

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MARIA M. KIAKOMBUA, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 19-cv-1872 (KBJ)
)	
CHAD F. WOLF, <i>in his official capacity as</i>)	
<i>Acting Secretary of the Department of</i>)	
<i>Homeland Security, et al.</i> ,)	
)	
Defendants.)	

ORDER

For the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that Plaintiffs’ motion for summary judgment (ECF No. 36) is **GRANTED** with respect to the first claim for relief in Plaintiffs’ supplemented first amended complaint (ECF No. 62-2), and Defendants’ cross-motion for summary judgment (ECF No. 31) is **DENIED**. Accordingly, the parts of USCIS’s “Lesson Plan on Credible Fear of Persecution or Torture” (Ex. 1 to Admin. Record, ECF No. 61-1, at 2–38 (“April 2019 Lesson Plan”); Ex. A to Defs.’ Status Report, ECF No. 58-1, at 2–39 (“September 2019 Lesson Plan”)) that are addressed in Section IV.C of the accompanying Memorandum Opinion are **DECLARED UNLAWFUL**. It is **FURTHER ORDERED** that, because the unlawful parts of the Lesson Plan are not severable from the remainder of the document, the entire Lesson Plan is **VACATED**, and this matter is remanded to the agency for further consideration in light of this Court’s Memorandum Opinion. It is

FURTHER ORDERED that Defendants are **ENJOINED** to void the credible fear determinations that were previously made with respect to each Plaintiff and to provide each Plaintiff with a new credible fear evaluation, as necessary for each Plaintiff to be afforded the opportunity to pursue asylum relief in the context of full removal proceedings. Defendants may waive the required new credible fear assessment and confirm (through the issuance and filing of proper Notices to Appear) that any or all of these Plaintiffs have been placed into full removal proceedings under 8 U.S.C. § 1229a. Any Plaintiff who is not placed into full removal proceedings shall be afforded a new credible fear interview that does not rely upon the provisions of the Lesson Plan that this Court declared unlawful, and thus conforms with this Court's Order. Likewise, Defendants must facilitate new credible fear interviews that are consistent with this Court's Order, or facilitate full removal proceedings, for Plaintiffs Julia and Sofia, by returning these Plaintiffs to the United States—at no financial cost to them—in order to execute the Order of this Court. Defendants shall work in good faith to carry out the relief ordered and shall communicate periodically with Plaintiffs' counsel until the relief ordered is completed. It is

FURTHER ORDERED that Defendants' motion to strike evidence outside of the administrative record (ECF No. 52) is **DENIED** for the reasons set forth in footnote 19 of the Memorandum Opinion.

DATE: October 31, 2020

Ketanji Brown Jackson
KETANJI BROWN JACKSON
United States District Judge