their Numbers, Demographics, and Countries of Origin*, Immigr. Res. & Pol’y Brief, No. 11, Mar. 4, 2019, at 1 (“The data show that all immigrants—legal and illegal—are less likely to be incarcerated than native-born Americans relative to their shares of the population.”); Michael T. Light, *Does Undocumented Immigration Increase Violent Crime?*, 56 *Criminology* 370, 384 (2018).

1 for the Turnback Policy and for other policies designed to prevent and deter asylum
2 seekers. This has never been well concealed. President Trump famously kicked off
3 his 2016 presidential campaign with a speech in which he exclaimed:

4 When Mexico sends its people, they're not sending their best. They're
5 not sending you. They're not sending you. They're sending people that
6 have lots of problems, and they're bringing those problems with us.
7 *They're bringing drugs. They're bringing crime. They're rapists.*⁴¹

8 Since then, the President and his Administration have not tempered their
9 language whatsoever; instead, they have laid bare for all to see the hostile and
10 discriminatory reasoning for their anti-asylum-seeker policies. The President in
11 2018 criticized immigrants from “shithole countries” for seeking refuge in the
12 United States,⁴² and Administration officials have stated “open borders leads to
13 massive crime.”⁴³ Official documents show that the true motives behind the cruel
14 family separation policy were to deter asylum seekers at the U.S.-Mexico border;
15 and Former Secretary Nielsen signed off on the policy after receiving a memo
16 observing that such a policy would “have the greatest impact on current flows.”⁴⁴
17 Ken Cuccinelli, then the acting director of the United States Citizenship and
18 Immigration Services (“USCIS”), made this plainer: the poem inscribed on the

19 _____
20 ⁴¹ *Here’s Donald Trump’s Presidential Announcement Speech*, Time (June 16,
21 2015), <http://time.com/3923128/donald-trump-announcement-speech/> (emphasis
22 added).

23 ⁴² Ibram X. Kendi, *The Day Shithole Entered the Presidential Lexicon*, The Atlantic
(Jan. 13, 2019), <https://www.theatlantic.com/politics/archive/2019/01/shithole-countries/580054/> (referring to Haiti, El Salvador, and certain African countries).

24 ⁴³ ‘*Angel Families*’, *Trump Aides Rally Against Illegal Immigrant Crime*, Fox News
25 (Sept. 7, 2018) <https://www.foxnews.com/politics/angel-families-trump-aides-rally-against-illegal-immigrant-crime>.

26 ⁴⁴ Cora Currier, *Prosecuting Parents—and Separating Families—Was Meant to Deter*
27 *Migration, Signed Memo Confirms*, The Intercept (Sept. 25, 2018),
28 <https://theintercept.com/2018/09/25/family-separation-border-crossings-zero-tolerance/> (containing excerpts of the Department of Homeland Security memo).

1 Statue of Liberty “was referring back to people coming from Europe.”⁴⁵ The
2 Trump Administration has continued to double-down on its anti-immigrant stance
3 amidst the 2020 election campaign, instituting new restrictive policies⁴⁶ in the
4 middle of the COVID-19 pandemic and criticizing Joe Biden’s “[p]ermissive
5 immigration policies.”⁴⁷

6 **C. Defendants and the Administration have expressed particular**
7 **hostility toward asylum seekers.**

8 In light of the Turnback Policy and other recently enacted immigration
9 policies, it is clear that Defendants’ overarching goal is to deter migrants from
10 seeking asylum at all. Defendants have specifically attacked asylum as “an easy
11 ticket to illegal entry into the United States,” “swamped” with “vague,
12 insubstantial, and subjective claims.”⁴⁸ And the Administration has consistently
13 referred to important protections for unaccompanied minors as “dangerous
14 loopholes” that have been exploited by gang members posing as vulnerable
15 children.⁴⁹ In August 2019, the Administration removed these protections and

16 _____
17 ⁴⁵ Jacey Fortin, ‘Huddled Masses’ in Statue of Liberty Poem Are European, *Trump*
18 *Official Says*, N.Y. Times (Aug. 14, 2019),
<https://www.nytimes.com/2019/08/14/us/cuccinelli-statue-liberty-poem.html>.

