



Asylum Seeker Advocacy Project - Final Report 2022 Grant

Over the last year, the Asylum Seeker Advocacy Project (ASAP) has been fighting for asylum seekers to access work permits as quickly as possible and to ensure asylum seekers don't have to pay additional fees to be able to work. The *CASA de Maryland v. Mayorkas* lawsuit not only ensured that ASAP and CASA de Maryland members could apply for work permits but is now holding the government accountable to ensure that the now vacated Asylum work permit rules cease harming asylum seekers.

At the beginning of the grant period, ASAP was focused on ensuring that U.S. Citizenship and Immigration Services (USCIS) was complying with the preliminary injunction. Since winning a preliminary injunction in *CASA*, ASAP has helped over 150,000 members access a work permit. We have calculated the economic impact of this victory to be more than \$1.5 billion based on Pew Research Center data that estimates that immigrants with work permits make on average \$14,000 more a year than undocumented immigrants. Additionally, ASAP members directly saved over \$12.75 million in fees as a result of the injunction.

In January of 2022, ASAP had oral argument on a motion for summary judgment, at which time Judge Xinis indicated she was close to making a decision in the case. Days before oral argument, a judge in *AsylumWorks v. Mayorkas* ordered the vacatur of the Trump work permit rules. This case, which included several ASAP member plaintiffs, also cited the *CASA v. Mayorkas* court's analysis on the preliminary injunction as the basis for its ruling. ASAP worked closely with counsel on the *AsylumWorks* case from the time the case was filed. On April 9, 2022, the government declined to appeal the *AsylumWorks* decision, and as a result, the vacatur of the Trump work permit rules became final.

Unfortunately, however, despite the vacatur, USCIS has failed to fully restore asylum seekers' access to work authorization and continued to enforce the Trump-era asylum work permit rules in several significant ways. Over four months after the vacatur, the government failed to update the federal register to reflect the vacatur of the rules, re-issued form instructions stating the vacated rules remained in effect and reported timely processing of only 20% of initial asylum seeker work authorization applications. Only ASAP and CASA members have continued to be protected by the preliminary injunction in the *CASA* litigation by continuing to have their applications timely processed. Despite its continued application of the vacated rules, the government nevertheless sought to dismiss the *CASA* case as moot and dissolve the preliminary injunction.



As a result, ASAP's focus in the *CASA* litigation shifted to preserving the preliminary injunction and to seeking additional injunctive relief necessary to make the vacatur of the rules meaningful. ASAP has argued at several status conferences, about the ongoing harms caused by the government's failures to implement the *AsylumWorks* vacatur.

On June 13, 2022, the *CASA* court heard arguments on mootness and declined to dismiss the case. The judge agreed with attorneys from ASAP that there were potentially still live issues to resolve given the ongoing applications of the rules and chose to maintain the preliminary injunction.

In a further victory, the Court ordered a briefing schedule on cross-motions to address further relief requested by Plaintiffs, and strongly encouraged the government to accede to Plaintiffs' demands voluntarily. ASAP then briefed a new motion for summary judgment, which requested additional injunctive relief and also prepared an opposition to the government's forthcoming motion to dismiss.

As ASAP awaits the Court's ruling we continue to engage in negotiations with the government. ASAP will continue to litigate this case and fight to preserve the injunction, which we project will have allowed over 200,000 asylum seekers to gain work authorization when the case ends.