IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMICA CENTER FOR IMMIGRANT RIGHTS,
1025 Connecticut Avenue NW, Suite 701
Washington, DC 20036;

AMERICAN GATEWAYS,
314 East Highland Mall Boulevard, #501
Austin, TX 78752;

ESTRELLA DEL PASO,
2400A E. Yandell Drive
El Paso, TX 79903;

FLORENCE IMMIGRANT AND REFUGEE RIGHTS PROJECT,
PO Box 654
Florence, AZ 85132;

IMMIGRATION SERVICES AND LEGAL ADVOCACY,
3801 Canal Street, Suite 210
New Orleans, LA 70119;

NATIONAL IMMIGRANT JUSTICE CENTER,
111 W. Jackson Boulevard, Suite 800
Chicago, IL 60604;

NORTHWEST IMMIGRANT RIGHTS PROJECT,
615 Second Avenue, Suite 400
Seattle, WA 98104;

PENNSYLVANIA IMMIGRATION RESOURCE CENTER,
PO Box 20339
112 Pleasant Acres Road, Suite I
York, PA 17402;

ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK,
7301 Federal Boulevard, Suite 300

Case No. 1:25-cv-00298

MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Westminster, CO 80030,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
950 Pennsylvania Avenue, NW
Washington, DC 20530;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

DEPARTMENT OF HOMELAND SECURITY,
245 Murray Lane SW
Washington, DC 20528;

JAMES R. McHENRY III, in his official capacity as Acting Attorney General of the United States,
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530;

SIRCE E. OWEN, in her official capacity as Acting Director of the Executive Office for Immigration Review,
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

KRISTI NOEM, in her official capacity as Secretary of Homeland Security,
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528,

Defendants.

Plaintiffs Amica Center for Immigrant Rights, Estrella Del Paso, Florence Immigrant and Refugee Rights Project, Immigration Services and Legal Advocacy, National Immigrant Justice Center, Northwest Immigrant Rights Project, Pennsylvania Immigration Resource Center, and Rocky Mountain Immigrant Advocacy Network, respectfully move for entry of a temporary restraining order and preliminary injunction that:

1. ENJOINING, pursuant to Fed. R. Civ. P. 65, all Defendants and all persons in active concert or participation with them, from implementing or enforcing Executive Order No. 14159 (January 22, 2025), and any order, memo, instruction, or directive purportedly issued under that Executive Order that

    a. pauses, stops, impedes, blocks, cancels, or terminates Defendants' compliance with the mandate in the Department of Justice Appropriations Act, 2024 to fund the Legal Orientation Program ("LOP"), Immigration Court Helpdesk ("ICH"), Family Group Legal Orientation Program ("FGLOP"), and Counsel for Children Initiative ("CCI");

    b. denies Plaintiff practitioners access to Defendants' 'facilities for the purpose of providing LOP, ICH, FGLOP, or CCI services;

2. ENJOINING, pursuant to Fed. R. Civ. P. 65, all Defendants and all persons in active concert or participation with them, from removing from Defendants' facilities posters, literature, or other written communications of Plaintiffs pertaining to LOP, ICH, FGLOP, or CCI services;

3. ENJOINING, pursuant to Fed. R. Civ. P. 65, all Defendants and all persons in active concert or participation with them, to permit Plaintiffs to continue to post or distribute within Defendants' facilities posters, literature, or other written communications of Plaintiffs pertaining to LOP, ICH, FGLOP, or CCI services;

4. ENJOINING, pursuant to Fed. R. Civ. P. 65, all Defendants and all persons in active concert or participation with them, to remove from their websites and any other locations of publication any statement indicating or suggesting that LOP, ICH, FGLOP, or CCI services are not available; and

5. ENJOINING, pursuant to Fed. R. Civ. P. 65, all Defendants and all persons in active concert or participation with them, from preventing Plaintiffs from accessing Defendants' facilities for the purpose of providing LOP, ICH, FGLOP, or CCI services; and

6. GRANTING such other and further relief in favor of Plaintiffs and against Defendants as this Court deems just and proper.

Plaintiffs meet the test for issuance of preliminary relief. The agency action challenged in this case blocks funding to Plaintiffs in contravention of a specific congressional appropriation mandating that such funding "shall" be made available. No reasoned explanation was provided for this arbitrary and abrupt cut-off of funds in defiance of the appropriation statute. The appropriation Defendants would block is the latest in a series of appropriations, made over decades, to support the offered programs. This termination of funding will have immediate adverse effects on the Plaintiff organizations by requiring cuts to staff and programming that they offer, and that the Defendants have acknowledged are required to be provided.

Preliminary relief is also necessary to protect Plaintiffs' rights under the First Amendment to communicate with noncitizens and to provide independent information to those persons about their rights in immigration proceedings and the procedures of those immigration courts.

As explained in the accompanying Memorandum of Points and Authorities, Plaintiffs are likely to succeed on the merits of their three claims for relief. Defendants' action is arbitrary or capricious, and violates the standards for reasoned decision-making required by the Administrative Procedure Act (First Claim for Relief); Defendants' action contravenes the Appropriations Clause by blocking the expenditure of specifically appropriated funds (Second Claim for Relief); Defendants removal of Plaintiffs' posters and written materials relating to LOP, ICH, FGLOP, or CCI, and denying Plaintiffs' access to Defendants' facilities to provide those program services infringes Plaintiffs' First Amendment rights (Third Claim for Relief).

Finally, the balance of equities favor Plaintiffs in this matter. Plaintiffs will suffer irreparable harm if Defendants stop the disbursement to them of congressionally appropriated funds. In contrast, preliminary relief until adjudication on the merits will result in the government

and Plaintiffs simply continuing to function by offering these programs as has been the status quo for many years.

Pursuant to Local Civil Rule 65.1(a), immediately prior to making this application to the Court, counsel for Plaintiffs provided Andrew Warden, an attorney at the Federal Programs Branch in the Civil Division of Defendant United States Department of Justice, with actual notice that Plaintiffs would file this motion, along with electronic copies of the complaint and the brief accompanying this Motion via e-mail before completing this electronic filing.

Pursuant to Local Civil Rule 65.1(d), Plaintiffs request that this motion be heard on an expedited basis. Plaintiffs support this application with the Complaint (ECF 1), the Memorandum of Points and Authorities filed concurrently with this Motion, and the accompanying Declarations of Edna Yang, Emily Bachman Brock, Kelly Rojas, Laura St. John, Lisa Koop, Marissa Mari Lopez, Monique R. Sherman, Ryan Brunsink, Al Page, and Vanessa Gutierrez.

Accordingly, Plaintiffs request that the Court grant Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction and enter the attached proposed order.

January 31, 2025

s/ Adina Appelbaum

AMICA CENTER FOR IMMIGRANT RIGHTS

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Case No. 1:25-cv-00298

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

7301 Federal Boulevard, Suite 300,
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Plaintiffs,

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UNITED STATES DEPARTMENT OF JUSTICE,
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245 Murray Lane, SW
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Defendants.

INTRODUCTION

Plaintiffs challenge Defendants' arbitrary and unconstitutional attempt to terminate longstanding, congressionally-funded legal orientation and legal representation programs that make the U.S. immigration system more efficient, have saved U.S. taxpayers nearly $18 million annually, and provide thousands of noncitizens, including many in detention, with their only source of information regarding their rights and obligations in removal proceedings. Since 2003, the Legal Orientation Program ("LOP"), Family Group Legal Orientation Program ("FGLOP"), Immigration Court Helpdesk ("ICH"), and Counsel for Children Initiative ("CCI") (collectively, "the Programs") have provided critical information and support for people in removal proceedings around the country. Plaintiffs, which receive congressionally-authorized funding to operate the Programs, rely on this funding to continue their critical operations. By cutting off access to these congressionally-appropriated funds, Defendants force Plaintiffs to cut programs and likely staff, and prevent them from providing essential access to legal information for unrepresented noncitizens.

In 2023, LOP served at least 35 detention facilities and more than 40,000 individuals. *See* White House Legal Aid Interagency Roundtable, *Access to Justice in Federal Administrative Proceedings: Nonlawyer Assistance and other Strategies* 30 (2023), https://perma.cc/Z7CM-2UNY [hereinafter, "Access to Justice Report"]. ICH expanded to 24 immigration courts and served over 12,000 individuals. *Id.* FGLOP served more than 12,000 families, and CCI provided representation to more than 200 children across the country. *Id.*

The U.S. Government consistently has recognized the effectiveness of the Programs, particularly LOP. For example, in April 2017, Booz Allen Hamilton—an outside consultant retained by the U.S. Department of Justice ("DOJ") and Executive Office for Immigration Review

("EOIR")—issued a report at the government's request on the results of a year-long case study of the work and function of EOIR. U.S. Dep't of Just. Exec. Off. for Immigr. Rev., Legal Case Study: Summary Report (Apr. 6, 2017), https://tinyurl.com/bddahzpv [hereinafter, "Booz Allen Hamilton Study"]. The report recommends, among other things, that EOIR "[c]onsider expanding 'know your rights' and legal representation programs, such as the Legal Orientation Program through data-informed budget requests and justifications." *Id.* at 24-25.

Recognizing LOP and ICH's benefits, Congress consistently has appropriated funding to continue and expand them. Most recently, on March 9, 2024, Congress reauthorized $28 million to support the continuation of LOP and ICH. Pub. L. 118-42, 138 Stat. 133 (2024), *available at* https://www.congress.gov/118/plaws/publ42/PLAW-118publ42.pdf. The statute stated that "$28,000,000 shall be available for services and activities provided by the Legal Orientation Program." *Id.* (emphasis added). And the Senate Appropriations Committee warned EOIR against taking the very actions Defendants have now taken, explicitly directing DOJ to "continue all LOP services and activities . . . without interruption, *including during any review of the program*," and "utilize all appropriated funds solely for legitimate program purposes." S. Rep. No. 118-62, at 84 (2023) (emphasis added).

Despite the evidence of LOP's efficacy and near-universal support for the Programs—and Congress's clear mandate to continue their funding and services—DOJ/EOIR issued a stop work order for the Programs on January 22, 2025, purportedly to "audit" the Programs under President Trump's "Protecting the American People Against Invasion" executive order. Exec. Order No. 14159, 90 C.F.R. 8443, 8447 (2025). Although the executive order specified there should be a "review" of relevant Programs, and an audit only "if appropriate" after that review, the stop work order came less than 48 hours after its issuance. No meaningful "review" could have occurred

during that time, particularly considering the strong evidence of LOP's efficiencies and the breadth of the Programs. Defendants provided no justification for the stop, no indication of the stop's duration, and no indication of whether the stop is (or could be) permanent. This arbitrary and capricious decision, without justification and in violation of federal law, causes Plaintiffs immediate and irreparable harm and violates their constitutional rights, warranting injunctive relief requested here.

Without the congressionally-authorized funding, Plaintiffs cannot continue their critical missions to assist noncitizens by informing them of their legal rights and responsibilities during immigration proceedings. Already, Plaintiffs have been ejected from immigration courts and detention facilities during previously-scheduled visits to speak with noncitizens, educate them on their rights, and intake potential new clients—curtailing Plaintiffs' First Amendment Rights. Despite modifying materials to fit the executive order and provide unfunded services, some Plaintiffs still have been denied access and blocked from continuing their work. The congressional funding each Plaintiff receives is a significant portion of their overall operating funds, and the arbitrary cutoff very likely will force Plaintiffs to start terminating or reassigning staff. Defendants' challenged action threatens Plaintiffs' missions, censors their speech, and deprives noncitizens of valuable information. And, because the Programs are proven to increase judicial efficiency, terminating the Programs undoubtedly will increase the already staggering immigration court backlog, estimated at 3.6 million at the end of FY 2024. Holly Straut-Eppsteiner, Cong. Rsch. Serv., IN12463, Immigration Courts: Decline in New Cases at the End of FY2024 (Nov. 26, 2024), http://bit.ly/4jBqmoW.

The Administrative Procedure Act ("APA") requires courts to set aside agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," or that

is "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(A), (B). *First*, the arbitrary and capricious standard requires agency action to be both reasonable and reasonably explained. Defendants' termination of the Programs is neither. Defendants' decision, with no reasoned explanation provided, fails to consider the devastating impact this indefinite halt will have on the Programs' providers, the *pro se* noncitizens in removal proceedings who benefit from their services, and the immigration court system. Had they appropriately considered this impact, Defendants could not reasonably have decided to terminate funding and halt the Programs for purposes of conducting an efficiency review, especially in light of Congressional action appropriating funding with clear instructions to continue the programs.

Second, Defendants' acts are contrary to the constitution and to Plaintiffs' constitutionally guaranteed rights. Defendants' termination of the Programs is contrary to congressional appropriations and allocations of funds towards the Programs, which the executive branch does not have authority to stop. Similarly, Defendants' acts terminating the Program are contrary to the constitutional right of free speech guaranteed by the First Amendment. By preventing Plaintiffs from accessing immigration courts and detention facilities and sharing information about the legal process and legal rights to individuals who are detained, Defendants are preventing Plaintiffs from sharing their viewpoint in limited public forums.

This Court should expedite consideration of this motion under 28 U.S.C. § 1657(a) and grant immediate provisional relief enjoining Defendants' illegal action, which is creating ongoing and irreparable harm to Plaintiffs, and preserve the status quo pending a final judgment in this proceeding.

BACKGROUND

A. Congress Funded LOP to Promote Efficiency in the Immigration System.

Nonprofit organizations, including the Florence Immigrant and Refugee Rights Project (the "Florence Project"), developed legal orientation programs and "Know Your Rights" presentations decades ago, long before Congress instructed EOIR to launch LOP. In June 1992, a General Accounting Office ("GAO," now the "Government Accountability Office") report on Immigration and Naturalization Service ("INS") detention policies and practices observed the Florence Project's "successful results." U.S. Gen. Accounting Office, GAO/GGD-92-85, *Immigration Control: Immigration Policies Affect INS Detention Efforts* 51 (1992), https://perma.cc/DXU8-ELQL. As the GAO explained, INS officials observed that the program improved court efficiency and saved "a significant amount of time" at deportation hearings by "eliminat[ing] the need to have immigration judges describe the various types of relief available to each alien during the hearings." *Id*. In 1994, citing the Florence Project as a "good model," the Senate passed a bipartisan resolution directing the Attorney General to consider implementing a pilot program at INS processing centers for the purpose of "increasing efficiency and cost savings" by "assuring orientation and representation" for individuals who are detained. S. Res. 284, 103d Cong. (1994), https://perma.cc/QKU7-U5JT.

In 1998, EOIR conducted a 90-day pilot program at three sites, with services provided by three different organizations. Anna Hinken, U.S. Dep't of Just. Exec. Off. for Immigr. Rev., *Evaluation of the Rights Presentation* (1999), https://perma.cc/TR85-DJNB. Nearly 3,000 noncitizens who were detained attended the presentations. *Id.* at 3. EOIR conducted an extensive review of the pilot program's efficacy and found that the pilot program produced substantial efficiencies, including (1) increasing the number of noncitizens requesting removal during their initial hearings; (2) reducing the time from initial hearing to completion for unrepresented

noncitizens; (3) increasing *pro bono* representation rates; and (4) reducing anxiety among noncitizens who are detained, which helped INS manage the detention facilities more easily. *Id.* at 7–10.

On March 11, 2003, citing the nearly twenty percent reduction in detention time observed in the pilot program, EOIR introduced LOP at 6 sites, funded by a $1 million congressional appropriation. U.S. Dep't of Just. Exec. Off. for Immigr. Rev., *New Legal Orientation Program Underway to Aid Detained Aliens* (Mar. 11, 2003), https://perma.cc/U5CC-7HG5. LOP now provides four main services: (1) group orientations, which provide a general overview of removal proceedings and forms of relief; (2) individual orientations, in which unrepresented individuals can briefly discuss their cases with LOP providers; (3) self-help workshops providing guidance and self-help materials both to those who have potential avenues for relief and to those who are willing to voluntary depart the country; and (4) referrals to pro bono legal services, when available. *Legal Orientation Program*, U.S. Dep't of Just. (Nov. 5, 2015), https://web.archive.org/web/20160920163113/https://www.justice.gov/eoir/legal-orientation-program. These services are provided at a variety of detention facilities around the country.

B. Following Regular Studies Showing LOP's Effectiveness, EOIR Continuously has Expanded the Program.

For more than two decades, LOP has been evaluated repeatedly, with unambiguously positive results. In 2008, the Vera Institute of Justice ("Vera"), which contracted with EOIR to manage LOP from 2005 until 2022 (at which time Acacia Center for Justice ("Acacia") took over contracting), evaluated the program. Nina Siulc *et al.*, *Legal Orientation Program: Evaluation and Performance and Outcome Measurement Report, Phase II*, THE VERA INSTITUTE OF JUSTICE (2008), https://perma.cc/ZEN3-648L. Vera found that, on average, LOP participants completed removal proceedings nearly two weeks faster than nonparticipants, were less likely to fail to appear

for immigration court hearings (if released), and were better prepared to proceed *pro se*. *Id.* at iv–v. Vera also found that immigration judges felt that LOP helped the immigration courts run more smoothly, and that detention facility staff found that it contributed to a safer environment in the facilities. *Id.* at 66–67. Vera continued to study the program in 2009 and found that more LOP cases than non-LOP cases concluded at the first Master Calendar Hearing; of the cases that continued beyond that initial hearing, the median case processing time of LOP cases was 11 days less than the median case processing time for non-LOP cases. Zhifen Cheng & Neil Weiner, Vera Inst. of Just., *Legal Orientation Program (LOP): Evaluation, Performance and Outcome Measurement Report, Phase III* at 3 (2009), https://bit.ly/2K8ctOz.

In 2012, at Congress's instruction, EOIR developed a more in-depth estimate of the cost savings associated with LOP; the study identified $17.8 million per year in net savings. U.S. Dep't of Just. Exec. Off. for Immigr. Rev., *Cost Savings Analysis – The EOIR Legal Orientation Program* 2–3 (updated Apr. 4, 2012), https://perma.cc/5CjC-REZH. This estimate was based on an average reduction of detention time of six days per person; EOIR also found that the program reduced immigration court processing times by an average of twelve days. *Id.* Based on its consistently successful performance, Congress has appropriated funds for EOIR to expand LOP several times, including:

- Ten new LOP sites opened in October 2006, noting that LOP participants "make wiser decisions and [their] cases are more likely to be completed faster—resulting in fewer court hearings and less time spent in detention." News Release, U.S. Dep't of Just. Exec. Off. for Immigr. Rev., *EOIR Adds 10 New Legal Orientation Program Sites – Initiates Sites for Children* (Oct. 13, 2006), https://perma.cc/NWV9-LM5H.

- Twelve new LOP sites opened in October 2008, explaining that LOP participants "[c]omplete their immigration proceedings 13 days faster than other detained aliens," are more successful, "[a]re better prepared to represent themselves *pro se*," and are less likely to fail to appear for immigration court. News Release, U.S. Dep't of Just. Exec. Off. for Immigr. Rev., *EOIR Adds 12 New Legal Orientation Program Sites* (Oct. 15, 2008), https://perma.cc/7PJC-AJRV.

- Seven new LOP sites opened in 2014, declaring that "[t]he Legal Orientation Program is critical to the efficiency of our immigration court proceedings." News Release, U.S. Dep't of Just. Exec. Off. for Immigr. Rev., *EOIR Expands Legal Orientation Program Sites* (Oct. 22, 2014), https://perma.cc/V89T-M9BC (quoting EOIR Director Juan P. Osuna).

- Three new LOP sites opened in 2016, again touting that LOP "improve[s] judicial efficiency." News Release, U.S. Dep't of Just. Exec. Off. for Immigr. Rev., *Executive Office for Immigration Review Expands Legal Orientation Program Sites* (Nov. 9, 2016), https://perma.cc/RD99-F5C5.

