

## **ASAP Six Month Report**

Between October 2021 and March 2022, the *CASA v. Mayorkas* preliminary injunction allowed over 70,000 asylum seekers to apply for work authorization. A total of 150,000 asylum seekers have applied for work authorization over the lifetime of the injunction, beginning in September 2020. In addition, these asylum seekers did not have to pay the application's \$85 biometric fee, saving ASAP members a combined \$12,750,000. This preliminary injunction continues to afford ASAP members — asylum seekers from over 175 countries — with 30-day processing of work permits despite historic delays in processing immigration-related applications at U.S. Citizenship and Immigration Services (USCIS).

During this grant period, ASAP attorneys directly assisted thousands of ASAP members with questions about how to receive the benefits of the injunction and worked to ensure the government was complying with the court's order in individual cases.

On January 18, 2022, the court held oral argument on the pending motions for summary judgment. Attorneys from ASAP and our co-counsel at IRAP and Gibson Dunn argued the motions. At the hearing, the court indicated that it was likely to rule in Plaintiffs' favor and planned to issue a final decision shortly.

On April 12, 2022, ASAP attorneys presented these facts in a status conference in *CASA*. The court thus declined the government's request to dismiss our case as moot and ordered a status report on compliance due on May 9, 2022, and a status conference on May 17, 2022. ASAP attorneys communicated with the government in order to develop a plan

for ensuring that all asylum seekers will get their initial work permits within 30 days of applying. ASAP has also outlined multiple concerns for the government, including that the instructions for work permit applications contain several misstatements of law. For example, the instructions state that asylum seekers must submit biometrics fees with their work permit application; but if an asylum seeker submits biometrics fees, their application will likely be rejected.

The parties filed a joint status report on May 9, 2022, stating that the government will respond to plaintiffs concerns by June 1, that the next joint status report will be filed by June 6, 2022, and that the status conference will be adjourned until the week of June 13, 2022.

The judge has kept the preliminary injunction in place while she decides whether any additional action is necessary to ensure that asylum seekers benefit from the elimination of the Trump-era work permit regulations. In the meantime, ASAP continues to help thousands of ASAP members to secure relief under the preliminary injunction — which remains the only vehicle for asylum seekers to ensure timely receipt of work authorization.

In the next six months, ASAP hopes to move towards resolution of the case and to ensure an implementation plan to establish government compliance with the governing regulations. ASAP anticipates having multiple status reports and meet and confer conferences with the government. If negotiations are insufficient to reach a satisfactory resolution, ASAP anticipates continuing to litigate the case in order to ensure government compliance.

Updates from the case and related activities have been featured prominently in the media, including [multiple articles](#) in *Law360*, as well as in [Immigration Impact](#) and [The Register-Guard](#).

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