

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

CASA DE MARYLAND, INC., *et al.*,

Plaintiffs,

– *versus* –

CHAD F. WOLF, *et al.*,

Defendants.

Case No. 8:20-cv-2118

**PLAINTIFFS’ MOTION FOR A STAY OF EFFECTIVE DATES UNDER 5 U.S.C. § 705
OR, IN THE ALTERNATIVE, PRELIMINARY INJUNCTION**

ORAL ARGUMENT REQUESTED

Pursuant to Local Rule 105, Plaintiffs CASA de Maryland, Inc., the Asylum Seeker Advocacy Project, Inc., Centro Legal de la Raza, Oasis Legal Services, and Pangea Legal Services, respectfully move this Court under 5 U.S.C. § 705 for a stay of the effective date of rules, or in the alternative, under Federal Rule of Civil Procedure 65 for preliminary injunctive relief.

This case challenges two rules issued by the Department of Homeland Security (“DHS”) that make myriad changes to the regulatory regime under which applicants for asylum can apply for and obtain authorization to work in this country while their asylum claims are being adjudicated. *See generally* Compl. (ECF No. 1). The rules’ announced effective dates are August 21 and 25, 2020, respectively. In support of this motion Plaintiffs submit the Memorandum of Law, Index of Exhibits, and Declaration of Geroline A. Castillo with twenty-six (26) exhibits.

Plaintiffs are seeking an order under 5 U.S.C. § 705 and/or Rule 65 before August 21, when the first rule is scheduled to take effect. Plaintiffs are non-profit organizations that provide a variety

of services to asylum seekers. The final rules will irreparably harm Plaintiffs and their members and clients.

Plaintiffs seek a stay pursuant to 5 U.S.C. § 705, or in the alternative a preliminary injunction, to prevent the rules from going into effect until the Court issues a final judgment on the merits. Plaintiffs are prepared to move the case expeditiously to resolution as the claims present pure questions of law. Although Plaintiffs will be seeking the production of the administrative record prior to moving for summary judgment on some of their claims, the record is unnecessary for the Court to resolve the preliminary motion. Plaintiffs further submit, as explained in the Memorandum of Law, at n.7, that some of the claims on which Plaintiffs seek preliminary relief could be fully resolved on the merits without the administrative record.

Plaintiffs have moved expeditiously to ensure that Defendants are aware of this case and Plaintiffs' plans. On the day this case was filed (July 21), Plaintiffs' counsel made contact (and remains in contact) with the U.S. Attorney's Office for the District of Maryland via telephone and email. As of that day, Defendants had actual notice of this lawsuit (including a courtesy copy of the complaint), Plaintiffs' intent to move for preliminary relief, and Plaintiffs' desire that their motion will be resolved prior to the first rule's effective date of August 21. On July 22, Plaintiffs arranged for personal service of process upon the U.S. Attorney's Office for the District of Maryland (proof of service forthcoming) and for service by certified mail on all others (Defendants are currently not accepting personal service due to the pandemic). Plaintiffs intend to follow the filing of this Motion with paper service and courtesy service by email of the filing to the U.S. Attorney's Office for the District of Maryland.

If it would aid the Court with regards to scheduling or otherwise, Plaintiffs' counsel will make themselves available for a telephonic conference at a time convenient for the Court, and can communicate with the U.S. Attorney's Office to request Defendants' appearance as well.

Dated: July 24, 2020

Respectfully submitted,

/s/
Mariko Hirose (*pro hac vice*)
Kathryn Austin (*pro hac vice*)
Geroline A. Castillo*
INTERNATIONAL REFUGEE ASSISTANCE
PROJECT
One Battery Park Plaza, 4th Floor
New York, New York 10004
Tel: (516) 701-4620
Fax: (929) 999-8115
mhirose@refugeerights.org
kaustin@refugeerights.org
gcastillo@refugeerights.org

/s/
Justin B. Cox (Bar No. 17550)
(signed by Mariko Hirose
with permission of Justin B. Cox)
INTERNATIONAL REFUGEE ASSISTANCE
PROJECT
PO Box 170208
Atlanta, GA 30317
Tel: (516) 701-4233
Fax: (929) 999-8115
jcox@refugeerights.org

Attorneys for Plaintiffs

** Pro hac vice application pending*

Conchita Cruz (*pro hac vice*)
Zachary Manfredi (*pro hac vice*)
Dennise Moreno (Bar No. 21358)
ASYLUM SEEKER ADVOCACY PROJECT
228 Park Avenue S. #84810
New York, NY 10003-1502
Tel: (305) 484-9260
Fax: (646) 968-0279
conchita.cruz@asylumadvocacy.org
zachary.manfredi@asylumadvocacy.org
dennise.moreno@asylumadvocacy.org

Richard W. Mark (*pro hac vice*)
Joseph Evall (*pro hac vice*)
Katherine Marquart (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193
Tel: (212) 351-4000
Fax: (212) 351-4035
RMark@gibsondunn.com
JEvall@gibsondunn.com
KMarquart@gibsondunn.com