In addition to expanding LOP, EOIR—based on congressional instruction—also has built on LOP's success by creating other legal access programs, including ICH, FGLOP, and CCI. For Fiscal Year 2016, Congress provided EOIR with funding to create ICHs "at the immigration courts with the greatest pending caseload." Fact Sheet, U.S. Dep't of Just. Exec. Off. of Immigr. Rev., *EOIR's Office of Legal Access Programs* 4 (2016), https://perma.cc/8P3W-9NWM. Similar to LOP's work with individuals who are detained, ICH "orient[s] non-detained individuals appearing before the immigration court on the removal hearing process, and provide[s] information to non-detained individuals to inform them about possible remedies and legal resources." *Id.*

In 2021, EOIR added FGLOP and CCI. EOIR expanded LOP to create FGLOP as a specific version of the program to serve families in removal proceedings on expedited dockets or in the Family Expedited Removal Management program (a program created in 2023 to place family units in expedited removal proceedings). Acacia Ctr. for Just., *Family Group Legal Orientation Program*, https://acaciajustice.org/what-we-do/family-group-legal-orientation-program (last visited Jan. 29, 2025). In 2023, FGLOP educated more than 12,000 noncitizen families in nine immigration courts and via its national information line. *See* Access to Justice Report at 30. Rocky Mountain Immigrant Advocacy Network ("RMIAN") runs FGLOP in Colorado.

ICH is a court-based legal education program for people in immigration proceedings who are not in detention. The program provides information about court practices and procedures,

available legal options, and other relevant topics. ICH acts as a safeguard for immigrants in removal proceedings, ensuring a modicum of due process in a high-stakes and complex legal system. The program also is a crucial gateway for connecting people with pro bono attorneys, to the limited extent available. National Immigrant Justice Center ("NIJC") runs ICH in Chicago, RMIAN runs ICH in Denver, Immigration Services and Legal Advocacy ("ISLA") runs ICH in New Orleans, and Estrelle del Paso ("Estrella") runs ICH in El Paso.

CCI provides full-scope, free legal representation for children who are in removal proceedings without a parent, who would otherwise be forced to appear in court alone. Acacia Ctr.r for Just., *Counsel for Children Initiative*, https://acaciajustice.org/what-we-do/counsel-for-children-initiative (last visited Jan. 29, 2025). CCI operates in 14 cities and provided representation for 200 children in 2023. *See* Access to Justice Report at 30. NIJC runs CCI in Chicago, American Gateways runs CCI in Austin, Texas, and ISLA runs CCI in New Orleans.

C. Recognizing the Benefits of the Programs, Congress Appropriated Funds to Continue the Programs, most recently on March 9, 2024.

The benefits of the Programs are widely recognized. In an April 2017 report based on a year-long study of EOIR's performance, the government's outside consultant Booz Allen Hamilton recommended that DOJ and EOIR "[c]onsider expanding 'know your rights' and legal representation programs, such as the Legal Orientation Program through data-informed budget requests and justifications." Booz Allen Hamilton Study at 24–25.

In May 2017, the EOIR program director overseeing LOP and ICH affirmed that LOP has had positive effects on the immigration court process: individuals who are detained make more timely and better-informed decisions and are more likely to obtain representation; non-profit organizations reach a wider audience of people with minimal resources; and, cases are more likely to be completed faster, resulting in fewer court hearings and less time spent in detention. Decl. of

Steven Lang ¶ 65 *NWIRP v. Sessions*, No. 17 Civ. 00716 (W.D. Wash. 2017), ECF No. 50, https://bit.ly/2Hwn6wa.

In November 2017, then-ICE Assistant Director for Custody Management informed ICE field officers that "[e]xperience has shown that LOP attendees are positioned to make better informed decisions, are more likely to obtain legal representation, and complete their cases faster than detainees who have not received the LOP," and instructed field officers to facilitate the programs by ensuring adequate meeting space, sharing information with the program staff, and facilitating attendance by noncitizens who are detained. Memorandum from Tae Johnson, ICE Assistant Director for Custody Management, to ICE Field Office Directors, *Updated Guidance: ERO Support of the U.S. Department of Justice Executive Office for Immigration Review Legal Orientation Program* (Nov. 30, 2017), https://tinyurl.com/4c6tzc4w; *see also* Maria Sacchetti, *ICE Praised Legal-Aid Program for Immigrants That Justice Dept. Plans to Suspend*, WASH. POST, Apr. 17, 2018, https://wapo.st/2qGf1uT.

On March 9, 2024, as it has done every year since 2003, Congress appropriated funds for LOP. Pub. L. 118-42, 138 Stat. 133 (2024).[1] The text of the statute reads:

> For expenses necessary for the administration of immigration-related activities of the Executive Office for Immigration Review, $844,000,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account, and of which not less than $28,000,000 shall be available for services and activities provided by the Legal Orientation Program: Provided, That not to exceed $50,000,000 of the total amount made available under this heading shall remain available until September 30, 2028, for build-out and modifications of courtroom space.

Congress's appropriation is a mandate, not a suggestion. The text of the bill reads specifically that "$28,000,000 shall be available for services and activities provided by the Legal

[1] Funding for FY 2024 has ended, but on December 20, 2024, Congress passed a Continuing Resolution which continued funding at 2024 levels. *See* H. Rep. No. 118-10545 (2025).

Orientation Program." *Id*. (emphasis added). Congress has also repeatedly warned EOIR not to try to stop the program, as it previously attempted to do (before reversing course) in 2018. In the Senate Appropriations Committee's July 25, 2024 report, the Committee "direct[ed] the Department to continue all LOP services and activities, including that of the ICH, without interruption, including during any review of the program." S. Rep. No. 118-198, at 92 (2024). And in 2022, the House Appropriations Committee's report recommending LOP appropriations for 2023 "remind[ed] EOIR that funding for this program is mandated by law, and any diversion from the funds' intended purpose must be formally communicated and convincingly justified to the Committee." H. Rep. No. 117-395, at 65 (2022). Congress's warnings reflect the mandatory nature of its appropriation, and underscore the illegality of Defendants' actions.

D. The 2018 Attempt to Revoke Funding for LOP and ICH Provoked Significant Backlash, Demonstrating the Importance of and Broad Support for the Programs.

The last time Defendants (or their 2018 counterparts) attempted to unilaterally halt LOP, in 2018, an unnamed government official reportedly (and inaccurately) said that DOJ wanted to "conduct efficiency reviews which have not taken place in six years." *See* Maria Sacchetti, *Justice Dep't to Halt Legal-Advice Program for Immigrants in Detention*, Wash. Post (Apr. 10, 2018), https://wapo.st/2H4kczb. The unnamed official said that the program was halted "to examine the cost-effectiveness of the federally funded programs and whether they duplicate efforts within the court system." *Id*. This unnamed official did not, however, acknowledge the multiple efficiency reviews and unqualified support for LOP and its cost-effectiveness over the years.

Defendant James McHenry, formerly the director of EOIR and now the Acting Attorney General of the United States, provided testimony to Congress in 2018 that revealed the unconvincing and pretextual nature of Defendants' potential justifications. First, he ignored and rejected numerous studies demonstrating LOP's and ICH's efficacy, falsely claiming that LOP had

not been reviewed since 2012. *Strengthening and Reforming America's Immigration Court System*: *Hearings Before the Subcomm. on Border Security and Immigration of the S. Comm. on the Judiciary*, 115th Cong. (Apr. 18, 2018), at 1:02 [hereinafter Hearings] (video testimony of EOIR Dir. James R. McHenry III), https://bit.ly/2JEJrWx. This testimony blatantly ignored Booz Allen Hamilton's report recommending the *expansion* of LOP. Booz Allen Hamilton Study at 23. Second, McHenry mischaracterized previous studies of LOP as occurring "under some unorthodox circumstances," revealing doubt of his own agency's findings and indicating that Defendants have decided to discredit contrary (and consistent) efficacy findings in an attempt to terminate LOP and ICH.[2] Hearings at 1:03–1:04.

Unsurprisingly, given that Congress had mandated continued funding for LOP and ICH in 2018, House and Senate members moved quickly to condemn Defendants' decision. A week after the first attempted termination was announced in 2018, members of the House and Senate Judiciary Committees jointly communicated their "profound objection" to the Administration's actions, which are "systematically deconstructing basic due process protections for immigrants." Bicameral Judiciary Letter to General Sessions (Apr. 17, 2018), https://web.archive.org/web/20221111041740/https://www.leahy.senate.gov/imo/media/doc/4.17.18%20Bicameral%20Judiciary%20Letter%20to%20DOJ.pdf. The committee members expressed skepticism of Defendants' claim that a pause was needed to assess the cost-effectiveness of the programs, noting that the Department of Justice's own 2012 study concluded that LOP *saved*

[2] Although McHenry, in the face of congressional backlash at the time, described Defendants' actions as a "suspension" of LOP and suggested that the programs would be reinstated *if*, at some unspecified future time, they were found to be effective, his testimony contradicted DOJ's announcement regarding the program's termination. Regardless of how McHenry currently frames or previously framed the decision, Defendants' cessation of funding has the effect of immediately terminating the programs. Accordingly, as shown in Section I.A of the argument, Defendants' actions constitute final agency action.

the government nearly $18 million annually. *Id.* at 2. The committee members wrote that the "decision to pause the LOP contradicts clear and unambiguous Congressional intent," *id.* at 2, as the March 23, 2018, omnibus spending bill included explicit instructions to the Department to provide funds to "sustai[n] the current legal orientation program," *id.* at 3, and even noted the need to *expand* the program in remote areas. *See id.* at 3 (quoting H.R. Rep. No. 115-231, at 30 (2019) and citing S. Rep. No. 115-139 at 65 (2018)) (alteration in original). They concluded, in no uncertain terms, that Defendants were "ignoring the will of Congress." *Id.* at 3.

The next day, twenty-two Senators wrote to express their "strong opposition" to Defendants' decision to terminate LOP and ICH. Senate Letter to Attorney General Sessions, (Apr. 18, 2018), https://perma.cc/2FLW-FB6B. The Senators explained that, although they "support efforts to engage in oversight," they "do not agree that a review of the programs requires [the Department of Justice] to bring LOP, nor the ICH to a standstill." *Id.* Noting EOIR's own findings that the program was effective, the Senators wrote that, "[g]iven this Administration's goal of reducing the immigration court backlogs, it does not follow that the Department [of Justice] would suspend a program which has been shown to do just that." *Id.* The Senators insisted that Defendants "cannot be serious" in contending that DOJ must study the program because LOP and ICH were duplicative of the explanations that immigration judges provide in removal proceedings. *Id.* at 2.

The following day, 105 members of the House jointly expressed their "strong opposition" to the termination. House Letter to Attorney General Sessions (Apr. 19, 2018), https://perma.cc/PU9P-4JLB. Given the "body of evidence" supporting the programs' effectiveness, the House members were "shocked" to hear of Defendants' plans to terminate them. *Id.* Like the Senators, the House members noted that, although they support regular oversight, it

"does not justify the termination of these programs during that process," as previous reviews were conducted effectively without interrupting operations. *Id*. The House members emphasized that Defendants' actions "directly contradict the express direction of Congress." *Id.* at 2.

E. Two Days into a new Administration, and without Justification, Defendants Terminated LOP and related Programs.

On January 20, 2025, the date of his inauguration, President Trump signed an executive order titled "Protecting the American People Against Invasion." Exec. Order No. 14159, 90 C.F.R. 8443, 8447 (2025). Section 19 of the order directs the Attorney General and Secretary of Homeland Security to "[i]mmediately review and, if appropriate, audit all contracts, grants, or other agreements providing Federal funding to non-governmental organizations supporting or providing services, either directly or indirectly, to removable or illegal aliens, to ensure that such agreements conform to applicable law and are free of waste, fraud, and abuse, and that they do not promote or facilitate violations of our immigration laws." *Id.* The order further instructs the Attorney General and Secretary of Homeland Security, in violation of congressional mandate, to "[p]ause distribution of all further funds pursuant to such agreements pending the results of the review" and to "[t]erminate . . . agreements determined to be in violation of law or to be sources of waste, fraud, or abuse." *Id.*

Less than 48 hours later, DOJ/EOIR issued a stop work order as to the Programs, and halted funding. *See, e.g.*, Rojas Decl. ¶ 11; St. John ¶ 21; Koop Decl. ¶ 3. The stop work order reportedly said, "[t]his email is to send you notification to stop work immediately Pursuant to the Executive Order." Laura Romero, *DOJ orders federally funded legal service providers to stop providing support at immigration courts*, ABC NEWS (Jan. 23, 2025), https://perma.cc/R455-JMGN. Putting aside, for now, the many illegalities related to the executive order, there is no basis to conclude executive order's mandated "review" of relevant Programs could have meaningfully occurred

during these few hours. The stop work order for the Programs vaguely suggested the stop work order was to allow for an "audit" of the Programs but came without any explanation as to the stop's duration, or its permanence. *See, e.g.*, Rojas Decl. ¶ 11; Yang Decl. ¶ 10.

Defendants offered virtually no explanation for their decision to stop funding the Programs, beyond a vague desire to conduct an audit. But any such audit appears pretextual and the result preordained: on January 28, 2025, EOIR removed its prior practice manuals and guidance pages, replacing them with a new "EOIR Policy Manual." That new manual inaccurately asserts that the "EOIR has previously determined that the general LOP constitutes a wasteful program." U.S. Dep't of Just., EOIR Policy Manual 557 (January 2025), https://www.justice.gov/eoir/media/1386531/dl?inline= [hereinafter "EOIR Policy Manual"].

F. Defendants' Action will Cause Severe and Irremediable Harm to Plaintiffs, Noncitizens, and the U.S. Immigration System.

Terminating funding for the Programs will have immediate, devastating, and irreparable effects. Even if EOIR reinstates these programs at some unknown future time (an unlikely supposition), LOP already will have been dealt a fatal blow, at the expense of Plaintiffs, unrepresented noncitizens in removal proceedings, immigration judges, and taxpayers. Program providers across the nation receive approximately $9 million dollars annually. For Plaintiffs, this funding represents substantial portions of their organizations' overall operating budget, and funds many full-time staff dedicated to the Programs. *See* Yang Decl. ¶ 13 (LOP and ICH account for 27% of American Gateways' budget and impact over 32% of staff); Brock Decl. ¶ 10 (LOP, ICH, and FGLOP account for about 25% of RMIAN's total revenue for 2025); Rojas Decl. ¶ 25 (LOP accounts for 20% of the Amica Center for Immigrant Rights ("Amica Center")'s Detained Adult Program budget); Lopez Decl. ¶ 14 (13 staff at Estrella are exclusively funded through LOP and ICH); St. John Decl. ¶ 38 (20 staff at the Florence Project are dedicated primarily to LOP). As

nonprofit organizations, Plaintiffs cannot continue this critical work at the core of their mission if Defendants withdraw the previously appropriated, allocated, and approved funding. Plaintiffs will be forced to terminate or reassign staff. *See* Brunsink Decl. ¶ 12; Rojas Decl. ¶¶ 25–29. They will lose (and have already lost) access to noncitizens detained at immigration detention facilities across the country as well as noncitizens who are not detained, and in many cases have already lost access to courthouses and detention centers entirely. *See, e.g.*, Rojas Decl. ¶ 12; Yang Decl. ¶ 11; Gutierrez Decl. ¶¶ 11–12. They are being forced to renegotiate their relationships with detention centers and immigration courts. Rojas Decl. ¶ 20. All the while, thousands of *pro se* noncitizens will face removal proceedings without access to vital information about how to present themselves and their cases in those proceedings.

Defendants' termination already has forced Plaintiffs to reevaluate their operations. Given the small size of most LOP providers, some organizations may be forced to close their doors or forced to charge fees for their services. *See* Brunsink Decl. ¶ 12; Lopez Decl. ¶ 14. Even those nonprofits large enough to survive Defendants' arbitrary and capricious action will face serious consequences, including being forced to reassign or terminate staff, many of whom have specialized expertise in providing services tailored to the Programs, and whose experience is irreplaceable. For example, while American Gateways has, in the short term, shifted its LOP and ICH staff to other programs, it expects it will have to lay off staff members if the stop continues for much longer. Yang Decl. ¶ 13. Similarly, the Amica Center has already had to divert funding for one of its LOP employees to another program and predicts it will have to make other diversions going forward, leading to potential layoffs if funding is not restored in the short-term. Rojas Decl. ¶ 26. NWIRP predicts that the stop will significantly limit its ability to provide detention defense. Gutierrez Decl. ¶ 15. Without federal funding, NIJC's ability to provide continued services to

unrepresented people in the immigration court is "at imminent risk." Koop Decl. ¶ 12. RMIAN is working to find alternative funding sources for its LOP, FGLOP, and ICH programs, taking time from its mission, but much of its other funding cannot be used to provide certain programming typically conducted through those programs. Brock Decl. ¶ 10; Sherman Decl. ¶ 14. RMIAN fears that these limitations will cause it to lose staff due to low morale and mission drift. Sherman Decl. ¶ 18.

Moreover, given the extreme complexity of immigration removal proceedings, *see Padilla v. Kentucky*, 559 U.S. 356, 369 (2010), and the absence of appointed counsel for noncitizens facing removal, the dismantling of these programs will severely frustrate Plaintiffs' respective missions to support noncitizens in removal proceedings. An increased number of noncitizens will be forced to navigate the immigration system without *ever* having spoken to a lawyer about the immigration process, their obligations, or the legal remedies available to them. Access to legal resources in removal proceedings is a particularly urgent issue today, as deportations have increased significantly. *See, e.g.*, *ICE Enforcement and Removal Operations Statistics*, ICE, https://www.ice.gov/spotlight/statistics (last visited Jan. 31, 2025). Recent actions by ICE—including imposing daily arrest quotas and opening a new detention facility for 30,000 noncitizens in Guantánamo Bay—only underscore the urgent need for the Programs, which serve a critically important role in providing legal access and due process. Tarini Parti, *Trump Orders Use of Guantanamo Bay to House Migrants*, Wall St. J. (Jan. 26, 2025), https://www.wsj.com/politics/national-security/migrants-guantanamo-bay-executive-order-ea6a2e72; Danielle Wallace, *Trump Officials Give ICE Goal on Number of Arrests Per Day: Report*, Fox News (Jan. 27, 2025), https://www.foxnews.com/politics/trump-officials-give-ice-goal-number-arrests-per-day-report. With these increased detentions, rapid deportation processes,

and new detention centers, providing legal advice at detention centers to ensures these activities are being carried out following applicable laws is more important now than ever. The Programs inform noncitizens about basic due process and ensure lawyers are regularly inside detention centers to observe or learn about potential legal violations.

Beyond the obvious negative implications for noncitizens in removal proceedings and the nonprofit organizations that serve them, the dismantling of these programs will result in a less efficient and costlier immigration system, to the detriment of noncitizens, courts, and taxpayers alike, at a time when efficiencies in the immigration system are particularly crucial. Given an average daily cost in detention of $164.65, and LOP's average cost of at most $200 per person ($8 million in funding and more than 40,000 people served), even a reduction of 1.5 days of detention per detainee saves taxpayer money on top of providing due process protections in removal proceedings. Thus, terminating the Programs causes the very inefficiencies Defendants purportedly want to eliminate from the immigration system.

The harms caused by Defendants' actions *cannot* be redressed after-the-fact by restarting the programs or providing monetary relief. Halting the Programs, even if they are eventually reinstated, has started and will continue to cripple the nonprofit organizations that provide Program services, effectively killing the programs. Plaintiffs have already been denied access to detention centers and immigration courts where they typically perform their services, depriving numerous *pro se* noncitizens of the valuable information they share, and depriving Plaintiffs of the ability to share information and communicate with detainees. For example, the day the stop work order was issued, an NIJC ICH attorney was at the Chicago immigration court providing services to unrepresented individuals. The attorney was promptly instructed to terminate her work and return to NIJC's office. Koop Decl. ¶ 4. The stop work order has limited RMIAN's access to docket

information, preventing RMIAN from reliably ensuring that juveniles and families on the expedited docket have access to information regarding their rights and responsibilities in removal proceedings. Brock Decl. ¶ 9. For plaintiffs who administer CCI, although the stop work order prevents organizations from receiving funding for their services, attorneys continue to be ethically obligated to represent their juvenile clients. Page Decl. ¶ 8. But CCI providers, like NJIC, are being denied access to immigration courts and detention facilities—at one facility, a security told an immigrant that they could not access NJIC services "because there was 'no more pro bono.'" Koop Decl. ¶ 11. These access restrictions limit CCI providers' ability to speak to their clients and provide competent representation.

In addition to imposing these new roadblocks to performing needed services, Defendants' actions prevent Plaintiffs from communicating and sharing information related to their missions. The Amica Center has been unable to conduct its regular "know your rights" ("KYR") trainings at detention facilities and courthouses in Virginia, despite requesting the ability to do so without LOP. Rojas Decl. ¶ 18–19. Similarly, NWIRP has received pushback from a detention facility about continuing to meet individually with detainees and does not know whether it can continue to enter the detention facility to conduct KYR presentations or meet with individuals. Gutierrez Decl. ¶ 12. Pennsylvania Immigration Resource Center ("PIRC") was forced to cancel several planned trips to continue KYR services and has not received a response as to whether similar presentations will be allowed going forward. Brunsink Decl. ¶ 10. ICE informed RMIAN that they would no longer be allowed to perform group KYR and consultation services. Sherman Decl. ¶ 14. As time goes on, Plaintiffs (and other nonprofit providers) will be forced to reassign or terminate staff, divert funding from equally important initiatives, or even shut their doors. Loss

of these staff may include those with significant subject-matter expertise in relation to LOP; loss of that experience and expertise is irreparable and ongoing harm. Rojas Decl. ¶¶ 28–29.

Further, the immigration system will suffer the strain of losing these educational programs as the efficiency benefits from the Programs are lost, increasing the time to manage an already staggering backlog of around 3.6 million cases. And the system will lose critical institutional knowledge, further impairing its operations for years to come. Immediate preliminary injunctive relief is necessary to maintain the status quo from before the stop work order to ensure Plaintiffs do not suffer further irreparable harm.

STANDARD OF REVIEW

Motions for temporary restraining orders are governed by the same standards as motions for preliminary injunctions. *See Morgan Stanley DW Inc. v. Rothe,* 150 F. Supp. 2d 67, 72 (D.D.C. 2001) ("The court considers the same factors in ruling on a motion for a temporary restraining order and a motion for a preliminary injunction."). A preliminary injunction is warranted where the plaintiffs establish: (1) their likelihood of success on the merits; (2) irreparable harm; (3) the balance of equities tips in their favor; and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008); *Aamer v. Obama*, 742 F.3d 1023, 1038 (D.C. Cir. 2014). Where the government is the defendant, the last two factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). Courts consider the same factors in determining whether a temporary restraining order should be issued. *Rothe*, 150 F. Supp. 2d at 72.

ARGUMENT

I. Plaintiffs are Likely to Succeed on the Merits

Agency action cannot stand if it is arbitrary, capricious, or contrary to law, if it is done without appropriate process, or if it is contrary to the constitution. Defendants' abrupt termination[3] of the Programs is all of those, and therefore Plaintiffs are likely to succeed on the merits.

A. Defendants' Termination of the Programs Determines Plaintiffs' Legal Rights and Obligations and is Final Agency Action Reviewable Under the APA.

The APA "sets forth the procedures by which federal agencies are accountable to the public and their actions subject to review by the courts." *Franklin v. Massachusetts*, 505 U.S. 788, 796 (1992). Persons or organizations, like Plaintiffs here, who are "suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof." 5 U.S.C. § 702. The APA makes clear that "agency action" includes not only agencies' affirmative acts, but also their omissions and failures to act. *Id.*; 5 U.S.C. § 551(13).

Under the APA, this Court may set aside and enjoin unlawful agency action, and compel agency action unlawfully withheld, if it is (1) "final agency action," (2) "for which there is no other adequate remedy in a court," so long as (3) there are no "statutes [that] preclude judicial review" and "agency action is [not] committed to agency discretion by law." 5 U.S.C. §§ 701(a), 704. Plaintiffs satisfy each of these criteria here, and APA relief is therefore proper.

Final Agency Action. Under the APA, "agency action" is defined as "the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act." 5 U.S.C. § 551(13); 5 U.S.C. § 701(b)(2). An agency action is final where two conditions

[3] *See* Rojas Decl. ¶ 10; St. John Decl. ¶ 21; Yang Decl. ¶ 10; Brock Decl. ¶ 10; Lopez Decl. ¶ 10; Gutierrez Decl. ¶ 10; Sherman Decl. ¶ 13; Koop Decl. ¶¶ 3–4; Brunsink Decl. ¶ 9.

are satisfied: (1) "the action must mark the consummation of the agency's decisionmaking process," and (2) "the action must be one by which rights or obligations have been determined, or from which legal consequences will flow." *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997) (internal quotation marks and citations omitted); *Ctr. for Auto Safety v. Nat'l Highway Traffic Safety Admin.*, 452 F.3d 798, 806 (D.C. Cir. 2006).

DOJ/EOIR's stop work order is a final agency action. The D.C. Circuit's opinion in *Clean Air Council v. Pruitt*, 862 F.3d 1 (D.C. Cir. 2017) (per curiam) is instructive. In that case, the EPA granted a petition for reconsideration of a final rule and issued a 90-day stay of the compliance date for the rule. *Id.* at 5. Less than two weeks later, EPA published a notice of proposed rulemaking announcing its intention to extend the stay for two years and to "look broadly at the entire" rule during "the reconsideration proceeding." *Id.* The D.C. Circuit found that, although granting reconsideration of the rule was not a final action, imposing the stay was. *Id.* at 6. As the Court explained, "this court has held that such orders are tantamount to amending or revoking a rule." *Id.* There was "no indication" that the agency intended to reconsider *the stay*, and thus the stay represented a final decision and thus marked "the consummation of [the agency's] decisionmaking process." *Id.* At the same time, the stay affected parties' rights or obligations, as it affected the compliance obligations for regulated entities and the penalties that would have applied for non-compliance. *Id.* at 7.

Here, as in *Clean Air Council*, there is no indication that the agency intends to reconsider its decision to halt the programs. To the contrary—as discussed in footnote 2, supra—when pressed during testimony before the Senate Judiciary Committee about the first "temporary" stop in 2018, Defendant McHenry confirmed the agency's intention to stop funding. Hearings at 1:02. In 2018, Defendants never provided a timeline for conducting the efficiency study that supposedly

precipitated the decision and gave no explanation for why the programs needed to stop to be studied. This time around, Defendants have clearly demonstrated that any concerns with "waste" are pretextual: less than a week after the stop work order, Defendants issued a new EOIR Policy Manual already prejudging that LOP, at least, is "wasteful" without so much as a pretense of an audit. EOIR Policy Manual 557. Defendant McHenry's previous and self-serving assertions that a termination like this is "temporary" cannot be squared with his comments that EOIR would resume the program only "if" it were found to be efficient, while simultaneously judging the program to be redundant—a judgment that ignores all available data. *See* Background, Sections B, C. Defendants' actions are the culmination of years of efforts to undermine the Programs, regardless of the overwhelmingly positive reviews of their efficiency and efficacy; there is little doubt that Defendants do not intend to restart the Programs.

Even if Defendants' contentions that a stop work order like DOJ's/EOIR's could be temporary are believable, their action nonetheless is final because even a temporary termination of the program will have the effect of killing it. Plaintiffs will not be able to sustain the programming that they have offered, staff will be laid off or reassigned, organizations may close their doors, and institutional knowledge (both for the government and the affected nonprofits) will be permanently lost. Undeniably, by eliminating funding, the halt will have an immediate effect on parties' rights or obligations. *See, e.g.*, Brinsink Decl. ¶¶ 11–12; Koop Decl. ¶ 14; Sherman Decl. ¶ 18; Rojas Decl. ¶ 25.

Likewise, the agency's use of informal means of communicating its decision does not insulate it from review. *See, e.g., Ciba-Geigy Corp. v. U.S.E.P.A.*, 801 F.2d 430, 438 n.9 (D.C. Cir. 1986) ("It is settled . . . that an agency may not avoid judicial review merely by choosing the form of a letter to express its definitive position on a general question of statutory interpretation.").

For example, this Court has recognized that an email that "is 'definitive' and has 'direct and immediate effect on the day-to-day business of the part[y] challenging the action'" is a final agency action. *Allergan, Inc. v. Burwell*, 2016 WL 1298960, at *6 (D.D.C. Mar. 31, 2016) (quoting *Ciba-Geigy*, 801 F.2d at 436). Here, the agency action is definitive because "there is 'no ambiguity' in the statement, nor any indication it is 'subject to further agency consideration or possible modification." *Allergan*, 2016 WL 1298960, at *6 (quoting *Ciba Geigy*, 801 F.2d at 436). And the "direct and immediate effect on the day-to-day business" of the Plaintiffs resulting from a catastrophic loss of funds is undeniable. *Id.*; *see also* Section II.A. The agency's decision to halt the programs is therefore a final agency action and reviewable by this Court.

No Other Adequate Remedy. Plaintiffs do not have any other adequate remedy for their claims. The Supreme Court narrowly interprets the "other adequate remedy" limitation, stressing that it "should not be construed to defeat the central purpose of providing a broad spectrum of judicial review of agency action." *Bowen v. Massachusetts*, 487 U.S. 879, 903 (1988); *see also El Rio Santa Cruz Neighborhood Health Ctr. v. U.S. Dep't of Health & Hum. Servs.*, 396 F.3d 1265, 1270 (D.C. Cir. 2005) ("the generous review provisions of the APA must be given a hospitable interpretation such that only upon a showing of clear and convincing evidence of a contrary legislative intent should the courts restrict access to judicial review") (internal citations and quotations omitted)). Instead, "Congress intended by that provision simply to avoid duplicating previously established special statutory procedures for review of agency actions." *Darby v. Cisneros*, 509 U.S. 137, 146 (1993). Here, no such special procedures have been established, so it is proper for Plaintiffs to seek relief from this Court.

No Statutory Bar to Review. Finally, no statute bars review of Plaintiffs' claims here, and Congress has done nothing to override "the strong presumption that Congress intends judicial

review" of the administrative actions Plaintiffs challenge. *Bowen v. Mich. Acad. of Fam. Physicians*, 476 U.S. 667, 670–71 (1986).

B. Termination of LOP and ICH Violates the Appropriations Clause.

Canceling LOP and ICH flouts an express congressional mandate. Under the APA, a court "shall . . . hold unlawful and set aside agency action" that is "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(a)(2)(B). Termination or indefinite suspension of LOP and other Programs violates the mandate set forth in the Spending Bill and thus must be set aside under the APA. Pub. L. 118-42, 138 Stat. 133 (2024).

Congressional appropriations *require* the executive to fulfill congressional expenditures; the use of the word "shall" means that the expenditure is mandatory. *Pennsylvania v. Weinberger*, 367 F. Supp. 1378, 1381, 1381 n.19 (D.D.C 1973). The executive branch does not have the authority to withhold funds from allotment and obligation. *Train v. City of New York*, 420 U.S. 35 (1975). In *Train*, the Supreme Court affirmed the D.C. Circuit's finding that where a statute mandated a federal agency to spend *all* appropriated funds, the President could not direct that agency to allot less money than the congressionally appropriated amount. *Id*. at 35, 37, 41. Like the statute directing funding to the Environmental Protection Agency in *Train*, the text of the statute here is clear that Congress did not intend to give the executive branch "limitless power to withhold funds from allotment and obligation." *Id*. at 46; *see also New York v. Dep't of Just.*, 951 F.3d 84, 100–01 (2d Cir. 2020) (noting that DOJ is an agency that is subject to limits on executive discretion to spend congressionally appropriated money). Further, where funds have already been obligated through a definite commitment of those funds to a provider of services or goods, the government is legally obligated to provide those funds. *Off. of Pers. Mgmt. v. Richmond*, 496 U.S. 414, 427–28 (1990) (control over obligated funds resides in Congress, and not the executive, and agents of the executive cannot obligate the Treasury for payment of funds contrary to congressional

intent). After funds have been obligated, the intended recipient is legally entitled to receive those funds. *See Nat'l Juv. L. Ctr., Inc. v. Regnery*, 738 F.2d 455, 462–65 (D.C. Cir. 1984) (where the government has promised to fund a private party, it is obligated to pay).

Congress allocated more than $840 million dollars "for the administration of immigration-related activities" of the EOIR. Pub. L. 118-42, 138 Stat. 133 (2024). In its language regarding LOP, Congress explicitly required that "$28,000,000 . . . *shall* be available" for the LOP, using the language of command. *Id*. In previous Spending Bills, Congress defined some of the "immigration-related activities" it intended to fund in (1) a Joint Explanatory Statement, which the 2018 Spending Bill incorporated, 164 Cong. Rec. H2084, H2090 (2018), https://bit.ly/2ES8xNV (2) a House Report, H.R. Rep. No. 115-231, at 30 (2018), https://bit.ly/2H7BhnT; and (3) a Senate Report, S. Rep. No. 115-139, at 65 (2018), https://bit.ly/2qAPq5K. Since then, Congress has reminded EOIR it cannot try to stop the program like it did in 2018. In the Senate Appropriations Committee's July 25, 2024 report, the Committee "direct[ed] the Department to continue all LOP services and activities, including that of the ICH, without interruption, including during any review of the program." S. Rep. No. 118-198, at 92 (2024) (emphasis added). And in 2022, the House Appropriations Committee's report recommending LOP appropriations for 2023 warned, "[t]he Committee reminds EOIR that funding for this program is mandated by law, and any diversion from the funds' intended purpose must be formally communicated and convincingly justified to the Committee." H. Rep. No. 117-395, at 65 (2022). The reports and the explanatory statement made clear that agencies are bound by the mandates contained therein, including that LOP and other Programs continue without interruption. *See* Background, Section C. EOIR's cancellation of the Programs in no way considered the fact that Congress expressly funded and mandated continuation of the Programs.

Here, Defendants have no authority under the Constitution to withhold the relevant funds from Plaintiffs, because those funds have been authorized by Congress and already allocated to Plaintiffs. Because payments have been approved *at least* until June 2025, a "contractual obligation" has been created between the United States and the recipients of congressionally appropriated funds. *See Train*, 420 U.S. at 39; *see also Maine v. Goldschmidt*, 494 F. Supp. 93, 95 (D. Me. 1980) (holding that the Federal-Aid Highway Act of 1956 mandates spending and precludes the Executive from deferring or reducing the obligational limit). Defendants "must follow statutory mandates so long as there is appropriated money available" and cannot simply "decline to follow a statutory mandate or prohibition simply because of policy objections." *In re Aiken Cnty.*, 725 F.3d 255, 259 (D.C. Cir. 2013) (Kavanaugh, J.). This Court should set aside the stop work order and enjoin any future attempts to withhold funds. 5 U.S.C. § 706(2)(B).

Even if an administration wanted "to spend less that the full amount appropriated by Congress" instead of withholding the full amount, as attempted here, procedural requirements must be followed, set forth in the Impoundment Control Act ("ICA"), 2 U.S.C. §§ 681 *et seq. See Aiken Cnty.*, 725 F.3d at 261 n.1 (citing 2 U.S.C. § 683) (requiring budget authority proposed for rescission to be made available for obligation until "Congress has completed action on a rescission bill[.]"). Even a temporary stop of budget authority requires compliance with the ICA. 2 U.S.C. § 684 (requiring proposed deferrals to be transmitted via a "special message" to Congress). Defendants did not follow such procedural requirements here.

C. Terminating the Programs is Arbitrary and Capricious.

Defendants' decision to terminate the Programs ignores the well-documented historical efficacy of the program and is the definition of arbitrary and capricious. To ensure that agency actions are reasonable and lawful, the court must "exercise our independent judgment and apply all relevant interpretive tools to reach the best reading of the statute." *Env't Def. Fund v. United*

States Env't Prot. Agency, 124 F.4th 1, 11 (D.C. Cir. 2024) (citing *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024)). Agency actions that are not contrary to law must nevertheless be "reasonable and reasonably explained." *Id.* After undertaking such review, a court "shall" set aside agency action if it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law." 5 U.S.C. § 706(2)(A); *see also Tourus Recs., Inc. v. Drug Enf't Admin.*, 259 F.3d 731, 736 (D.C. Cir. 2001) (noting that the "standard requires the agency to 'examine the relevant data and articulate a satisfactory explanation for its action'").

Agency action should be set aside as arbitrary and capricious if the agency fails to explain the basis of its decision, fails to consider all relevant factors and articulate a "rational connection between the facts found and the choice made," or fails to offer a "reasoned analysis" for departure from preexisting policies. *Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29, 42–43 (1983). In cases where the purported rationale for agency action is pretextual, it must be set aside without further inquiry. *See, e.g., N.E. Coal. on Nuclear Pollution v. Nuclear Regulatory Comm'n*, 727 F.2d 1127, 1130–31 (D.C. Cir. 1984); *Pub. Citizen v. Heckler*, 653 F. Supp. 1229, 1237 (D.D.C. 1986). Here, Defendants fail on all grounds, justifying immediate provisional relief (as well as ultimate relief on the merits).

1. Defendants Failed to Adequately Explain the Basis for the Decision.

A "fundamental requirement of administrative law is that an agency set forth its reasons for decision; an agency's failure to do so constitutes arbitrary and capricious agency action." *Tourus Recs.*, 259 F.3d at 737 (quotation marks omitted); *see also SEC v. Chenery Corp.*, 332 U.S. 194, 196 (1947) (*Chenery II*) (it is a "simple but fundamental rule of administrative law" that "a reviewing court . . . must judge the propriety of [agency] action solely by the grounds invoked by the agency").

"[Courts] do not hear cases merely to rubber stamp agency actions. To play that role would be 'tantamount to abdicating the judiciary's responsibility under the Administrative Procedure Act.'" *Nat'l Res. Def. Council, Inc. v. Daley*, 209 F.3d 747, 755 (D.C. Cir. 2000) *citing A.L. Pharma, Inc. v. Shalala*, 62 F.3d 1484, 1491 (D.C. Cir. 1995). Meaningful judicial review cannot proceed unless "the grounds upon which the administrative agency acted [are] clearly disclosed and adequately sustained." *SEC v. Chenery Corp.*, 318 U.S. 80, 94 (1943) *(Chenery I*). Accordingly, an agency action must be set aside unless its basis is "set forth with such clarity as to be understandable." *Chenery II*, 332 U.S. at 196.

Defendants' cancellation of the Programs fails even this most basic test, eviscerating the only access to information about deportation proceedings that is available to tens of thousands of individuals, with nothing more than a pretextual justification. EOIR made no public statements regarding the reasons for the cancellations. Instead, Plaintiffs and other providers learned of the news from the Acacia Center for Justice, who emailed them about a stop work order they had received from their Contracting Officer, and via email communications from individual facilities that abruptly revoked their access. St. John Decl. ¶ 21; Lopez Decl. ¶ 10; Koop Decl. ¶ 4. Neither Plaintiffs nor Acacia received any advance notice of the stop work order, which was effective immediately. Brock Decl. ¶ 8; Brunsink Decl. ¶ 9; Gutierrez Decl. ¶ 10; Koop Decl. ¶ 3; Lopez Decl. ¶ 10; Rojas Decl. ¶ 11; Sherman Decl. ¶ 13; St. John Decl. ¶ 21; Yang Decl. ¶ 10.

Defendants, who have provided *no justification* whatsoever for their dramatic reversal of policy and practice, are far from satisfying the APA's requirement that an agency provide *a reasoned basis* for its actions. *See Amerijet Int'l v. Pistole*, 753 F.3d 1343, 1350 (D.C. Cir. 2014) ("[C]onclusory statements will not do; an agency's statement must be one of *reasoning*." (emphasis in original) (internal citations omitted)). In fact, EOIR's past public statements on LOP,

like that on October 22, 2014, concluded that Defendants carried out the program to "improve judicial efficiency in the immigration courts." *See* U.S. Dep't of Just., *Executive Office for Immigration Review Expands Legal Orientation Program Sites* (2014), https://perma.cc/V89T-M9BC. As such, because EOIR failed to provide any discernable rationale for its decision to terminate the programs, the cancellation must be set aside. *See Chenery II*, 332 U.S. at 196–97 ("It will not do for a court to be compelled to guess at the theory underlying the agency's action; nor can a court be expected to chisel that which must be precise from what the agency has left vague and indecisive."); *see also Columbia Gas Transmission Corp. v. FERC*, 448 F.3d 382, 387 (D.C. Cir. 2006) (same).

2. Defendants Failed to Consider All Relevant Factors and Articulate a Rational Connection Between the Facts Found and the Choice Made.

To survive review under the arbitrary and capricious standard, an agency must have "demonstrated a rational connection between the facts found and the choice made." *Wawszkiewicz v. Dep't of Treasury*, 670 F.2d 296, 301 (D.C. Cir. 1981) (quotations omitted). Courts "do not defer to the agency's conclusory or unsupported suppositions." *Standing Rock Sioux Tribe v. U.S. Army Corps of Engs.*, 255 F. Supp. 3d 101, 121–22 (D.D.C. 2017). In canceling the Programs, Defendants failed to address any of the considerations appropriate to the decision. Far from articulating a rational connection between the facts found and the action taken, the decision blatantly ignores multiple instances of government analysis finding the programs to be effective and cost efficient.

For example, the government's April 2017 Booz Allen Hamilton Study explicitly recommends that EOIR "[c]onsider expanding 'know your rights' and legal representation programs, such as the Legal Orientation Program through data-informed budget requests and justifications." Booz Allen Hamilton Study at 24–25. Further, a 2017 ICE memorandum issued

during the first Trump Administration noted that "LOP attendees are positioned to make better informed decisions, are more likely to obtain legal representation, and complete their cases faster than detained noncitizens who have not received the LOP." *See* Memorandum from ICE Assistant Director for Custody Management Tae Johnson, to ICE Field Office Directors, *Updated Guidance: ERO Support of the U.S. Department of Justice Executive Office for Immigration Review Legal Orientation Program* (Nov. 30, 2017), https://tinyurl.com/4c6tzc4w ; *see also* Nina Siulc, et al., *Legal Orientation Program: Evaluation and Performance and Outcome Measurement Report, Phase II*, THE VERA INSTITUTE OF JUSTICE (2008), https://perma.cc/ZEN3-648L (finding that LOP participants moved through the immigration court process at a faster pace than non-participants, resulting in processing times that were an average of thirteen days faster). Instead, Defendants offer only a conclusory and inaccurate statement that EOIR previously concluded that LOP is a wasteful program without any support to back up this false claim. EOIR Policy Manual at 557. Given repeated and consistent evaluations that the Programs make the immigration courts run more efficiently, providing significant savings to taxpayers, Defendants' decision to abruptly terminate the program, ostensibly while they review its efficacy, must be rejected as arbitrary and capricious.

Defendants also failed to assess in any way the impacts that cancellation of the Programs programming will have on the intended and actual beneficiaries of the program. In a system where immigrants have no right to appointed counsel and nearly 90% of noncitizens who are detained complete deportation proceedings without counsel, the anticipated termination of the program removes the only access to relevant, legal information that many individuals ever receive. "Reasoned decisionmaking" requires that agencies "look at the costs as well as the benefits" of their actions. *See State Farm*, 463 U.S. at 52, 54. Defendants have given no indication that any

such analysis or consideration occurred here, which practically would have been impossible in the less than 48 hours before executive order and EOIR action.

The record reveals no policy rationale for the decision to cancel programming. Where, as here, "no findings and no analysis . . . justify the choice made," the APA "will not permit" a court to accept the agency's decision. *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 167 (1962). Because Defendants "should have considered those matters but did not," their "failure was arbitrary and capricious in violation of the APA." *Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 33 (2020).

3. Defendants Failed to Offer a Reasoned Explanation for Their Reversal of Policy.

When the government reverses its own established policy, it has an even greater burden to justify its actions. The agency must "acknowledge and provide an adequate explanation for its departure from established precedent, and an agency that neglects to do so acts arbitrarily and capriciously." *Jicarilla Apache Nation v. U.S. Dep't of the Interior*, 613 F.3d 1112, 1119 (D.C. Cir. 2010) (citation omitted); *see also Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221–22 (2016) (an agency cannot depart from prior policy without "explaining its changed position"). Thus, reversing a pre-existing policy may require a "more detailed justification than what would suffice for a new policy created on a blank slate." *FCC v. Fox*, 556 U.S. 502, 515 (2009).

Here, the cancellation reverses a two decades-old policy that was explicitly reaffirmed year after year by Congress, most recently when they renewed funding for LOP programming via the 2024 Omnibus Spending Bill. That bill appropriated funds "for the administration of immigration-related activities of the Executive Office for Immigration Review," with "$28,000,000 [that] shall be available for services and activities provided by the Legal Orientation Program." Pub. L. 118-42, 138 Stat. 133 (2024). Contrasting this clear intention to continue longstanding policy and

practice of funding LOPs and related Programs, DOJ has ended the programs without explanation under the guise of an alleged "audit" of their effectiveness. Even taking DOJ at its word that it is suspending the programs for an evaluation for "waste, fraud, and abuse" (which is belied by the recent studies finding them to be effective), terminating the programs merely to conduct such studies would be unprecedented.

In cancelling the programs for "further study," DOJ and EOIR dramatically depart from their own precedent. Their radical about-face comes without any adequate justification for the departure from earlier policy. An "audit, even if legitimately needed, should not serve as a justification for cancellation of a long-standing and successful program. Defendants lack any explanation for this abrupt change in policy, let alone the "reasoned" explanation that is required, *see Fox*, 556 U.S. at 515, and therefore their action is arbitrary and capricious.

4. To the Extent Any Reason Was Offered, That Reason Was Pretextual.

Unlike the 2018 attempt to cancel LOP and ICH, Defendants here make no effort to justify their decision in stopping funding for the Programs. The Executive Order upon which Defendants' actions were purportedly based requires Defendants to "review and, if appropriate, audit" funding agreements "supporting or providing services . . . to removable or illegal aliens, to ensure that such agreements . . . are free of waste, fraud, and abuse." The stop work order purports to pause funding pending an "audit." *See, e.g.*, St. John Decl. ¶ 21. But the EOIR Policy Manual makes clear that the purported audit is pretextual—Defendants already deemed the Programs wasteful without any support and unconstitutionally cut off access to their funding. EOIR Policy Manual at 557.

Even the purported focus on "waste" is plainly pretextual. The Executive Order is titled "Protecting the American People Against Invasion." Exec. Order No. 14159, 90 C.F.R. 8443, 8447 (2025). That title proclaims the Executive Order concerns the Administration's jaundiced view of certain noncitizens. The failed attempt to remove funding from LOP and ICH in 2018

suggests instead that Defendants are targeting these programs for reasons unrelated to purportedly "wasteful" spending.

The termination in January 2025 offered no indication of a good-faith belief that an audit was necessary to effectuate congressional intent—instead, it suggests the real goal is to unconstitutionally eliminate funding for the Programs notwithstanding Congress's clear directions. The circumstances reveal that this action was merely the latest in a series of improper attempts to dismantle the current immigration system, to deport individuals without basic due process protections, to the detriment of noncitizens, due process, and the rule of law.

D. Termination of the Programs Violates Plaintiffs' First Amendment Rights.

Under the APA, this Court may set aside agency action that is "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(B). Here, Defendants' actions constrain Plaintiffs' speech by (1) limiting their access to limited public forums where Plaintiffs have spoken to noncitizens for more than 20 years;[4] and (2) denying them access to congressionally authorized funds because the administration wants to suppress the information they have traditionally shared with noncitizens.

Under the First Amendment, when the government creates a limited public forum or when it chooses to fund private speech, it may impose speech restrictions that are "viewpoint neutral and 'reasonable in light of the purpose served by the forum.'" *Tabak*, 109 F.4th at 633 (quoting *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 106–07 (2001)); *see also Legal Servs. Corp. v.*

[4] Although courthouses and detention facilities often are considered nonpublic forums, the courthouses and detention facilities are limited public forums here because the government "create[d] a forum that is limited to use by certain groups or dedicated solely to the discussion of certain subjects" by allowing Plaintiffs to conduct their training programs there for more than twenty years. *People for the Ethical Treatment of Animals v. Tabak*, 109 F.4th 627, 632 (D.C. Cir. 2024). But the court need not resolve this issue because the same test applies to nonpublic and limited public forums.

Velazquez, 531 U.S. 533, 543–44 (2001) (comparing the standard for subsidized speech claims to limited public forum claims)). Here, the stop work order is neither.

First, Plaintiffs' speech is private speech, not government speech. Courts "must exercise great caution before" deciding speech constitutes government speech, and private speech does not transform into "government speech by simply affixing a governmental seal of approval." *Matal v. Tam*, 582 U.S. 218, 235 (2017). Like the speech at issue in *Velazquez*, 531 U.S. 533 (2001), the Programs were "designed to facilitate private speech, not to promote a governmental benefit." *Id.* at 534. Courts consider three factors in identifying government speech: "(1) the history of the speech at issue; (2) a reasonable observer's perception of the speaker; and (3) control and final authority over the content of the message."[5] *A.N.S.W.E.R. Coal. v. Jewell*, 153 F. Supp. 3d 395, 411 (D.D.C. 2016). The Programs were founded by nonprofit organizations to convey their own messages and fulfill their organizational mission. *See, e.g.*, St. John Decl. ¶¶ 33–34, 37; Rojas Decl. ¶ 21–22. Indeed, both LOP and ICH began as private projects to inform noncitizens of their rights before Congress authorized funding to support the Programs. *See, e.g.*, St. John Decl. ¶¶ 4–6; Koop Decl. ¶ 2. Plaintiffs also work with numerous volunteers who assist with carrying out their mission, such that censoring Plaintiffs also impacts numerous members of the public. *See, e.g.*, Rojas Decl. ¶ 7. Further, while Plaintiffs have a cooperative relationship with the immigration system, their role is clearly distinct from the government attorneys who represent DOJ in removal proceedings or the immigration judges who oversee the proceedings. *See Velazquez*, 531 U.S. at 542. While immigration judges are required to provide basic due process information to

[5] Plaintiffs do not concede that the government exercises final control over the content of their speech. But because the other two factors clearly show that Plaintiffs' speech is private, Plaintiffs have demonstrated they are likely to succeed on their First Amendment claim without reaching this factor.

noncitizens, the Programs perform a vital role in providing more comprehensive information. *See, e.g.*, Rojas Decl. ¶ 9. And, while the government may exercise some oversight as to the written materials used in these presentations, Plaintiffs' speech remains their own as they work with noncitizens to advise them of their rights and help them navigate the immigration system. *See, e.g.*, Sherman Decl. ¶ 18 (noting the morale impact of preventing Plaintiffs from fulfilling their missions).

Second, as addressed above, the stop work order is plainly unreasonable because it exceeds the scope of executive power and denies Plaintiffs access to congressionally authorized funds. "A regulation is reasonable if it is consistent with the government's legitimate interest in maintaining the property for its dedicated use." *Initiative & Referendum Inst. v. U.S. Postal Serv.*, 685 F.3d 1066, 1073 (D.C. Cir. 2012). Here, there is no legitimate government interest in denying Plaintiffs funding or access to immigration courts or detention facilities. And Defendants' actions are intended to silence speech disfavored by the administration because, although Plaintiffs' speech informs noncitizens broadly about their rights and responsibilities, the administration has falsely suggested such speech "promote[s] or facilitate[s] violations of our immigration laws." Exec. Order No. 14159, 90 C.F.R. 8443, 8447 (2025). The government engages in viewpoint-discrimination when it "targets not subject matter, but particular views taken by speakers on a subject." *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995). The government may not leverage its power to subsidize speech or restrict speech in a limited public forum to silence speech regarding litigants' rights or to prevent them from defending themselves in court proceedings. *Cf. Velazquez*, 531 U.S. at 547–48. The Programs often provide the only limited legal advice available to noncitizens. As in *Velazquez*, the Government may not hamstring this legal advice by preventing Plaintiffs from speaking to noncitizens or threatening their ability

to exist by withdrawing funding to which they are entitled and upon which they rely. *Id.* at 548–49 ("Where private speech is involved, even Congress' antecedent funding decision cannot be aimed at the suppression of ideas thought inimical to the Government's own interest.").

The executive order vaguely and overbroadly prohibits funding for "non-governmental organizations or providing services . . . to ensure that such agreements conform to applicable law and are free of waste, fraud, and abuse, and that they do not promote or facilitate violations of our immigration laws." Exec. Order No. 14159, 90 C.F.R. 8443, 8447 (2025). Although this language fails to clearly define which programs are prohibited, given the prior attempt to defund the Programs, it is clearly an attempt to cut off funding for the Programs and censor Plaintiffs' speech. Such an attempt violates Plaintiffs' First Amendment rights and, as in *Velazquez*, cuts off the opportunity for noncitizens "to receive vital information respecting constitutional and statutory rights bearing upon" their immigration proceedings. 531 U.S. at 546.

II. Plaintiffs Satisfy the Remaining Requirements for Injunctive Relief

A. Plaintiffs Face Irreparable Harm

A preliminary injunction is appropriate where, as here, the moving party shows that it faces harm that is both (1) "certain and great, actual and not theoretical, and so imminen[t] that there is a clear and present need for equitable relief to prevent irreparable harm," and (2) "beyond remediation." *League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 7–8 (D.C. Cir. 2016) (internal quotations and citation omitted, alteration in original). Thus, Plaintiffs must show a "clear and present need for equitable relief" that is "beyond remediation." *Nat'l Ass'n of Mortg. Brokers v. Bd. of Governors of Fed. Reserve Sys.*, 773 F. Supp. 2d 151, 179 (D.D.C. 2011) (internal quotations and citations omitted).

When a defendant's actions "have 'perceptibly impaired' [an organizational plaintiff's] programs, 'there can be no question that the organization has suffered injury in fact'." *Fair Emp.*

Council of Greater Wash., Inc. v. BMC Mktg. Corp., 28 F.3d 1268, 1276 (D.C. Cir. 1994) (quoting *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982)). If the defendant's actions make the organization's activities more difficult and "directly conflict with the organization's mission," then the organizational plaintiff may be entitled to a preliminary injunction. *Nat'l Treasury Emps. Union v. United States*, 101 F.3d 1423, 1430 (D.C. Cir. 1996). "Monetary costs are of course an injury." *United States v. Texas*, 599 U.S. 670, 676 (2023). Thus, "los[ing] out on federal funds . . . is a sufficiently concrete and imminent injury to satisfy Article III . . . ." *Dep't of Com. v. New York*, 588 U.S. 752, 767 (2019).

Here, immediate injunctive relief is necessary to protect Plaintiffs from suffering severe and irreparable harm. Defendants' decision to abruptly halt funding for the Programs will directly interfere with Plaintiffs' mission, impeding their ability to provide critical orientation services that are at the heart of Plaintiffs' activities. There is no question that ceasing funding for LOP and other Programs—a decision that effectively terminates the programs—will cause imminent harm that cannot be later remediated. Because Defendants' actions are preventing Plaintiffs from speaking by denying them access to immigration courts and detention facilities and cutting off crucial funding sources, Plaintiffs will be irreparably harmed in the absence of an injunction. *See Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality) ("The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.").

By defunding and terminating the program, Defendants will prevent Plaintiffs from providing thousands of noncitizens the services Congress prescribed, frustrating their primary mission of supporting noncitizens in immigration proceedings, and permanently silencing their voices. If this occurs, "'there can be no do over and no redress.'" *Newby*, 838 F.3d at 9 (quoting *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014)). Without

the funding Congress appropriated, Plaintiffs will be forced to reduce or eliminate services to *pro se* noncitizens. *See, e.g.*, Lopez Decl. ¶ 14. Some organizations may be forced to close their doors, *see, e.g.*, Brunsink Decl. ¶ 12, or layoff staff, *see, e.g.*, Yang Decl. ¶ 13. Others will be required to divert staff away from the Programs, causing them to lose disaffected staff and institutional knowledge. *See, e.g.*, Sherman Decl. ¶ 18; St. John Decl. ¶ 39; Gutierrez Decl. ¶ 15; Brock Decl. ¶ 10. Dismantling this program will eliminate significant institutional knowledge, impairing the immigration system's operations for years to come. *See, e.g.*, Rojas Decl. ¶ 29; Koop Decl. ¶ 13.

These harms cannot be remediated or redressed, even if Defendants later resume funding for the Programs at some future date. There is no time to delay injunctive relief. The harm to Plaintiffs is imminent, with funding already paused indefinitely. Plaintiffs and their clients are already experiencing irreparable harm far exceeding the mere loss of funding. The Court cannot later turn back the clock; unless it grants this preliminary injunction now, it will be powerless in the future to redress the harms Plaintiffs suffer.

B. The Balance of Equities

Finally, in considering whether to grant a preliminary injunction, the Court should "'balance the competing claims of injury and . . . consider the effect on each party of the granting or withholding of the requested relief.'" *Tex. Children's Hosp. v. Burwell*, 76 F. Supp. 3d 224, 245 (D.D.C. 2014) (ellipses in original) (citations omitted). Where an injunction "will not substantially injure other interested parties," the balance of equities tips in plaintiffs' favor. *Newby*, 838 F.3d at 12 (quotation marks and citation omitted).

Here, there will be no harm to Defendants—or any other interested party—if this Court issues a preliminary injunction. "It is well established that the Government 'cannot suffer harm from an injunction that merely ends an unlawful practice.'" *C.G.B. v. Wolf*, 464 F. Supp. 3d 174, 218 (D.D.C. 2020) (quoting *Open Cmtys. All. v. Carson*, 286 F. Supp. 3d 148, 179 (D.D.C. 2017)).

On the contrary, "there is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations." *Newby*, 838 F.3d at 12 (quotations and citation omitted). Halting funding for the Programs contravenes Congress's express directive in the omnibus spending bill, which appropriates funds "for the administration of immigration-related activities of the Executive Office for Immigration Review," and the House's express admonishment that "any diversion from the funds' intended purpose must be formally communicated and convincingly justified to the Committee." H. Rep. No. 117-395, at 65 (2022). Enjoining Defendants from terminating funding already appropriated for the Programs merely prevents Defendants from defying the congressional mandate. Paying out the monies already earmarked for the Programs cannot harm Defendants in any meaningful way compared to the harms that Plaintiffs and their clients will suffer if an injunction does not issue.

Maintaining funding for the Programs furthers a critical public interest: promoting functioning of the immigration system that reaches an appropriate result in individual cases. The programs benefit noncitizens by informing them of their rights—helping more noncitizens obtain a just resolution to their immigration proceedings—and benefit taxpayers by promoting efficiency within the immigration system. In November 2017, Tae Johnson, the Assistant Director of ICE, instructed ICE personnel that LOP is for the benefit of "all parties," including ICE and the courts. Memorandum from ICE Assistant Director for Custody Management Tae Johnson, to ICE Field Office Directors, *Updated Guidance: ERO Support of the U.S. Department of Justice Executive Office for Immigration Review Legal Orientation Program*, 1 (Nov. 30, 2017), https://tinyurl.com/4c6tzc4w . He explained that the program was created to "improve the efficiency of immigration court proceedings by increasing access to information and improving representation for individuals in proceedings." *Id*. Recognizing the program's significant benefits,

Assistant Director Johnson encouraged ICE agents to share information about it with noncitizens who were detained. *Id*. at 2. By appropriating money for these programs, Congress has agreed that providing funding for the Programs is in the public interest. *See, e.g.*, Bicameral Judiciary Letter to General Sessions (Apr. 17, 2018) ("urg[ing] DOJ to reject these ill-advised policy changes," and noting that DOJ's decision "undermine[s] the most basic notions of fairness in the American justice system, and thus the rule of law itself."). A preliminary injunction protecting that funding, therefore, likewise is in the public interest.

If the Court does not issue a preliminary injunction, Plaintiffs and thousands of noncitizens moving through the immigration system (and in some cases, U.S. citizens) will face clear, immediate, and irreparable harms, as described above. U.S. taxpayers, who will bear the increase in overall systems costs resulting from the elimination of the Programs, likewise will suffer from Defendants' actions. Defendants themselves, meanwhile, do not face any injury from the issuance of a preliminary injunction to stop their illegal instruction, particularly where Congress mandated that the Programs to continue. Given these considerations, the balance of equities weighs heavily in favor of issuing a preliminary injunction here.

III. A Nationwide Injunction is Appropriate

District courts' authority to issue nationwide injunctions is well established; they "enjoy broad discretion in awarding injunctive relief." *Nat'l Min. Ass'n v. U.S. Army Corps of Eng'rs*, 145 F.3d 1399, 1408 (D.C. Cir. 1998). Accordingly, "'[w]hen a reviewing court determines that agency regulations are unlawful, the ordinary result is that the rules are vacated—not that their application to the individual petitioners is proscribed.'" *Dist. of Columbia v. U.S. Dep't of Agric.*, 444 F. Supp. 3d 1, 47 (D.D.C. 2020) (quoting *Nat'l Min. Ass'n*, 145 F.3d at 1408 (alteration in original)). The appropriate injunctive relief "often depend[s] as much on the equities of a given

case as the substance of the legal issues it presents." *Trump v. Int'l. Refugee Assistance Project*, 582 U.S. 571, 579–80 (2017).

Here, "[n]ationwide relief . . . is necessary to provide complete relief to the plaintiffs for the 'violation[s] established'" and "ensures that complete relief remains available to the plaintiffs after . . . final adjudication." *Dist. of Columbia v. U.S. Dep't of Agric.*, 444 F. Supp. 3d at 49. Defendants' decision to terminate funding for the Programs directly contradicts Congress's express mandate and is contrary to law *in every case*—regardless of which organization provides the services—and will cause irreparable harm to Plaintiffs if allowed to proceed. A nationwide injunction is the only way to effectively grant Plaintiffs, who operate the Programs in ten different states, the relief they seek: the preservation of critical, congressionally approved programs that increase efficiency of the immigration system nationwide. Without a nationwide injunction, Defendants may seek to deny funding to other nonprofit organizations operating similar programs, blocking thousands of noncitizens' access to even the most basic information about the U.S. immigration system. Plaintiffs, whose primary mission is to serve noncitizens in removal proceedings, will be forced to choose between expending additional resources to make up for the defunded providers and turning their backs on vulnerable clients. Notably, Defendants—who, consistent with the omnibus spending bill, already have allocated funding for the Programs—will not face any harm from a nationwide injunction requiring them to continue funding the programs as planned. Thus, the balance of equities weighs heavily in favor of a nationwide injunction.

Courts have recognized that "a fragmented immigration policy would run afoul of the constitutional and statutory requirement for uniform immigration law and policy." *Washington v. Trump*, 847 F.3d 1151, 1166–67 (9th Cir. 2017), *reconsideration en banc denied*, 853 F.3d 933 (9th Cir. 2017), and *reconsideration en banc denied*, 858 F.3d 1168 (9th Cir. 2017), and *cert.*

denied sub nom. Golden v. Washington, 138 S. Ct. 448 (2017). Moreover, a nationwide injunction also protects this Court from the risk of duplicative litigation, as "an injunction issued here only as to the plaintiff organizations and their members would cause all others affected by [the invalid rule] . . . to file separate actions for declaratory relief in this circuit." *Nat'l Min. Ass'n*, 145 F.3d at 1409. Plaintiffs are located throughout the country, and piecemeal injunctive relief would be impractical and difficult to administer. *See HIAS, Inc. v. Trump*, 985 F.3d 309, 326–27 (4th Cir. 2021). Accordingly, a nationwide injunction is appropriate in this case.

IV. Plaintiffs Seek Expeditious Resolution of their Claims

Under 28 U.S.C. § 1657(a), "each court of the United States . . . shall expedite the consideration of any action . . . if good cause therefor is shown." Courts have held that "good cause" is shown where the effective relief hinges on appropriate timing. *Virginians Against Corrupt Cong. v. Moran*, No. 92-2120, 1992 WL 321508, at *1 (D.D.C. Oct. 21, 1992) (granting prompt hearing where plaintiff needed relief against allegedly unlawful election mailings before Election Day); *see Indep. Inst. v. FEC*, 70 F. Supp. 3d 502, 503 n.1 (D.D.C. 2014) (expediting consideration "in light of the timing of the upcoming elections"), *rev'd on other grounds sub nom. Indep. Inst. v. FEC*, 816 F.3d 113 (D.C. Cir. 2016); *San Luis Obispo Mothers for Peace v. Hendrie*, 502 F. Supp. 408, 409 (D.D.C. 1980) (granting expedited consideration of Plaintiffs' claims, including APA claim, where plaintiffs sought to prevent allegedly disqualified commissioner from ruling on pending application). Further, actions may also be expedited where one party's income stream is dependent on the outcome of the case. *See, e.g.*, *AIG Annuity Ins. Co. v. Law Offs. of Theodore Coates, P.C.*, No. 07 Civ. 1908, 2008 WL 4543422, at *3 (D. Colo. Oct. 10, 2008).

Here, funding for the Programs has already abruptly been rescinded. Plaintiffs have been ordered to stop work, no longer receive their Programs' funding, and have been denied access to

the noncitizens housed in detention facilities nationwide. *See, e.g.*, Brock Decl. ¶¶ 11–12 (Colorado); St. John Decl. ¶¶ 21–32, 38–39 (Arizona); Koop Decl. ¶ 11 (Illinois); Yang Decl. ¶ 11 (Texas); Gutierrez Decl. ¶¶ 11–13 (Washington); Brunsink Decl. ¶¶ 9–11 (Pennsylvania); Rojas Decl. ¶¶ 12–20 (Virginia). Not only will Plaintiffs be irreparably injured, *see* Section II.A of the Argument, the thousands of individuals that Plaintiffs assist will also be harmed if the funding expires. With every passing day without funding for the Programs, more individuals will appear in immigration courts across the country without any knowledge "about immigration court procedures along with other basic legal information."[6] In addition to the noncitizens whose due process rights will be harmed, judicial efficacy in immigration courts across the country will decline.[7] Accordingly, there is sufficient "good cause" to expedite the consideration of this motion under 28 U.S.C. § 1657(a).

CONCLUSION

Defendants' decision to terminate funding for the Programs is contrary to the Constitution, beyond the scope of executive power, pretextual, arbitrary, and capricious. Accordingly, their actions—which ignore and contradict extensive evidence documenting the Programs' success and efficiency—violate the APA. Because the decision immediately will cause Plaintiffs irreparable harm, this Court should grant immediate provisional relief enjoining Defendants' illegal action, including enjoining the attorney general and DOJ from refusing to make available funding for the

[6] Legal Orientation Program, U.S. DEP'T OF JUSTICE (Nov. 2015), https://web.archive.org/web/20160920163113/https://www.justice.gov/eoir/legal-orientation-program.

[7] *See id.* ("Experience has shown that the LOP has had positive effects on the immigration court process: detained individuals make wiser, more informed, decisions and are more likely to obtain representation; non-profit organizations reach a wider audience of people with minimal resources; and, cases are more likely to be completed faster, resulting in fewer court hearings and less time spent in detention.").

Programs, including funding to any persons previously authorized by DOJ to receive 2024–25 funding, and preserving the status quo pending a final judgment.

Respectfully submitted,

January 31, 2025

/s/ Adina Appelbaum

AMICA CENTER FOR IMMIGRANT RIGHTS

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMICA CENTER FOR IMMIGRANT RIGHTS,
1025 Connecticut Avenue NW, Suite 701
Washington, DC 20036;

AMERICAN GATEWAYS,
314 East Highland Mall Boulevard, #501
Austin, TX 78752;

ESTRELLA DEL PASO,
2400A E. Yandell Drive
El Paso, TX 79903;

FLORENCE IMMIGRANT AND REFUGEE RIGHTS PROJECT,
PO Box 654
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PENNSYLVANIA IMMIGRATION RESOURCE CENTER,
PO Box 20339
112 Pleasant Acres Road, Suite I
York, PA 17402;

ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK,

Case No. 1:25-cv-00298

DECLARATION OF AL PAGE IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

7301 Federal Boulevard, Suite 300
Westminster, CO 80030,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
950 Pennsylvania Avenue, NW
Washington, DC 20530;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

DEPARTMENT OF HOMELAND SECURITY,
245 Murray Lane SW
Washington, DC 20528;

JAMES R. McHENRY III, in his official capacity as Acting Attorney General of the United States,
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530;

SIRCE E. OWEN, in her official capacity as Acting Director of the Executive Office for Immigration Review,
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

KRISTI NOEM, in her official capacity as Secretary of Homeland Security,
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528,

Defendants.

DECLARATION OF AL PAGE
EXECUTIVE DIRECTOR FOR ISLA

I, Allyson "Al" Page, make the following statements on behalf of Immigration Services and Legal Advocacy (ISLA). I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. My name is Allyson "Al" Page, and I am the executive director at ISLA. ISLA is a legal services organization that provides direct legal representation and legal orientation to indigent immigrants and advocates for immigrant rights. ISLA is based in New Orleans, Louisiana, and provides services around the Gulf South region. ISLA is the primary organization dedicated to providing legal orientation services to indigent immigrant men, women, and children in removal proceedings before the New Orleans Immigration Court. We are also the only regional Council for Children Initiative (CCI) provider.

2. ISLA is a legal services organization that defends the rights of our immigrant communities and advocates for just and humane immigration policy. We are a small team of seven staff members and we all work together on all of our programs, with certain staff members taking the lead in distinct areas. We have one staff member in charge of the ICH program and one in charge of CCI, though every staff member participates in some way in each of those programs, whether it be providing representation, orientation, or organizing data for billing.

3. In order to carry out this mission, ISLA has several main work components: (1) Through the Immigration Court Help Desk (ICH) providing educational and pro se services in the form of legal education "general information session" ("GIS") presentations, conducting individual consultations (intakes), and conducting pro se workshops with all unrepresented noncitizens in proceedings before the New Orleans Immigration Court; (2) connecting unrepresented detained noncitizens who cannot afford a lawyer with pro bono attorneys from our various pro bono firm partners, for cases at both the trial and appellate court levels; (3) representing unaccompanied minors in immigration court through the Counsel for Children Initiative ("CCI"); and (4) providing in-house representation.

4. To address the first programmatic focus area, ISLA has been operating an ICH in the New Orleans Immigration Court (NOIC) since December of 2022. The program initially served both Annandale and New Orleans, and then in 2024 ISLA ceased serving Annandale and expanded services in the NOIC. Approximately 54,000 cases are pending before the NOIC and ISLA serves approximately 700 participants per year. This program provides legal orientation services to everyone whose cases are heard in the NOIC.

5. With ICH funding, ISLA currently has hired two staff members dedicated to providing ICH services in an office of only seven employees. Staff under ICH frequently attend

immigration court to provide onsite orientation services and individual information sessions in addition to assisting the Immigration Judges with various requests for support. They provide offsite services at the ISLA office, including pro se workshops to assist with applications.

6. The NOIC serves populations of non-citizens from Louisiana, Mississippi, Alabama, Arkansas, Tennessee, and some areas of Florida and Texas. Despite the vast area covered by this court, the high percentage of indigent respondents, and the lack of legal or any formal higher education or English language skills for majority of population, there are extremely limited pro bono services in the region. ISLA is one of only several local organizations providing said services.

7. The Assistant Chief Immigration Judge (ACIJ) of the NOIC has expressed gratitude to the ISLA ICH staff on every meeting, noting the efficiency it helps bring to their dockets and caseload management. She has referred people to ICH services and welcomes friends of the court. She prints the ICH flyer for every Judge in the Court and requests that they hand it out at every hearing. She also has sent respondents to the ICH during hearings to help clarify questions and seek pro se assistance. She also encourages the interpreters to discuss the offerings of the ICH at the beginning of every hearing and point respondents in our direction if they are in need of assistance. The ACIJ has repeatedly thanked ISLA for making proceedings move more quickly and smoothly by preventing unnecessary continuances and appeals, and informing certain individuals that they had no viable claim for relief. Furthermore, she and the court staff have repeatedly asked for ISLA to expand their programming and attend Court with higher frequency.

8. Our CCI program represents unaccompanied minors in immigration court. We received a stop work order stating that we must cease work on the CCI cases that we are currently handling. As attorneys, it is not ethical for us to cease representing our clients because of the loss of funding, so we are forced to continue representation without any financial compensation. Further, as we lose staff members because we are no longer funded, we have fewer representatives to handle the CCI cases.

9. Without warning, on January 22, 2025, the Department of Justice issued a national contract stop work order, pursuant to Section 19 of the January 20, 2025, Executive Order titled "Protecting the American People Against Invasion." The national contract stop work order, which took effect immediately, extended to the following programs: the general LOP program, the Immigration Court Helpdesk ("ICH"), the Counsel for Children Initiative ("CCI"), and Family Group Legal Orientation Program ("FGLOP") and stated that these programs were being paused while they undergo an audit. We received an email on Wednesday afternoon, and then a follow up email several hours later urgently demanding that we respond acknowledging receipt of the stop work order. That day we were in the midst of providing ICH services and were forced to abruptly halt our work.

10. ISLA lost access to our pro bono space at the NOIC; all of the flyers were removed, and all of our pro se materials were taken away. ISLA lost access to our printer and our box of materials.

11. Participants who were relying on ISLA's services were left in the lurch, without notice that the services would be ending, and with no time to find alternative services. Those with asylum applications due will not have sufficient time to find the financial resources and the legal services to complete the application and will either lose their eligibility for asylum and/or be removed from the country.

12. ICH and CCI services make up approximately one-third of ISLA's 750K budget. At least two staff members will lose their jobs imminently if the program does not resume. There is no flexibility from other funding sources to cover ICH and ISLA has been forced to completely halt services for the foreseeable future.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct.

Executed on the 31 of January 2025, in New Orleans, Louisiana.

/s/ Al Page

Allyson "Al" Page
Executive Director
Immigration Services and Legal Advocacy
apage@islaimmigration.org
504-259-8226

IN THE UNITED STATES DISTRICT COURT
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AMICA CENTER FOR IMMIGRANT RIGHTS,
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ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK,

Case No. 1:25-cv-00298

DECLARATION OF EDNA YANG IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

7301 Federal Boulevard, Suite 300
Westminster, CO 80030,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
950 Pennsylvania Avenue, NW
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EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
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Falls Church, VA 22041;

DEPARTMENT OF HOMELAND SECURITY,
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Falls Church, VA 22041;

KRISTI NOEM, in her official capacity as Secretary of Homeland Security,
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528,

Defendants.

DECLARATION OF EDNA YANG
CO-EXECUTIVE DIRECTOR FOR AMERICAN GATEWAYS

I, Edna Yang, make the following statements on behalf of American Gateways. I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. My name is Edna Yang, and I am the Co-Executive Director at American Gateways a 501(c)(3) nonprofit organization. American Gateways' mission is to champion the dignity and human rights of immigrants, refugees, and survivors of persecution, torture, conflict and human trafficking through exceptional immigration legal services at low or no cost, education, and advocacy. Through its staff attorneys, paralegals, and a network of pro bono attorneys, American Gateways is the primary organization dedicated to providing legal education and free legal and low-cost representation to indigent immigrants, including noncitizens who are detained by the Immigration Customs Enforcement ("ICE") agency under the Department of Homeland Security ("DHS") throughout central Texas.

2. American Gateways provides its legal representation, advocacy, and education services to low-income noncitizens and their families in 23 central Texas counties. It has 3 offices in Austin (principal office), San Antonio, and Waco, Texas. Annually American Gateways provides critical information and legal services to over 12,000 individuals.

3. In order to carry out this mission, American Gateways has several main work components: (1) through the Legal Orientation Program ("LOP"), providing educational and pro se services in the form of legal education "know your rights" ("KYR") presentations, conducting individual consultations (intakes), and conducting pro se workshops with all unrepresented detained noncitizens in the custody of ICE at facilities located in Texas; (2) connecting unrepresented detained noncitizens who cannot afford a lawyer with pro bono attorneys from our various pro bono firm partners, for cases at both the trial and appellate court levels; (3) representing detained clients found legally incompetent while appearing pro se before an immigration judge as part of the National Qualified Representative Program ("NQRP"); (4) through the Immigration Court Helpdesk (ICH) program located within the Immigration Court at San Antonio, Texas which educates non-detained immigrants in removal proceedings about the court process. ICH providers conduct Know Your Rights (KYR) sessions about the immigration court process generally and potential defenses from removal. The goal of ICH is to help individuals make informed decisions about their legal cases and improve the efficiency and effectiveness of immigration court proceedings; (5) through the Counsel for Children Initiative (CCI) provides full legal representation to children who are forced to appear in immigration court on their own and (6) through in-house representation of indigent noncitizens.

4. To address the first programmatic focus area, American Gateways has been operating a LOP in Texas since 2006 at the South Texas Detention Complex in Pearsall, Texas. The program expanded in 2014 to include services at the South Texas Family Residential Cetner in Dilley, Texas and the Karnes County Residential Cetner in Karnes City, Texas. In 2018, American Gateways also began providing LOP services at the T. Don Hutto Residential Center in Taylor, Texas, in lieu of services at the residential center in Dilley, Texas based on a change in the detained population and need. The combined detention population on average in all facilities currently served is over 2,100 people. This program provides LOP services for the entire immigrant population detained by ICE whose cases are heard in the Pearsall Immigration Court.

5. American Gateways has also been operating an ICH program in Texas at the San Antonio Immigration Court since August 2016.

6. With LOP funding, American Gateways currently has 11 full time equivalent staff dedicated to providing LOP services. Specifically, a total of 4 attorneys, 6 paralegals and DOJ accredited representatives, and 2 administrative staff. Staff under LOP regularly travel to each detention center in person to provide legal education KYR presentations, individual consultations, and pro se workshops to noncitizens who are detained and do not have counsel. American Gateways' LOP staff provided in person and virtual services at each of the detention centers 2-4 times per week.

7. With ICH funding, American Gateways currently has 3 full time equivalent staff dedicated to providing ICH services. Specifically, a total of 1 attorney and 2 paralegals and DOJ accredited representatives. Staff under the ICH provide in person services at the Immigration Court 2 times per week along with an additional services on a monthly basis at the our San Antonio office.

8. LOP and ICH services at the facilities and the immigration court that American Gateways' serves are critical. Many of the individuals detained at each of these facilities and those appearing at the Immigration Court are indigent and cannot afford legal representation. In addition, the facilities and the court where the removal cases are heard are all located in areas that are remote and farther from larger metropolitan areas. Moreover, the vast majority of those detained at these facilities and appearing pro se at the immigration court have limited English proficiency, some speak indigenous and third languages for which locating an interpreter can be difficult, and some lack formal education; all of which makes the information and education that American Gateways' LOP and ICH staff provide incredibly important to not only preserving the basic due process rights of the detained noncitizens, but also in improving the efficiency and efficacy of the backlogged immigration court system overall.

9. The Immigration Judges and ICE have all interacted with and expressed how helpful the LOP and the ICH programs have been to them. Specifically, the Immigration Judges have

noted how both programs has increased efficiency in their dockets and caseload management by reducing the need for multiple continuances. ICE has noted how the LOP has reduced confusion about the immigration court process which has resulted in less inquiries to ICE officers at the facilities. They have noted that these programs have prevented unnecessary continuances and appeals for individuals who understood that they had no viable relief available to them. American Gateways LOP and ICH have also referred individuals who need additional assistance and representation through the LOP and ICH programs to pro bono counsel and for in house representation.

10. Without warning, on January 22, 2025, the Department of Justice issued a national contract stop work order, pursuant to Section 19 of the January 20, 2025, Executive Order titled "Protecting the American People Against Invasion." The national contract stop work order, which took effect immediately, extended to the following LOP programs: the general LOP program, the Immigration Court Helpdesk ("ICH"), the Counsel for Children Initiative ("CCI"), and Family Group Legal Orientation Program ("FGLOP") and stated that these programs were being paused while they undergo an audit.

11. Soon after the nation contract stop work order was issued American Gateways was informed by the three detention facilities we serve and the San Antonio Immigration Court that our posters regarding our education services and other materials relating to our LOP and ICH services, how to access free legal assistance, and basic legal information about different forms of relief were removed from tablets used by noncitizen detainees. Staff were also informed that Know Your Rights sessions would also not be allowed at the facilities. This has already had a significant impact on both the detained and non-detained noncitizens that we served through these programs. They no longer have access to basic information about the removal process and the immigration court, or information about any forms of relief available to them, and locating such information is nearly impossible for many. When American Gateways staff inquired with ICE at the facilities and the immigration court staff about the removal of posters and basic information about accessing services, they were told that the removal was done under the stop work order.

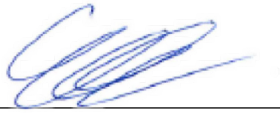
12. The national stop work order has had a significant impact on the work of American Gateways. The lack of access to the facilities has caused harm to the individuals detained there and to community members who have called seeking assistance and information for their detained family members. The missed LOP services will impact many who will be ordered removed and lose the ability to apply for certain forms of relief and release because they were not informed about their rights. The stop work order has affected American Gateways staff morale – as they not only worry about the financial loss due to the stop work order, but also the impact on the individuals they were assisting.

13. The LOP and ICH contracts account for approximately 27% of American Gateways' budget and impact over 32% of staff, or 14 full time equivalents. American Gateways has a

contingency plan to respond to the sudden national stop work order and can absorb most of the affected staff into other programs in the short term. However, based on its current budget and reserves, and dependent on the length of the stop work order, American Gateways expects that it will eventually have to lay off several staff members after some months. The financial impact of the stop work order, even in the short term, would be significant and shift services away from serving *pro se* individuals to other work with different funding, leaving a dire gap in services, which are very much needed in the community.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct.

Executed on the 30th of January 2025, in Austin, Texas.



Edna Yang
Co-Executive Director
American Gateways

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK,

Case No. 1:25-cv-00298

DECLARATION OF EMILY BACHMAN BROCK IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

7301 Federal Boulevard, Suite 300
Westminster, CO 80030,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
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DEPARTMENT OF HOMELAND SECURITY,
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KRISTI NOEM, in her official capacity as Secretary of Homeland Security,
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528,

Defendants.

DECLARATION OF EMILY BACHMAN BROCK
CHILDREN'S PROGRAM DEPUTY MANAGING ATTORNEY FOR THE ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK

I, Emily Bachman Brock, make the following statements on behalf of the Rocky Mountain Immigrant Advocacy Network. I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. My name is Emily Bachman Brock, and I am the Children's Program Deputy Managing Attorney at the Rocky Mountain Immigrant Advocacy Network ("RMIAN").

2. RMIAN is a Colorado-based nonprofit organization that provides free immigration legal and social services to individuals in civil immigration detention, as well as to immigrant children who have suffered from abuse, neglect or violence. Through its staff attorneys, paralegals, social workers, and a network of hundreds of *pro bono* attorneys, RMIAN provides legal education and free legal representation to low-income immigrants who otherwise would not be able to afford an attorney.

3. In order to carry out its mission, RMIAN's Children's Program has several main work components: (1) through the Immigration Court Helpdesk ("ICH") and Family Group Legal Orientation Program ("FGLOP"), RMIAN provides educational and pro se services in the form of legal education "know your rights" ("KYR") presentations, conducts individual consultations (intakes), and provides pro se assistance to unrepresented noncitizens with removal cases before the Denver Immigration Court; (2) RMIAN connects unrepresented child noncitizens who cannot afford a lawyer with pro bono attorneys within our pro bono network, for their immigration-related cases before Colorado state courts, the Denver Immigration Court and before United States Citizenship and Immigration Services ("USCIS"); and (3) RMIAN provides in-house direct immigration-related representation.

4. To address the first programmatic focus area, RMIAN has been operating an ICH and FGLOP site since September 2021. Since the inception of the ICH and FGLOP programs at RMIAN, the Children's Program hired additional attorneys and support staff to ensure that individuals before the Denver Immigration Court have access to legal information regarding their options, rights and responsibilities in removal proceedings.

5. Eight of RMIAN's staff members are at least partially funded through the ICH and FGLOP programs. Through the programs, staff are provided with advance information regarding docket schedules allowing them to plan their travel to the Denver Immigration Court in person to provide legal education KYR presentations, individual consultations, and pro se assistance to noncitizens appearing before the Denver Immigration Court who do not have counsel. Furthermore, through ICH and FGLOP funding, staff members operate a designated hotline, responding to noncitizens' questions and conducting individual information sessions remotely via telephone five days a week.

6. Only fifteen percent of all noncitizens navigating the immigration system in Colorado have legal representation. The ICH and FGLOP programs are crucial to RMIAN's ability to continue to provide accurate and expert legal information to pro se noncitizens about their options. Through the ICH and FGLOP staff assist noncitizens in completing required forms requesting a change of address or change of venue. Additionally, these programs are a vital mechanism through which RMIAN is able to connect children and their families, who cannot afford an attorney, to pro bono counsel.

7. Furthermore, RMIAN's ICH and FGLOP staff routinely contribute to court efficiency by assisting with required forms, reducing the number of individuals requesting assistance from court staff. Ensuring that noncitizens can learn about their legal rights, understand removal proceedings and information regarding the options in their case, reduces anxiety and confusion before they appear for their initial hearing before the immigration judges. When RMIAN staff providing ICH and FGLOP services are present at the court, court staff routinely send Respondents to speak to them for assistance understanding required forms, information regarding particularly sensitive or complicated procedural questions. Court staff also frequently request that RMIAN conduct legal screenings for unrepresented parties. RMIAN ICH and FGLOP staff members have routinely provided friend of the court services in cases where individuals are requesting voluntary departure, to secure additional time to find counsel, or where lasting immigration relief before USCIS has been identified—meaning that the case can be removed from the busy court docket.

8. Without warning, on January 22, 2025, the Department of Justice issued a national contract stop work order, pursuant to Section 19 of the January 20, 2025, Executive Order titled "Protecting the American People Against Invasion." The national contract stop work order, which took effect immediately, extended to the following programs: the general Legal Orientation Program, Counsel for Children Initiative ("CCI"), ICH, and FGLOP and stated that these programs were being paused while they undergo an audit.

9. The loss of access to the critical and time-sensitive information provided through the contract has had a direct impact on ICH and FGLOP staff's ability to reach some of the most vulnerable populations appearing before the Denver Immigration Court. With access to docket schedule information and Respondent information restricted due to the stop work order, RMIAN staff can no longer reliably ensure that juveniles and families on the expedited "dedicated docket" have access to information regarding their rights and responsibilities in removal proceedings.

10. Combined, the loss of funding resulting from the stop work order on the LOP, ICH and FGLOP programs accounts for approximately 25% of RMIANs total revenue in its 2025 budget. Hoping to avoid layoffs, current staff providing services through the ICH and FGLOP will be temporarily shifted to alternate funding in other programs within RMIAN's Children's Program. However, these alternate funding sources are focused primarily on providing direct representation, limiting the number of noncitizens RMIAN can reach, and are also supported by federal funding so are therefore precarious.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct.

Executed on the 30th day of January 2025, in Westminster, Colorado.

/s/ Emily Bachman Brock

Emily Bachman Brock, Esq.
RMIAN Children's Program Deputy Managing Attorney

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ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK,

Case No. 1:25-cv-00298

DECLARATION OF KELLY ROJAS IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

7301 Federal Boulevard, Suite 300
Westminster, CO 80030,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
950 Pennsylvania Avenue, NW
Washington, DC 20530;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

DEPARTMENT OF HOMELAND SECURITY,
245 Murray Lane SW
Washington, DC 20528;

JAMES R. McHENRY III, in his official capacity as Acting Attorney General of the United States,
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530;

SIRCE E. OWEN, in her official capacity as Acting Director of the Executive Office for Immigration Review,
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

KRISTI NOEM, in her official capacity as Secretary of Homeland Security,
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528,

Defendants.

DECLARATION OF KELLY ROJAS
CO-DIRECTOR FOR THE DETAINED ADULT PROGRAM AT AMICA CENTER FOR IMMIGRANT RIGHTS (FORMERLY THE CAPITAL AREA IMMIGRANTS' RIGHTS (CAIR) COALITION)

I, Kelly Rojas, make the following statements on behalf of Amica Center for Immigrant Rights. I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. My name is Kelly Rojas, and I am the Co-Director overseeing the Detained Adult Program ("DAP") at Amica Center for Immigrant Rights (formerly the Capital Area Immigrants' Rights (CAIR) Coalition) ("Amica Center"). Amica Center is a Washington, DC-based nonprofit, legal services organization. Amica Center is the primary organization dedicated to providing legal services to indigent immigrant men, women, and children who are detained by the Immigration Customs Enforcement ("ICE") agency under the Department of Homeland Security ("DHS") throughout Virginia.

2. Amica Center strives to ensure equal justice for all immigrant men, women, and children at risk of detention and deportation in the DC metropolitan area and beyond.

3. Amica Center is comprised of three main programs: the Detained Adult Program ("DAP"), the Detained Children's program, and the Immigration Impact Lab. DAP helps detained noncitizens understand the Immigration Court and deportation process so they can make better-informed decisions about their cases, including whether or not to pursue immigration relief, and more effectively participate in their proceedings. We also help people connect with pro bono attorneys if they are unable to pay an attorney to represent them. Our goal is to help families stay together and out of harm's way.

4. In order to carry out this mission, DAP has four main work components: (1) providing educational and pro se services in the form of "know your rights" presentations, conducting individual intakes and one-one-one legal orientations, and conducting pro se workshops with all unrepresented detained noncitizens in the custody of ICE at facilities located in Virginia; (2) connecting unrepresented detained noncitizens who cannot afford a lawyer with pro bono attorneys from our various pro bono firm partners, for cases at both the trial and appellate court levels; (3) representing detained clients found legally incompetent while appearing pro se before an immigration judge as part of the National Qualified Representative Program ("NQRP"); and (4) operating an in-house universal representational pilot program of staff attorneys to directly represent clients who are residents of various localities.

5. To address the first programmatic focus area, Amica Center has been operating a Legal Orientation Program ("LOP") in Virginia since FY 2009 providing services to several

facilities housing noncitizens in that state and expanded in FY 2016 to cover three facilities housing noncitizens in Maryland. Amica Center provided LOP services across Maryland until 2021, when Maryland passed the Dignity Not Detention Act, which ended ICE detention in locally operated Maryland jails. Amica Center continues to provide LOP services at both ICE over-72 hour detention facilities in Virginia: Farmville Detention Center ("Farmville") in Farmville, Virginia, and Caroline Detention Facility in Bowling Green, Virginia ("Caroline"). The combined detention bedspace in both of these facilities is 1,072 people. Farmville has beds to house 736 people and Caroline can house 336 people; although the detained population at Farmville declined significantly in past years due to COVID-19 pandemic-related litigation, ICE is now steadily increasing the number of people held there to get back up to maximum capacity. This program covers the complete immigrant population detained by ICE whose cases are heard in the Annandale Immigration Court, which is the sole Virginia immigration court with a detained docket.

6. With LOP funding, Amica Center has hired nine staff members dedicated to providing LOP services. Specifically, Amica Center employs a managing attorney, a senior attorney, a DOJ accredited representative, four paralegals, and one data entry specialist. Because we have been able to hire full time staff in reliance on LOP funding, we have been able to engage and supervise one additional non-LOP funded paralegal fellow to assist with pro se assistance work at the jails and currently two semester-long undergraduate interns. Staff under LOP regularly travel to each detention center to provide legal education presentations and individual orientations to detained noncitizens who do not have counsel. Amica Center staff visit both Farmville and Caroline once a month, typically for 2–4 days per visit, depending on the number of people detained. Amica Center further operates a free detention hotline that connects individuals in detention to attorneys and paralegals on our staff.

7. LOP staff also work with our volunteer manager to recruit, train and supervise hundreds of volunteers each year who accompany and assist staff during detention center visits, translate documents for pro se individuals to include in their filings in court, and transfer calls to staff on the detention hotline. Our volunteers are a critical part of Amica Center's mission and the LOP team's delivery of legal services to individuals detained in Virginia. It would be impossible to reach all detained individuals during these visits without volunteers present to fulfill their tasks of (i) completing intake forms for staff review, (ii) delivering know your rights packets on specific legal topics to individuals as directed by our staff, and (iii) reading and translating written messages with tailored legal information to individuals for whom we previouslyconducted intakes. We bring 2-5 volunteers with us on a typical detention center visit. In 2024, a total of 140 volunteers joined us on these visits. Some volunteers have worked with us for many years, bringing their experience to bear in the work they do on the visits. Others later become highly skilled interns, staff and pro bono attorneys with our organization. All volunteers on detention center visits receive

training and are supervised by our staff. They also submit the same National Crime Information Center background checks for clearance by the DOJ and participate in an onboarding process with the prime contractor, the Acacia Center for Justice, like our LOP staff.

8. In our experience, LOP has been a shared endeavor between the Department of Justice and legal service providers, like Amica Center, to bridge the significant gap in basic immigration information available to detained noncitizens. In our experience, there is significant variation between detention facilities in: (1) the availability and accessibility of a law library, current immigration applications and basic treatises and statutory text; (2) free copies and mailing to indigent clients; (3) access to case law search engines and access to current country condition reports, which are critical to an asylum application; and (4) other information that is necessary to put on an immigration case. This is because each facility is subject to different detention standards, which facilities on the ground may or may not be in full compliance with at a given time. Compounding these difficulties is wide variance in literacy levels, and potential disabilities and languages spoken by people in detention, impacting the person's ability to access in-facility systems and prepare their cases from detention. In our experience, the Department of Homeland Security has historically cooperated in addressing legal orientation services and documents, when facilitated through LOP.

9. In our experience, Immigration Judges, ICE and facility staff rely on our provision of LOP services to assist people in understanding how to represent themselves and navigate the system. Throughout the years, there have been many instances where ICE or facility staff have contacted our legal assistants or attorneys for assistance with detained individuals, including rare language speakers, who need assistance understanding and meeting court requirements or who have special needs relating to their legal cases that staff need our assistance to address with the individual. I have frequently observed instances in open court where detained noncitizens ask questions the judge is not able to address or describe evidence in support of their cases, and judges have referred them to Amica Center for assistance obtaining volunteer translation services and determining if they can be matched to a pro bono attorney as part of our LOP services. Immigration Judges also regularly acknowledge Amica Center's LOP services in helping detained noncitizens collect evidence, submit completed applications, and know which forms of immigration relief—if any—are available to them. In recent months for example, immigration judges have thanked LOP staff for explaining appeal rights to pro se individuals and working to identify and assist individuals with disabilities, individuals who are illiterate, speakers of rare languages, and young adults just reached the age of majority through the court process. We have further frequently witnessed individuals in detention, who upon realizing that their potential claims are tenuous or that they are not bond eligible, decide not to seek relief and accept a removal order or request voluntary departure. Through our volunteer translations,

educational presentations, individualized orientations, and educational materials, LOP is a key part of Amica Center's ability to educate and teach pro se detained noncitizens about their options and responsibilities in removal proceedings.

10. Individual participants in LOP have also been referred to Amica Center's separately-funded representation programs, where noncitizens can be placed with in-house pro bono representation, or with pro bono representation with external law firms, who are able to represent clients with mentorship from our LOP staff. This is especially helpful where a noncitizen's case involves an untested area of law or a legal argument that is hard to teach to pro se parties. For example, Mr. Temu, a Tanzanian man with bipolar disorder who had been harmed as a result of his mental condition, was served through LOP and then placed with pro bono counsel, ultimately winning his case before the Fourth Circuit. *See Temu v. Holder*, 740 F.3d 887 (4th Cir. 2014) (finding that "individuals with bipolar disorder who exhibit erratic behavior" was a protected particular social group for asylum). In another example, LOP encountered Mr. Ilunga, a Congolese man fleeing political persecution, and was able to connect him with pro bono counsel. Pro bono counsel won remand from the Fourth Circuit when Mr. Ilunga was not provided reliable interpretation at his hearing and the inaccurate interpretation had resulted in an erroneous adverse credibility finding and the agency had impermissibly ignored record evidence of previous political persecution. *See Ilunga v. Holder*, 777 F.3d 199 (4th Cir. 2015). Amica Center also connected Mr. Santos Garcia to pro bono counsel, who won Mr. Santos Garcia withholding and protection under the Convention Against Torture and then won remand from the Fourth Circuit after the Board of Immigration Appeals reversed Mr. Santos Garcia's grant of relief on three separate occasions. *See Santos Garcia v. Garland*, 73 F.4th 219 (4th Cir. 2023).

11. Without warning, on January 22, 2025, the Department of Justice issued a national contract stop work order, citing to Section 19 of the January 20, 2025 Executive Order titled "Protecting the American People Against Invasion." The national contract stop work order, which took effect immediately, extended to the following LOP programs: the general LOP program for detained adults, the Immigration Court Helpdesk ("ICH"), the Counsel for Children Initiative ("CCI"), and Family Group Legal Orientation Program ("FGLOP"). As part of the stop work order, Amica Center was informed that we would receive payment for LOP services provided up to January 21, 2025 and potentially for part of the day on January 22, 2025, but not after. We did not receive further information regarding the duration of the stop work order or any accompanying audits as referenced in the Executive Order. LOP managing attorney Ana Dionne-Lanier and I spoke with staff at Washington ICE Enforcement and Removal Operations immediately after we received notice of the stop work order and communicated that Amica Center desired to continue providing LOP services, including group presentations and in-person intakes, without pause and without receiving renumeration during the stop work order, including at a detention facility visit already planned for the next day.

12. The following day—January 23, 2025—LOP staff from Amica Center was in the middle of a regularly-scheduled visit at Caroline, offering "know your rights" presentations and intake services when facility staff abruptly ordered them to leave the facility. I was later informed by the Washington ICE Field Office that this action to remove LOP staff was pursuant to a national directive and that non-profit organizations would no longer be allowed to access ICE detention facilities to provide LOP services. Caroline facility staff informed us that they believed they may need to remove posters regarding LOP services, as well as instructions detailing how to contact Amica Center through our detention hotline and packets of legal information we placed in the facility through LOP.

13. That same day, Amica LOP staff were also informed via email by the facility operations team that they had lost access to Farmville Detention Center due to LOP's suspension and Farmville staff also removed LOP posters, legal information packets, and hotline information. LOP staff were informed by the few individuals still able to connect to us through our hotline that staff at both facilities were informing them that Amica Center would no longer be permitted into the facility and not to contact Amica Center staff, who were unable to help them now.

14. Later that day, in response to my questions on access to facilities and whether we could continue our in-person visit to Caroline the following day without LOP renumeration and as a legal service provider apart from LOP, as we had without interruption in different instances in the past, Washington ICE Office of Principal Legal Advisor ("OPLA") Chief Counsel, stated that Amica Center could submit a request pursuant to ICE's 2011 Performance-Based National Detention Standards ("PBNDS") but that such request would not be reviewed by the following day, January 24, 2025, after the date of our scheduled LOP visit.

15. On January 27, 2025, we emailed the Assistant Chief Immigration Judge of the Annandale Immigration Court (ACIJ) to update the court regarding these developments and to reiterate our continued support for the noncitizens detained in Virginia. However, on January 28, 2025, we received a reply that the ACIJ was cancelling our pre-scheduled stakeholder meeting on February 6, 2025, due to the LOP "stop work order." I responded the same day to reiterate that we wish to keep the meeting or reschedule as soon as possible to discuss our continued services, including pro bono placement efforts, as the only legal service provider focused on services to individuals on the court's detained docket. I have not yet received any response.

16. On January 28, 2025, we emailed the Washington ERO Field Office Director, requesting approval to post an updated poster in the detention facilities that removed all reference to LOP. This modified poster solely contained instructions for calling the Amica Center hotline. We also clarified that these instructions were important for clients to connect to their pro bono attorneys, in addition to allowing pro se people to contact us for information.

We requested that ICE approve the poster and send copies to both Caroline and Farmville for posting. Later that day, the Field Office Director replied and did not approve our poster, only affirming that all facilities display the generic immigration court list of pro bono attorneys. However, that list only includes the general hotline number with which detained noncitizens have to pay per minute of the call. That list does not include step-by-step instructions or the code for free call access to the Amica Center hotline. As of the filing of this declaration, we have heard reports through the hotline that some of our hotline calling instructions may remain posted at Caroline, but it is our understanding that our hotline information was removed from Farmville. The only remaining specific Amica Center poster may be a poster required by recently settled litigation involving release for individuals granted withholding or protection under the Convention Against Torture, informing individuals of their rights under the settlement.

17. We have also received reports that all our materials that had any reference to LOP—including "know your rights" materials in the law libraries at the facilities—have been removed from the facilities. We asked Washington ICE if the facilities would be able to redact the words "LOP" or "Legal Orientation Program" from the materials – these are mentioned only in passing in the materials – so the substantive content would remain available, but that request was not followed. There was also a large poster at Farmville that contained no reference to the LOP program but detailed in Spanish and English how to contact our organization via the detention hotline and that we are a nonprofit organization offering in-person and remote support to pro se individuals and connections to pro bono attorneys; we have even received reports that this poster was removed.

18. The abrupt pausing of the LOP program at Amica Center is already directly affecting and frustrating Amica Center's mission to assist all unrepresented detained noncitizens in the Washington, DC metropolitan region and specifically those with active proceedings before the Annandale Immigration Court, Arlington Asylum Office, or Washington ICE Field Office. First, Amica Center wishes to continue conducting "know your rights," individual orientations, and rendering pro se assistance with all unrepresented detained noncitizens in Virginia.

19. We communicated this intent to ICE and the court as soon as we received notice of the stop work order. We have been denied the ability to do so to date, despite a history of providing these services without interruption to individuals detained in the region even during periods of time when services were provided outside of LOP. We were not permitted to return to the Caroline facility on January 24, 2025 despite our request to do so outside of LOP.

20. We were instructed we may submit a new request to do in-person group presentations and individual counseling pursuant to the 2011 PBNDS, which requires submitting all dates for proposed visits, names and SSNs for presenters, scripts and materials for review and approval by ICE. This is despite the fact that our staff have already been cleared by the

DOJ and facilities to conduct these visits, the DOJ has already thoroughly vetted and approved our scripts and written materials, and ICE and the facilities have agreed to dates for facilities visits through the end of the spring. Our LOP staff completed the labor-intensive process of assembling all materials for reapproval for visits under the PBNDS and submitted our written request to the Washington ICE Enforcement and Removal Operations Acting Director on January 30, 2025. To date we have received no indication whether our request will be approved or not. Even if approved, we understand the provisions for visits under the PBNDS will not replace the level of legal access permitted under LOP to effectively deliver services. For example, the PBNDS generally restrict visits to four attorney, legal assistant or interpreter presenters, whereas given the large number of newly arrived individuals we meet for group presentations and intakes and time restrictions given facility schedules, we need to bring additional volunteers cleared by the DOJ with us on LOP visits to be able to offer services to everyone who requests them. Due to the events of the last week, all our other visits ICE and facilities had approved through the end of the spring are now considered canceled. As of the date of this declaration, we continue to be denied access to Caroline and Farmville without indication of if and when visits can resume.

21. This decision impedes our ability to carry out our mission and programming in several ways. Without being able to provide "know your rights" presentations and conduct intakes and receive information from the facility for the planning of these visits, it is very difficult to identify who is in the jails and who needs a pro bono attorney or pro se assistance. In our experience, rendering pro se assistance solely by mail or by phone is wholly insufficient given that mailed materials are occasionally arbitrarily rejected or delayed by the facilities or mail offices, many detained individuals cannot read in English or other languages we have written materials in, and phone calls are prohibitively expensive to the detained noncitizens. Further, detained noncitizens are frequently afraid to disclose or request certain information out of fear of who is overhearing their conversations, since the telephones are in spaces to which other detained individuals and staff also have access. This also calls into question the confidentiality available during consultations by phone, effectively breaking the attorney-client privilege, even in this limited setting. And given that facility staff have taken down posters with our detained hotline information, even if the hotline is still in operation, individuals in detention will not know the phone number or how to access information. We have also been told that individuals are being informed that Amica Center will no longer be able to assist them, further deterring outreach.

22. Second, this limited access frustrates our ability to offer legal services and pro bono representation to detained noncitizens, beyond those who have local friends or family who know how to reach out to Amica Center on behalf of their detained loved ones and can tell the detained person how to contact us. Very often the only way to meet with newly-arrived asylum seekers, third language speakers, cognitively impaired, or mentally ill detained

noncitizens who have no local contacts or who do not know how to help themselves, is by conducting "know your rights" presentations and intake. We work with many individuals whose special needs and even existence we are not able to identify without the ability to meet them in person inside the facilities. For example, we regularly work with individuals with disabilities and individuals held in medical isolation, suicide watch, solitary confinement, and other types of segregation who are not effectively able to reach us unless we come to them in person. Without the ability to provide these basic services, it is unclear how we will be able to connect with these vulnerable populations of detained noncitizens to render pro se assistance or connect them with a lawyer.

23. Third, Amica Center also fears that, even as it tries to maintain some presence in the detention centers in Virginia, the discontinuation of this contract could prompt local jurisdictions to cut off funding appropriated to fund direct representation of the county's residents and so further restrict our ability to connect detained noncitizens with attorneys who can represent them if we are no longer able to identify many of the individuals eligible for these non-federally funded representation programs. For example, Amica Center receives funding from Maryland to represent Maryland residents who are detained in ICE custody, many of whom are held in Virginia ICE facilities. Loss of access to Virginia ICE facilities to identify Maryland residents and connect them with legal resources and representation jeopardizes Amica Center's ability to retain and renew its funding from Maryland.

24. Fourth, we are concerned that the discontinuation of this contract will result in the end of much of the external pro bono representation for detained individuals in our region, a critical part of our mission to maximize legal representation for people in detention. Our pro bono partners, which include large law firms, law school clinics at nearly all the law schools in the District of Columbia, Virginia and Maryland, and other nonprofit organizations, rely on LOP to (1) identify, screen and refer potential clients and cases, (2) offer expert mentorship through the life of the case and guidance on how to work with clients at a particular detention center, and (3) facilitate communication systems for exchanging documents such as retainers and calls with pro bono clients that have now been discontinued.

25. Fifth, LOP accounts for around 20% of DAP's budget. Amica Center is currently working on a contingency plan to respond to the government's sudden defunding of the LOP. We are certain that this loss of funding will affect our ability to provide legal education services to pro se noncitizens in Virginia facilities, which account for the complete ICE detained population in our region and with cases in the Annandale Immigration Court.

26. Amica Center also expects that it will have to shift staff away from serving pro se individuals to other projects with different funding, leaving a dire gap in service and access to minimal information regarding rights for detained noncitizens. Already, we diverted

funding of one employee from supporting data management for our LOP work to supporting data management on our representational programs. If we are unable to bridge the funding gap left by the loss of LOP, we will be unlikely to be able to keep all our LOP staff given that our current funding is not sufficient to do so. We will also lose the ability to engage with, supervise and retain our skilled jail visit volunteers.

27. DAP's mission is to help detained noncitizens; being unable to access and serve them undermines this key goal and is already lowering the morale of staff across Amica Center. Many of our staff have years of experience serving detained noncitizens and/or are young, new attorneys and paralegals who joined the organization to develop their experience in the delivery of services to detained noncitizens, tasks that now they may not be able to carry out at all.

28. Amica Center has invested resources in the past several years to reduce employee turnover and as a result, we have experienced attorneys with more than four years of local detained experience, and junior attorneys and paralegals with more than two years of local detained immigration law experience. Our staff have mastered our administrative systems, which allow us to provide services to hundreds of newly-detained detained noncitizens a month, as well as how to issue-spot and explain complex immigration law subjects and legal analysis of relevant local criminal statutes that are crucial for explaining removability and eligibility for relief. This staff has further developed various facility and ICE stakeholder relationships and learned how to navigate the intricate processes of the local immigration detention facilities, which allow us to provide consistent seamless services and guide pro bono attorneys in how to represent detained noncitizens.

29. Losing our LOP staff will be a drain on our organizational brain trust in the delivery of pro se and pro bono detained legal services. The collective staff experience would be hard to recover over time and would hobble our ability to deliver pro se services to the detained noncitizen population in the Capital region even if the LOP was reinstated. This is because we would have to spend additional time training and teaching new staff, fellows, volunteers or interns who take the place of current staff.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct.

Executed on the 31st of January 2025, in Washington, D.C.

Kelly Rojas
Co-Director, Detained Adult Program

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMICA CENTER FOR IMMIGRANT RIGHTS,
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AMERICAN GATEWAYS,
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112 Pleasant Acres Road, Suite I
York, PA 17402;

ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK,

Case No. 1:25-cv-00298

DECLARATION OF LAURA ST. JOHN IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

7301 Federal Boulevard, Suite 300
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UNITED STATES DEPARTMENT OF JUSTICE,
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Executive Office for Immigration Review
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

KRISTI NOEM, in her official capacity as Secretary of Homeland Security,
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528,

Defendants.

DECLARATION OF LAURA ST. JOHN FOR THE FLORENCE IMMIGRANT & REFUGEE RIGHTS PROJECT

I, Laura St. John, make the following statement on behalf of the Florence Immigrant & Refugee Rights Project. I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. My name is Laura St. John. I am a licensed attorney and a member in good standing in both the California and Arizona bars. I am currently employed as Legal Director of the Florence Immigrant & Refugee Rights Project ("Florence Project" or "FIRRP"). I joined the Florence Project in March 2011 and have served in my current role since 2015. Before I assumed my current position, I previously served as Managing Attorney of the Adult Program and as a staff attorney with the Florence Project's Adult Program serving adults detained in ICE custody in Arizona. During my time at the Florence Project, I have personally provided free legal services, both direct representation and pro se orientation services, to hundreds of individuals in custody in the various ICE detention facilities in Arizona. Additionally, as Managing Attorney and Legal Director I have supervised attorneys, legal assistants, and social workers who have provided free legal services, both direct representation and pro se services, to thousands of individuals detained in ICE custody in Arizona.

Florence Project's Mission and Scope

2. Founded in 1989, the Florence Project is a 501(c)(3) non-profit legal services organization with offices in Tucson, Phoenix, and Florence, Arizona. The Florence Project's mission is to provide free legal and social services to detained adults and children facing immigration removal proceedings in Arizona. On any given day, there are thousands of people detained in Immigration and Customs Enforcement ("ICE") custody in rural detention centers in Eloy and Florence, Arizona. With no public defender structure in immigration removal proceedings, the vast majority of people who are detained in ICE custody and facing removal are forced to go unrepresented in immigration court due to poverty or lack of access. The Florence Project's vision is to ensure that all immigrants facing removal have access to counsel, understand their rights under the law, and are treated fairly and humanely.

3. The Florence Project is the sole 501(c)(3) non-profit organization dedicated to providing free legal services to people in immigration detention in Eloy and Florence, Arizona. Through our attorneys, accredited representative, legal assistants, and network of pro bono attorneys, the Florence Project provides free legal education and free representation to thousands of people who are detained in ICE custody and face removal in Arizona.

Florence Project's Services Under the Legal Orientation Program

4. The Legal Orientation Program ("LOP") is modeled after the Florence Project's years of innovative work serving detained adults in ICE detention centers in Florence and Eloy, Arizona. Florence Project staff created the original model upon which the LOP was based

in response to the gap in representation created by the absence of a public defender system in immigration removal proceedings and the concern that individuals' statutory and due process rights were being violated as a result of this gap.

5. Since 1989, the Florence Project has established relationships with the courts, immigration officials, and detention facility officers to support programs that provide detained immigrants information and access to justice. Throughout the early 1990's, the Florence Project pioneered a service model that encouraged people in detention to play an active role in their own cases. Through the "rights presentation" model, the Florence Project strove to ensure that all detained individuals had access to accurate and accessible legal information and sought to empower individuals to make informed decisions about how to proceed with their immigration court cases. We also worked to address common questions and dispel common misconceptions about the immigration court system in our presentations in an effort to decrease people's anxiety, confusion, and discomfort about the legal process they were going through.

6. As the basis for the LOP model, the Florence Project was one of three organizations elected for a 1998 pilot program that preceded the LOP and was also one of the first LOPs to begin operating when the national program was initiated in 2003. The Florence Project has been operating a LOP in Arizona since the inception of the federal program. The Florence Project, in keeping with its mission, has always striven to provide *pro se* education and support services through the LOP to the entire immigrant population detained by ICE whose cases are heard in both the Florence and Eloy Immigration Courts – Arizona's two detained Immigration Court dockets.

7. As it pertains to adults detained in ICE custody, in order to carry out its mission of providing free legal and social services to detained adults facing removal proceedings, the Florence Project's Adult Legal Program is divided into three teams, each of which has a distinct primary area of focus, but each of which also work in synergy with the other components of the Florence Project's detained Adult Legal Program to provide high-quality, free legal education and representation to adults detained in ICE custody in Florence and Eloy, Arizona.

8. The first component of the Florence Project's Adult Legal Program that forms the foundation from which Florence Project's adult legal services scaffolds up is based on the our *pro se* model of services, which involves providing high-quality legal education, information, and *pro se* support to the thousands of people who are detained in immigration custody without counsel in Arizona every year. The Florence Project provides *pro se* services through a combination of delivery methods including group rights orientations, group pro se workshops, individual orientations, and written pro se packets explaining forms of immigration relief. Today – prior to the stop-work order - much of the Florence Project's *pro se* education and informational services are provided under the umbrella of the LOP with the ongoing goal of protecting the most fundamental due process rights of people who are detained by enabling people to effectively and efficiently represent themselves in their removal proceedings and other related matters before the immigration agencies. The team that is primarily tasked with these types of

pro se education and support services is known at the Florence Project as our Detention Action & Response Team ("DART").

9. The second major component of the Florence Project's Adult Legal Program as it pertains to detained adults is our Pro Bono Team, who receive pro bono case referrals from DART and then connect unrepresented noncitizens with pro bono counsel from law firms or pro bono private immigration practitioners. Each year, our pro bono team places dozens of cases with volunteer attorneys before the immigration court, BIA, and the Ninth Circuit Court of Appeals and provides mentorship and technical support on those cases. Aspects of pro bono screening and mentorship in cases before the agency also are funded and conducted, in part, through the LOP.

10. Finally, the Florence Project's in-house Direct Representation Team is the final major component of the Florence Project's legal services for detained adults. Florence Project staff in the Direct Representation Team accept pro bono case referrals from DART and also serve as appointed counsel for individuals deemed mentally incompetent to represent themselves in removal proceedings under the National Qualified Representative Program and pursuant to the permanent injunction in *Franco-Gonzalez v. Holder*, No. CV 10-02211 DMG DTBX, 2013 WL 8115q23a1 `3 at *1 (C.D. Cal. Apr. 23, 2023). Thus, in addition to our *pro se* services provided through the LOP and our external pro bono placements, attorneys in our Adult Program provide in-house pro bono direct representation to hundreds of clients each year, representing individuals in a broad variety of matters before the Immigration Court, Board of Immigration Appeals, United States Citizenship and Immigration Services ("USCIS"), and the Ninth Circuit Court of Appeals. Florence Project's direct representation is conducted entirely separate and apart from the LOP.

11. In addition to our direct legal services, the Florence Project is nationally known for developing written *pro se* materials that are designed specifically to explain complex legal concepts to people with no legal knowledge and often limited education. We work with experts in explaining complex concepts in "plain language" and aim to have them understandable to people with approximately a sixth grade reading level. Florence Project *pro se* guides are distributed in detention centers throughout the country. While the Florence Project uses our *pro se* guides and materials extensively when providing LOP services, and while all of our *pro se* guides and related materials have been vetted and approved for use under the LOP, the creation and updating of these materials is not funded under the LOP.

12. Currently – until January 22, 2025 when the Florence Project received notice of a stop-work order under of all services under the LOP – the Florence Project provided LOP services at all three current ICE detention facilities located in the State of Arizona – the Eloy Detention Center, the Florence Detention Center, and the Central Arizona Florence Correctional Complex. Combined, these three facilities have a currently contracted capacity to detain approximately 2,000 people in ICE custody on any given day. All three of these facilities are located in rural communities in Central Arizona, approximately one hour away from the nearest major metropolitan areas.

13. The Florence Project currently employs 20 staff who are dedicated primarily either to directly providing *pro se* legal education services under the LOP or to providing managerial or other administrative support to the LOP. Specifically, Florence Project employs 3 managing attorneys and 1 managing legal assistant who directly oversee staff providing LOP services, help manage data compliance, and conduct *pro se* services themselves; 1 managing attorney who supervises our pro bono team and provides direct pro bono mentorship herself; 5 staff attorneys and 1 law grad who directly provide legal education and *pro se* support under the LOP; 1 pro bono mentor who screens, places, and provides technical support to pro bono attorneys; 1 pro bono legal assistant who helps screen and place pro bono referrals; 5 legal assistants who provide pro se workshops and individual orientations under attorney supervision; and 2 legal administrative assistants who support the team with LOP related data entry and billing requirements. Due to staff turn-over, internal transitions, and promotions, the Florence Project also has several open positions that are contemplated under the Florence Project's LOP Program Operation Plan that we have yet to backfill. While these 20 individuals make up the core LOP service providers, portions of the Adult Program Manager and Associate Adult Program Manager positions are also dedicated in part to administration of the LOP and as such a small portion of their work is also covered under the LOP subcontract. In order to maintain staff flexibility to nimbly respond to on the ground needs and maintain capacity in each staff member's work plan for professional development and assignments that fall outside of the scope of normal LOP services, none of the Florence Project's DART staff are funded entirely under the LOP, but most staff who are dedicated to these types of services have 42% to 85% of their time dedicated to LOP specific work. The total Full Time Employees ("FTE") under the Florence Project's LOP Program Operation Plan is 16.76 FTEs.

14. Staff on the DART team who work under the LOP routinely travel to each of the three detention centers we serve to conduct in person legal services, including group orientations or Know Your Right presentations, pro se workshops, and individualized orientations and consultations with people who are detained and do not have legal counsel. Florence Project staff provide weekly large group general orientations at all three Arizona detention centers. At the Eloy Detention Center, the largest of the three Arizona detention centers, Florence Project staff typically have general orientations two times a week on Tuesdays and Thursdays in order to accommodate both the number of participants and the varying populations because Eloy houses both men and women who cannot be brought together for group presentations under facility rules. Meanwhile, at the Florence Detention Center and the Central Arizona Florence Correctional Complex, Florence Project staff provide one large general orientation each week at each facility, typically on Wednesdays. At all three detention centers, Florence Project staff follow the large group orientation with a same day pro se workshop specifically diving into the details of how to make a request for release from custody either through bond or parole. The Florence Project creates lists for general orientation participants largely using information sharing made possible by the LOP. Specifically, the Florence Project uses as combination of the "Cognos report" (an EOIR generated report sharing initial master calendar hearing docket information), facility housing rosters showing (again shared

specifically as a result of the LOP), as well as referrals and requests from detained individuals to create our participant lists for the general orientations, with a goal of providing as many people as possible their general orientation ideally two weeks before their first court hearing.

15. In addition to group general orientations and pro se workshops, Florence Project staff also conduct individual orientations, which can include both initial consultations as well as follow up *pro se* service visits. Individual orientations and follow-up visits occur on most days of the week in all three facilities. Initial individual orientations typically occur on the same day of the larger group orientations, following the general presentation. Given the size of the population we serve, follow up pro se service visits can occur any day of the work week and staff are routinely in all three of the detention centers. Follow up services typically include further legal orientation and education, or technical support, for example: translating court documents or helping individuals with low literacy or significant language barriers fill out their applications for relief.

16. In addition to our in-person services, the Florence Project also maintains a hotline for detained individuals which is currently operating once a week, on Thursdays, from 1 p.m. to 4 p.m. In recent years, all three detention facilities also have created additional methods for remote legal visits and communication, including telephone calls, virtual attorney visit televideo visitation systems, and the introduction of tablets in the housing units which enable detained individuals to send messages electronically to LOP providers. While our office tends to favor in-person services where possible, particularly when working with *pro se* respondents who remain in control of their own documents and filings such that remote assistance often poses unique operational challenges, Florence Project staff working on the LOP also use these remote communication mechanisms to support LOP work as appropriate.

17. LOP education and *pro se* legal services are a critical safety net for the people who are detained in ICE custody in Arizona. The remote location of the detention centers, combined with a relatively sparse legal community able and willing to take detained removal cases in Arizona, and the frequent indigency of individuals who are detained and unable to work, means that the majority of people detained in Arizona go through their legal process entirely alone, without a lawyer. As noted above, the Florence Project is the only non-profit organization that provides free legal services to people who are detained by ICE in Arizona. The LOP helps those people understand the process, their rights, and their obligations in the legal proceedings as well as teaching them about the possible defenses to deportation, which helps people better prepare their claims and present them efficiently to the immigration court.

18. Additionally, the majority of individuals detained in the ICE detention centers in Arizona have limited English proficiency ("LEP"). This poses unique challenges for *pro se* respondents who do not speak English because, while court hearings themselves are interpreted, all documents filed with the EOIR must be in English and often *pro se* individuals require help understanding documents filed in their cases and/or assistance translating documents or evidence they are trying to submit. The Florence Project's LOP

staff are all bilingual in English and Spanish and routinely provide support deciphering court documents and applications for *pro se* respondent who have limited English proficiency. Moreover, while a large majority of LEP individuals in ICE custody in Arizona speak Spanish, in 2023 FIRRP served individuals from 83 countries who spoke 45 languages. LOP staff often play a critical role in identifying individuals who speak neither Spanish nor English and helping conduct orientations with such individuals using interpretation services, also provided in connection with the LOP. In this way, LOP services provide a truly basic level of protection – helping people understand their legal process – while also helping improve court efficiency by decreasing confusion and delays caused by language barriers.

19. Florence Project staff routinely encounter people through the LOP who have any number of characteristics that might make them particularly vulnerable and at risk in detention of due process violations. For example, many of Florence Project's *pro se* clients have limited education and have either low or no literacy, even in their best language. Indeed, this is the reason that the Florence Project works with plain language experts and aims to develop written pro se materials that explain concepts at about a sixth grade education level. Florence Project staff also routinely work with individuals under the LOP who have experienced serious trauma; LGBTQ individuals; and individuals with significant disabilities including mental health conditions as well as physical conditions like blindness or deafness. For such individuals, the LOP is a critical safety net since, without the LOP, the vast majority of these particularly vulnerable individuals would be left without any information and most likely would face significant barriers to adequately and efficiently preparing their cases without counsel.

20. The Florence Project has long enjoyed a cooperative stakeholder relationship with both the Florence and Eloy Immigration Courts. Beginning from the initial call to action by an Immigration Judge that led to the creation of the Florence Project, Immigration Judges in Arizona have consistently engaged with and welcomed the Florence Project's legal education services. This cooperation has included everything from willingness to provide Florence Project staff space in the physical courtrooms to conduct orientations when necessary, to smaller acts of appreciation, including donating used paperclips, binder clips, and other small office supplies that otherwise would have been discarded from court filings to the Florence Project to reuse. Judges in Eloy and Florence have long relied on the Florence Project as a resource to which they may refer respondents who are confused or unclear about the next step in their immigration court process. In both EOIR and ICE stakeholder meetings, government partners routinely express thanks and emphasize the value of the services the Florence Project provides.

Issuance and Immediate Impact of LOP Stop-Work Order

21. On January 22, 2025, the Department of Justice suddenly issued a stop-work order on the LOP, as well as several other legal service contracts under the EOIR budget.[1] Upon

[1]Beside the LOP, the other impacted programs include the Immigration Court Helpdesk (ICH), the Counsel for Children Initiative (CCI), and the Family Group Legal Orientation Program (FGLOP).

information and belief, this action was taken pursuant to Section 19 of the January 20, 2025, Executive Order titled "Protecting the American People Against Invasion." Florence Project learned about the stop-work order through an email notification from the government prime contractor on the LOP program, the Acacia Center for Justice at approximately 1:30 p.m. Arizona time. The national contract stop-work order, which took effect immediately, stated that the impacted programs were being paused while they undergo an audit. That said, the practical effect of this alleged pause for the Florence Project is that we have lost, for an indeterminate period of time and perhaps permanently, a significant revenue stream that supports staff salaries for critical work that is central to our mission.

22. On January 22, 2025 shortly after receiving the stop work notice, Florence Project leadership promptly notified all staff regarding receipt of the LOP stop-work order and provided additional specific instruction to staff who provided services under the LOP clarifying how they would need to change aspects of their work to follow that order.

23. However, because the Florence Project's mission is to provide free legal and social services to all detained adults facing removal in ICE custody, we also immediately began to discuss how we could potentially transition the critical services that had been conducted under the LOP to other legal access mechanisms, specifically legal access as envisioned in provisions allowing for non-federally funded legal group rights presentations under section 6.4 of the Performance-Based National Detention Standards ("PBNDS"). The PBNDS explicitly encourages the provision of "Legal Rights Group Presentations" in ICE detention facilities and states that "all facilities are required to cooperate fully with authorized persons seeking to make such presentations."[2] Under the 2011 PBNDS, "[d]etainees shall have access to group presentations on United States immigration law and procedures and all other relevant issues related to the immigration court, appeals, and removal process, including a detainee's legal rights," and "persons and organizations requesting to make such group presentations shall be able to obtain clear information about how to become authorized to provide legal rights group presentations, including regularly scheduled presentations." In other instances of past stop work orders on the LOP - due for example to government shutdowns over appropriations – ICE has allowed the Florence Project to seamlessly transition our services to legal rights group presentations under the PBNDS.

24. On January 22, 2025, the same day we learned of the LOP stop work order, Florence Project adult program leadership emailed Assistant Field Office Directors ("AFOD") Karin Kinghorn and Brian Ortega acknowledging the stop work order under the LOP and indicated that, although Florence Project could not continue services under the LOP, we

[2] See 2011 Operations Manual ICE Performance-Based National Detention Standards, available at: PBNDS 2011, Rev. 2016. See also 2008 Operations Manual ICE Performance-Based National Detention Standards, full table of contents available at: 2008 Operations Manual ICE Performance-Based National Detention Standards | ICE and relevant section available at: legal_rights_group_presentations.doc. Upon information and belief, both the Eloy Detention Center and Florence Detention Center (also known as the Florence Service Processing Center) fall under the 2011 PBNDS. The Central Arizona Florence Correctional Complex (also known as the Florence Correctional Center) falls under the 2008 PBNDS. Both the 2008 and 2011 PBNDS reflect essentially identical language as to the language quoted herein.

had ability and interest to continue to provide presentations and workshops under the PBNDS and were seeking to confirm the viability of that option with ICE. We inquired specifically if this transition could feasibly allow for us to conduct a legal rights group presentation under the PBNDS as early as the following day in Eloy Detention Center.

25. On January 23, 2025, Florence Project received a response to our email from AFOD Kinghorn stating that the presentation in Eloy was cancelled due to guidance that LOP services cannot continue to be provided within Eloy. AFOD Kinghorn's message neither mentioned nor responded in any way to Florence Project's inquiry as to the possibility of providing legal rights group presentations under the PBNDS.

26. In light of the response from AFOD Kinghorn, the Florence Project cancelled our group rights presentation on January 23, 2025 and have not conducted any group presentations at any of the Arizona detention facilities since the stop work order to the present date. However, on January 23, 2025, Florence Project adult program leadership followed up with AFODs Kinghorn and Ortega, CCing Supervising Detention and Deportation ("SDDO") Officer Christopher Miller, seeking an opportunity to schedule a meeting to further discuss options for provision of legal services outside of the LOP context, including under the PBNDS. The Florence Project email also sought additional guidance from ICE regarding what information they would need from us to consider this alternative request.[3] SDDO Miller promptly responded the same day, restating that all LOP services are paused, but noting that "if a FIRRP attorney would like to speak with an alien, they would need to file a G-28[4] and follow standard procedures for meeting with a client."

27. On January 23, 2025, Florence Project also began receiving a number of panicked calls and reports from clients in all three detention facilities. Clients reported that officials had removed all of the posters and information about the Florence Project that had been posted in the housing units. These postings included information about the Florence Project, who we are, what free services we offer, and how to contact us. Importantly, these flyers also included plain language, clarified instructions on how to use the detention center pro bono telephone platform – the only truly free telephone call system in detention – to reach the Florence Project, which is a step that has proven necessary over the years due to the complexity and lack of clear instructions from ICE or the detention centers on how to navigate the pro bono platform.

28. Clients also reported that guards and housing unit counselors told them that Florence Project attorneys were no longer allowed to enter the facilities, no longer allowed to do legal visits, and in at least one case was told that Florence Project did not exist at all anymore. Clients reported that they saw other detained people crying in the detention

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[3] See 2011 PBNDS, Section 6.4(II)(2), available at: PBNDS 2011, Rev. 2016 ("Persons and organizations requesting to make such group presentations shall be able to obtain clear information about how to become authorized to provide legal rights group presentations, including regularly scheduled presentations."

[4] A G-28 is the Notice of Entry of Appearance form used for communicating with ICE. Upon information and belief, all three ICE detention facilities in Arizona do not require a G-28 to conduct in person visits if those visits are pre-representational.

facility when guards were telling people that Florence Project was no longer going to be allowed into the facilities.

29. From January 23, 2025 through January 28, 2025, Florence Project Adult Program leadership continued to follow up with ICE leadership in Arizona to seek authorization to conduct legal rights group presentations under the PBNDS, further clarifying that this would be entirely apart and separate from the LOP, providing citations to the relevant detention standards, and suggesting a proposed schedule for services. While Deputy Field Officer Director ("DFOD") Christopher McGregor offered to review written Know Your Rights materials, every request specifically to provide legal rights group presentations in the facilities was met with responses indicating that "right now there is no LOP" that ignored that our current requests were made under the PBNDS.

30. On January 28, 2025, Florence Project provided ICE with copies of the written materials, specifically a proposed script for a non-LOP rights presentation, that would accompany our proposed rights group presentation and, again, renewed our request for authorization to conduct group presentations under the PBNDS and not under the LOP. Later that day, AFOD Kinghorn responded, stating that "I have elevated your email request below to DFOD McGregor for clarification. ICE has paused any and all LOP presentations/group orientations within its facilities, and they cannot occur. Your proposal cited below for another form of presentation/group orientation at the facility is not approved."

31. On January 29, 2025, Florence Project adult program leadership responded to AFOD Kinghorn's email inquiring as to the reasons for the denial and further discussing materials that we hope ICE can review and approve, including new posters for the housing units. To date, we have not received any response from Arizona ICE to that email.

32. Additionally, to date, the Florence Project has not received any further instruction regarding the details of any allegedly pending audit from Acacia or from EOIR/DOJ. To date, the government has not provided the Florence Project any timeline indicating how long this alleged pause is likely to continue. To date, the Florence Project has not been provided a copy of the official stop-work order.

Overarching Impact of LOP Stop-Work Order

33. This stop work order, particularly combined with ICE's simultaneous and apparently related decision to deny access for group rights presentations even under the PBNDS is devastating to Florence Project's mission of providing free legal services to all detained adults facing removal in Arizona. As noted above, the *pro se* rights-based model of services that has been conducted under the LOP since 2003 is part of Florence Projects very DNA, as we innovated this service delivery model going back to our founding in 1989. Elimination of access to the people who are detained in ICE custody for group rights presentations and education services, for the first time in over 35 years of our existence as a non-profit legal service provider, is deeply disruptive to our legal service

model and is sending ripple effects to our other teams serving detained adults, as both the pro bono team and direct representation team currently rely on referrals for pro bono placements from individuals who have passed through and received our group rights orientation. Even a short lapse in the Florence Project's ability to follow the model we established and which forms the foundation upon which our other detained programs are built is a major disruption to our services and forces contemplation of significant restructuring should this supposed pause extend for a prolonged period or result in eventual termination.

34. Additionally, FIRRP's vision that every person facing removal have access to counsel, understand their rights, and be treated fairly and humanely is also severely undermined by the elimination of the LOP. First, although the LOP program has never been a program that provided direct representation, for the majority of people in ICE custody in Arizona, conversations and orientations with Florence Project attorneys working under the LOP are likely their only access to counsel and opportunity to be screened for potential pro bono representation. This stop work order will all but guarantee that more people in ICE custody in Arizona will go through their removal proceedings without ever having spoken to an attorney and without even the basic information necessary to navigate their cases.

35. Second, by not only restricting the Florence Project's ability to provide group presentations in facilities, but also eliminating the means of obtaining information about who is new to the facilities and who has upcoming court hearings – information that was provided through the LOP – we are left with minimal and insufficient avenues to timely identify and reach individuals in detention who are in need of information and education about the immigration court process. While we can continue to try to reach people who contact us on an individual basis, that model is both inefficient and is certain to miss people who may not be aware of the Florence Project's free services. The fact that our clients have reported that ICE has removed all postings explaining who the Florence Project is, what services we offer, and how to contact us further amplifies the likelihood that many people in detention will not know that they can have a free legal orientation if they contact us and/or will not know how to even go about contacting us without guidance on how to use facility mail or the complex pro bono telephone platform. Thus, without the LOP, there will almost certainly be a significant number of people who will go through their immigration court proceedings without ever having had the opportunity to speak to an attorney or understand their rights and potential forms of defense against deportation.

36. Third, this stop work order, even if temporary, will irreparably harm the people that the Florence Project serves. Given the accelerated pace of detained removal proceedings and Immigration Judge reviews of expedited removal orders, even a brief lapse in services will likely result in some people being ordered removed, denied relief, or denied release on bond simply because they did not know or understand what was required of them. This is not pure speculation. Even under the current general orientation structure in which we try to see people a week or more before their first court date, Florence Project staff occasionally encounter individuals who, for one reason or another, did not come to their

initial group presentation and who are now trying to see us after being denied bond because they did not know that they needed to have specific documents regarding where and with whom they would live to establish that they were not a flight risk. Even worse than being denied bond, is being denied relief simply because an individual did not understand immigration law or their rights in immigration court. I recall one case very early in my career as a LOP staff attorney, where the LOP orientation I gave prevented a U.S. Citizen's wrongful removal. At the time, Florence Project gave our group general orientations in Florence to the individuals on the docket for their initial master calendar hearings just before they went into court. At the end of my presentation, in which I quickly touched on various forms of relief, including U.S. Citizenship, a young man approached me saying that he'd planned to just take his deportation order that morning, but wanted to talk to someone more about what I'd said about citizenship claims. I explained that if that was the case, he had the right to ask for more time to speak with an attorney. He did ask for more time and upon learning more about his family history, it became apparent that this young man was in fact a U.S. Citizen. With his permission, we notified ICE who agreed and released him from custody. Without having access to information about the various ways in which a parent can pass along U.S. Citizenship to even a child born abroad, this young man would have simply accepted a removal order and the U.S. Government would have wrongfully deported a U.S. Citizen. Without a consistent way to obtain information to see people well before their court hearings, this type of issue where a person is denied either relief or release, not because of the merits of their case, but because of their ignorance as to the legal requirements, will inevitably become more and more frequent.

37. While the Florence Project intends to attempt to continue to reach detained individuals to provide them with basic legal education and support, without access to the information - the dockets and rosters - previously available through LOP, staff will have to spend more time doing outreach to try to ensure widespread knowledge of referral and request systems. Florence Project's staff are already working on updating and modifying all of our postings and materials to scrub them of reference to the LOP in the hopes of getting updated materials approved for posting in ICE facilities. We also prepared and provided an updated non-LOP rights presentation script to ICE before we were denied access to conduct group presentations under the PBNDS. If we can successfully identify people who require legal education and assistance in a timely manner, which as noted above remains in serious question, Florence Project legal staff will also have to conduct all education services in individual visits, which is significantly less efficient. As an additional measure to help us try to reach as many detained people as possible as timely as possible, and in keeping with our mission, the Florence Project is planning to expand our hotline hours to include another day of services, which creates strains on our front desk staff who are not and never were funded by LOP, but who will have to answer additional calls coming into the hotline and route them to the appropriate LOP staff members, since the hotline must all come through the one phone number that is accessible on the ICE pro bono telephone platform. This all amounts to a significant shifting of resources to modify operations as necessary to account for the loss of information and access due to the LOP stop work order. These changes in workflow and

office procedures are necessary even if the stop work order is temporary in order to meet our mission in light of the stop work order.

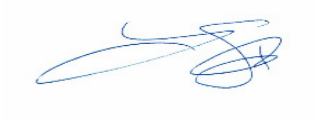
38. There is also a serious financial impact to the Florence Project as a direct result of the stop work order. As noted above, 20 staff members have a significant portion – ranging from 42% to 85% - of their salaries that were paid for with LOP subcontract funds. The Florence Project must now pay for those salaries out of our general funds for as long as the stop work order persists – a situation that becomes more fiscally untenable the longer this stop work order goes on. While some work had been done on this Option Year contract, approximately two-thirds of our total contract value had not been realized at the time of the stop work order and, as an organization, we are now facing a significant budget shortfall over just over 1 million dollars on this contract as a result. Additionally, because these subcontracts operate for a set window of time and payments are based on actual billing for work conducted in that time frame, even if the stop work order is eventually lifted and the LOP reinstated sometime while this Option Year contract is still in effect, it may not be possible for Florence Project staff to provide services at the rate necessary to make up for the lost time under the stop work order, such that a portion of this contract could still be unrecoverable even if the stop work order is temporary.

39. Additionally, the uncertainty around the LOP funding and the possibility that this stop work order could well become either prolonged or permanent is cause for serious concern as to our overall staffing plans, staff morale, and the ability to keep qualified and trained staff with the organization. At the outset, the Florence Project's Program Operation Plan contemplates a number of additional positions being partially funded under the LOP subcontract. However, due to uncertainty around funding for these and all other LOP positions, Florence Project leadership is having to re-evaluate hiring plans and delay onboarding or hiring staff that had been contemplated for these open positions. This approach of scrutinizing and potentially delaying or freezing hiring for certain open positions extends well beyond only those positions that would have been partially funded under the LOP; rather it touches hiring for any positions, new or backfilled, that are in whole or in part funded through general funding, given that general funding is now being tapped to cover the lost salary that would have been covered under the LOP. This includes re-evaluating and perhaps delaying positions on all other adult teams, the advocacy team, and all of our support teams who do not provide direct client services. Thus, the morale ripple effects of this loss of LOP funding will be felt throughout the organization. Moreover, the uncertainty around the budget as well as delays in hiring to backfill positions can create a sense of overwhelm and stress among remaining staff, both on the directly impacted team as well as on other teams, which negatively impacts morale and people's sense of job security. While the Florence Project does not anticipate an immediate financial need to move any staff from the team providing LOP services to other legal teams, Florence Project leadership has already begun to have conversations about what would be required to make such transitions possible if they became necessary. This involves taking into consideration the impact and cost of various factors, such as retraining staff or losing some staff who do not want to do other types of work, as well as operational pre-work that would be required before any such transition could happen, such as potentially redesignating staff members' home offices based on new assignments

and union notification under the Florence Project's collective bargaining agreement. While staff transitions may not be imminent or necessary unless the stop work order goes on for more than five or six months, some of the managerial and administrative preparation to be able to act to transition staff if it should become necessary will have to begin sooner. Of course, if this stop work remains indefinite and prolonged or if the LOP is fully terminated, the Florence Project may have to also consider broader actions to re-size the adult program in light of available funding.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of January, 2025 in Flagstaff, Arizona.



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Laura St. John

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMICA CENTER FOR IMMIGRANT RIGHTS,
1025 Connecticut Avenue NW, Suite 701
Washington, DC 20036;

AMERICAN GATEWAYS,
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York, PA 17402;

ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK,

Case No. 1:25-cv-00298

DECLARATION OF LISA KOOP IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

7301 Federal Boulevard, Suite 300
Westminster, CO 80030,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
950 Pennsylvania Avenue, NW
Washington, DC 20530;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

DEPARTMENT OF HOMELAND SECURITY,
245 Murray Lane SW
Washington, DC 20528;

JAMES R. McHENRY III, in his official capacity as Acting Attorney General of the United States,
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530;

SIRCE E. OWEN, in her official capacity as Acting Director of the Executive Office for Immigration Review,
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

KRISTI NOEM, in her official capacity as Secretary of Homeland Security,
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528,

Defendants.

DECLARATION OF LISA KOOP
NATIONAL DIRECTOR OF LEGAL SERVICES FOR
THE NATIONAL IMMIGRANT JUSTICE CENTER

I, Lisa Koop, make the following statements on behalf of the National Immigrant Justice Center. I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. My name is Lisa Koop. I am the national direct of legal services at the National Immigrant Justice Center ("NIJC"), registered as a nonprofit organization under the name NIJC, NFP. NIJC's mission is to establish and defend the legal rights of immigrants and to transform the immigration system into one that affords equal opportunity for all. NIJC is a national organization headquartered in Chicago, Illinois. NIJC is the primary organization dedicated to providing legal orientation, consultations, and application support to unrepresented individuals appearing before the Chicago Immigration Court through NIJC's Immigration Court Helpdesk ("ICH"). NIJC also provides services in a small number of cases through the Counsel for Children Initiative ("CCI").

2. The ICH was developed to provide high volume legal services to unrepresented immigrants in a cost-effective manner. After NIJC piloted a privately funded ICH program and demonstrated success at the individual case level and in court efficiency, Congress appropriated funding for 14 help desks across the country. NIJC was in the first cohort of ICH providers. NIJC's federally funded ICH program began in 2016.

3. Without warning, on January 22, 2025, the Department of Justice issued a national contract stop work order, pursuant to Section 19 of the January 20, 2025, Executive Order titled "Protecting the American People Against Invasion." The national contract stop work order, which took effect immediately, extended to the following programs: the general Legal Orientation Program ("LOP"), the Immigration Court Helpdesk ("ICH"), the Counsel for Children Initiative ("CCI"), and Family Group Legal Orientation Program ("FGLOP") and stated that these programs were being paused while they undergo an audit.

4. NIJC learned of the stop work order through an email from the Acacia Center for Justice. At the time, an NIJC ICH attorney was at the Chicago Immigration Court providing services to unrepresented individuals. That attorney was promptly instructed to terminate her ICH work and return to NIJC's office. The NIJC ICH team had dozens of remote individual consultations scheduled, some of which involved matters with imminent filing deadlines. The NIJC ICH team had a pro se asylum workshop scheduled for January 24, 2025, the Friday of that same week.

5. Until the ICH program was suspended on January 22, 2025, NIJC provided legal services in person at the Chicago Immigration Court and/or remote services through a telephone hotline five days a week. During calendar year 2024, NIJC's ICH team provided approximately 3500 unique legal services to approximately 2000 different individuals or families. The services included individual information sessions to discuss case-specific questions, document preparation, group information sessions, self-help workshops for specific forms of relief, and Friend of the Court assistance. The ICH also assisted with motions to change venue. