

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

CASA DE MARYLAND, INC., *et al.*,
Plaintiffs,
v.
CHAD F. WOLF, *et al.*,
Defendants.

*
*
*
*
*
*

Civil Action No. 8:20-cv-02118-PX

ORDER

Upon consideration of the pending motion for preliminary injunction or a stay pending judicial review, ECF No. 23; the memoranda in support and opposition to this motion, and the exhibits thereto; the arguments presented at hearings on August 14 and August 28, 2020; the final rules, *see* “Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I-765 Employment Authorization Applications,” 85 Fed. Reg. 37,502-37,546 (June 22, 2020) (“Timeline Repeal Rule”); and “Asylum Application, Interview, and Employment Authorization for Applicants,” 85 Fed. Reg. 38,532-38,628 (June 26, 2020) (“Broader EAD Rules”); and the full record herein, it is hereby

ORDERED that Plaintiffs’ motion at ECF No. 23 is GRANTED IN PART AND DENIED IN PART; and it is further

ORDERED that Plaintiffs’ motion for a preliminary injunction at ECF No. 23 is GRANTED as to the following rule changes:

- The Timeline Repeal Rule, 85 Fed. Reg. at 37,545 (printing parts of the regulations to be codified at 8 C.F.R. § 208.7(a)(1));
- The 365-day waiting period, 85 Fed. Reg. at 38,626-28 (referenced throughout and

as codified at 8 C.F.R. § 208.3(c)(3); § 208.7(a)(1)(ii), (a)(1)(iii)(E), and (b)(1)(i); and § 274a.12(c)(8));

- Removal of “deemed-complete” rule, 85 Fed. Reg. at 38,626 (codified at 8 C.F.R. § 208.3) (omitting instruction that if the agency has not “mailed the incomplete application back to the applicant within 30 days, it shall be deemed complete.”).
- The discretionary review rule, providing that agency is no longer required to issue EADs to eligible asylees, 85 Fed. Reg. at 38,628 (changes reflected at 8 C.F.R. § 274a.13(a)(1)).
- The one-year filing bar, 85 Fed. Reg. at 38,626 (codified at 8 C.F.R. § 208.7(a)(1)(iii)(F)).
- The rule requiring submission of biometric information as part of EAD applications, 85 Fed. Reg. at 38,626 (codified at 8 C.F.R. § 208.7(a)(1)(i) and (a)(1)(iv)(E); *id.* § 208.10).

ORDERED that the defendants shall be PRELIMINARILY ENJOINED from enforcing the above rule changes against all members of the Plaintiff organizations **Casa de Maryland, Inc.**, and **Asylum Seekers Advocacy Project**, and it is further

ORDERED that Plaintiffs’ motion for a preliminary injunction at ECF No. 23 is DENIED as to all other changes within the Timeline Repeal Rule and Broader EAD Rules that were not expressly listed above; and it is further

ORDERED that Plaintiffs’ motion for a stay pending judicial review at ECF No. 23 is DENIED; and it is further

ORDERED that the motions for leave to file *amicus curiae* briefs filed by the Constitutional Accountability Center (ECF No. 38); Kids in Need of Defense (ECF No. 39); Morton Rosenberg (ECF No. 40); the District of Columbia and the State of New York, among other states (ECF No. 42); and the Oxfam America and the University of Maryland Carey Immigration Clinic (ECF No. 44) are GRANTED.

9/11/2020
Date

/S/
Paula Xinis
U.S. District Court Judge