19 ⁴⁶ New policies include “broad shutdowns of America’s legal immigration system”
20 under the guise of protections against the COVID-19 pandemic, including
21 “blocking the entry of a range of temporary foreign workers and some applicants
22 for permanent residence.” Ted Hesson & Chris Kahn, *Trump Pushes Anti-*
23 *Immigrant Message Even as Coronavirus Dominates Campaign*, Reuters (Aug. 14,
2020, 6:03 AM), [https://www.reuters.com/article/us-usa-election-immigration-](https://www.reuters.com/article/us-usa-election-immigration-insight/trump-pushes-anti-immigrant-message-even-as-coronavirus-dominates-campaign-idUSKCN25A18W)
[insight/trump-pushes-anti-immigrant-message-even-as-coronavirus-dominates-](https://www.reuters.com/article/us-usa-election-immigration-insight/trump-pushes-anti-immigrant-message-even-as-coronavirus-dominates-campaign-idUSKCN25A18W)
[campaign-idUSKCN25A18W](https://www.reuters.com/article/us-usa-election-immigration-insight/trump-pushes-anti-immigrant-message-even-as-coronavirus-dominates-campaign-idUSKCN25A18W).

24 ⁴⁷ *Id.*

25 ⁴⁸ Jeffrey B. Sessions III, *Attorney General Jeff Sessions Delivers Remarks to the*
26 *Executive Office for Immigration Review*, DOJ (Oct. 12, 2017),
[https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-](https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-remarks-executive-office-immigration-review)
[remarks-executive-office-immigration-review](https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-remarks-executive-office-immigration-review).

27 ⁴⁹ Donald Trump, *President Donald J. Trump’s Letter to House and Senate Leaders*
28 *& Immigration Principles and Policies*, The White House (Oct. 8, 2017),

1 subjected certain children to expedited removal proceedings.⁵⁰

2 What is more, Jud Murdock, CBP Director of Field Operations, stated in
3 December 2018 that processing asylum seekers would only encourage more asylum
4 seekers to come—an outcome that Murdock viewed as unfavorable.⁵¹ He
5 emphasized that “[t]he more we process, the more will come.”⁵² Since then, the
6 National Security Council and Stephen Miller have laid out a persistent strategy to
7 deny asylum seekers even when processed: in July 2019 a National Security
8 Council official told CBP officials that, “[m]y mantra has persistently been
9 presenting aliens with *multiple unsolvable dilemmas* to impact their calculus for
10 choosing to make the arduous journey to begin with.”⁵³ And more tellingly, USCIS

11 _____
12 [https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-letter-](https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-letter-house-senate-leaders-immigration-principles-policies/)
13 [house-senate-leaders-immigration-principles-policies/](https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-state-union-address/); *see also* Donald Trump,
14 *President Donald J. Trump’s State of the Union Address*, The White House (Jan.
15 30, 2018), [https://www.whitehouse.gov/briefings-statements/president-donald-j-](https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-state-union-address/)
16 [trumps-state-union-address/](https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-state-union-address/) (as prepared for delivery) (asking Congress to close the
17 “deadly loopholes” that allow for MS-13 members to enter the U.S.). For example,
18 the Former Chief of CBP, Mark Morgan, said during an interview on Fox News,
19 “I’ve been to detention facilities where I’ve walked up to these individuals that are
20 so-called minors, 17 or under. I’ve looked at them and I’ve looked at their eyes . . .
21 and I’ve said that is a soon-to-be MS-13 gang member. It’s unequivocal.” *Is an*
22 *Immigration Loophole Allowing MS-13 Gang Members to Go Free?*, Fox News
23 (Jan. 15, 2019), <https://video.foxnews.com/v/5989437509001#sp=show-clips>.

20 ⁵⁰ Jonathan Blitzer, *The Trump Administration’s Sustained Attack on the Rights of*
21 *Immigrant Children*, The New Yorker (Aug. 22, 2019),
22 [https://www.newyorker.com/news/news-desk/the-trump-administrations-sustained-](https://www.newyorker.com/news/news-desk/the-trump-administrations-sustained-attack-on-flores-agreement-rights-of-immigrant-children)
23 [attack-on-flores-agreement-rights-of-immigrant-children](https://www.newyorker.com/news/news-desk/the-trump-administrations-sustained-attack-on-flores-agreement-rights-of-immigrant-children).

23 ⁵¹ *See* Hamed Aleaziz, *The Trump Administration is Slowing the Asylum Process to*
24 *Discourage Applicants, An Official Told Congress*, BuzzFeed (Dec. 17, 2018, 5:58
25 PM), [https://www.buzzfeednews.com/article/hamedaleaziz/the-trump-](https://www.buzzfeednews.com/article/hamedaleaziz/the-trump-administration-is-slowing-the-asylum-process-to)
26 [administration-is-slowing-the-asylum-process-to](https://www.buzzfeednews.com/article/hamedaleaziz/the-trump-administration-is-slowing-the-asylum-process-to).

25 ⁵² *Id.*

26 ⁵³ Julia Ainsley, *Stephen Miller Wants Border Patrol, Not Asylum Officers, to*
27 *Determine Migrant Asylum Claims*, NBC News (July 29, 2019, 4:31 PM),
28 [https://www.nbcnews.com/politics/immigration/stephen-miller-wants-use-border-](https://www.nbcnews.com/politics/immigration/stephen-miller-wants-use-border-agents-screen-migrants-cut-number-n1035831)
[agents-screen-migrants-cut-number-n1035831](https://www.nbcnews.com/politics/immigration/stephen-miller-wants-use-border-agents-screen-migrants-cut-number-n1035831) (emphasis added).

1 began training CBP agents to conduct initial asylum screenings (i.e., credible fear
2 interviews, an initial step in the asylum process), purportedly because of a lack of
3 capacity and manpower due to the supposed surge of immigrants. However, in
4 reality, members of the Administration indicated that they hoped CBP agents would
5 be more likely to make negative credible fear determinations, thereby reducing
6 asylum claims.⁵⁴

7 The *Amici* respectfully request that the Court recognize Defendants’ actions
8 for what they are—a misbegotten effort to functionally eliminate the availability of
9 asylum to vulnerable immigrants in service of an unfounded animus toward asylum
10 seekers.

11 **CONCLUSION**

12 The justifications offered by Defendants for the devastating Turnback Policy
13 do not stem from legitimate concerns about capacity or ability to accommodate
14 asylum seekers at the U.S.-Mexico border, but rather they are pretext for a policy
15 animated by hostility to immigrants, particularly those from Latin America, and a
16 desire to limit migration to the United States. For the foregoing reasons, the Court
17 should grant Plaintiffs’ motion for summary judgment.

18
19 Dated: October 27, 2020

Respectfully submitted,

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27 _____
28 ⁵⁴ *Id.* (“One current and one former DHS official, both speaking on the condition of
anonymity, said Miller has long seen asylum officers as soft and believes border
agents would be tougher critics of asylum seekers.”).

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APPENDIX A

The Asian Law Alliance is a non-profit organization providing equal access to the justice system for Asian Pacific Islander and low-income populations in the Silicon Valley. Our mission is through providing legal counseling, community education and community organizing, we promote self-sufficiency, self-reliance, and a better quality of life for all. The Asian Law Alliance has helped tens of thousands of people in obtaining decent housing, justice in the immigration process, and access to basic human and legal rights.

Bet Tzedek, Hebrew for “House of Justice,” has for nearly forty-five years provided free legal services and counsel in a comprehensive range of practices areas. Today, Bet Tzedek represents unaccompanied immigrant children who qualify for asylum, Special Immigrant Juvenile Status, and other forms of relief.

Catholic Charities Community Services, Archdiocese of New York Division of Immigrant & Refugee Services provides immigration legal assistance in New York City and the Lower Hudson Valley to adults, children, and families seeking protection from violence, abuse, and persecution, and to those seeking family reunification, employment authorization, release from detention, or residence and citizenship; we also provide resettlement support to newly arrived refugees and asylees, job development and employment prep to vulnerable newcomers, integration and ESL assistance to adults and children, and hotline and information services to over 65,000 people each year.

1 **City Bar Justice Center**, a nonprofit affiliate of the New York City Bar
2 Association, provides free legal services to those in need; mobilizes pro bono
3 lawyers, law firms, and corporate legal departments; educates the public on legal
4 issues; and impacts public policy. CBJC serves more than 20,000 low-income New
5 Yorkers annually, including those seeking asylum and other humanitarian
6 immigration relief.
7

9 **HIAS and Council Migration Services, Inc. of Philadelphia**, d/b/a HIAS
10 Pennsylvania (“HIAS Pennsylvania”) is a non-profit 501(c)(3) organization that
11 was founded in 1882 to assist Jewish immigrants fleeing persecution in Europe.
12 Today it provides legal and supportive services to immigrants, refugees and asylum
13 seekers from all backgrounds in order to assure their fair treatment and full
14 integration into American society.
15

17 **Immigrant Defense Project** is a not-for-profit legal resource and training
18 center dedicated to promoting fundamental fairness for immigrants having contact
19 with the criminal justice system, immigration detention, and removal proceedings.
20 IDP provides attorneys, immigrants, and judges with expert legal advice,
21 publications, and training on issues involving the interplay between criminal and
22 immigration law. IDP seeks to improve the quality of justice for immigrants
23 accused of crimes and therefore has a keen interest in ensuring that immigration law
24 is correctly interpreted to give noncitizens the full benefit of their constitutional and
25 statutory rights.
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1 **International Refugee Assistance Project** is a legal advocacy organization
2 for refugees and displaced people in need of a safe place to call home. IRAP works
3 with clients to identify and navigate pathways to safety through free direct
4 representation, policy advocacy, and litigation.

6 **LatinoJustice PRLDEF** is a national non-profit civil rights legal defense
7 fund that has advocated for and defended the constitutional rights of all Latinos to
8 ensure their equal protection under the law since 1972. LatinoJustice has engaged
9 in and supported law reform litigation opposing expanded federal immigration
10 enforcement and challenging government policies and practices seeking to
11 arbitrarily curtail and limit immigrants’ rights.

14 **The Legal Project** is a private non-profit in Albany, NY that provides legal
15 representation and advice to both documented and undocumented individuals,
16 including non-detained asylum applicants. TLP has represented and continues to
17 represent asylum seekers who have crossed the southern border into the U.S. both at
18 and outside of a port of entry.

21 **Michigan Immigrant Rights Center** is a statewide legal resource center for
22 Michigan’s immigrant communities, including Michigan’s large and diverse Arab
23 American community.

25 **Pangea Legal Services** is a non-profit organization that provides low-cost
26 and free legal services to immigrants in removal proceedings. In addition to direct
27 legal services, Pangea also advocates on behalf of the immigrant community
28

1 through policy advocacy, education, and legal empowerment efforts. Pangea has
2 provided legal orientation to asylum seekers at the U.S.-Mexico border and is
3 committed to advocating for clients who have been unlawfully denied their right to
4 seek refuge in the United States.

6 **The Public Law Center** is a non-profit legal services organization located in
7 Santa Ana, California, serving low-income residents of Orange County, California
8 for over thirty-five years. Over the past year, PLC’s immigration program has
9 directly served over 1,600 individuals, including in the area of asylum. Over 40%
10 of PLC’s asylum seeking clients are from Central America.

13 **University of California Irvine School of Law Immigrant Rights Clinic**
14 (“UCI IRC”) is a law clinic providing pro bono legal services to immigrants facing
15 deportation. The Clinic also partners with community and legal advocacy
16 organizations on policy and litigation projects to advance immigrants’ rights and
17 immigrant workers’ rights. For several years, clinic students working under the
18 supervision of faculty attorneys have represented immigrants detained at the
19 Adelanto Detention Center in Orange County, California facilities in their bond
20 hearings. Many of these individuals were unrepresented in their removal
21 proceedings and subject to prolonged detention.

25 **UnLocal, Inc.** is a non-profit organization that provides direct immigration
26 legal representation, legal consultations, and community education to New York
27 City’s undocumented immigrant communities. UnLocal attorneys currently
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represent more than 200 asylum seekers. The majority of these individuals are from Honduras, Guatemala, and El Salvador.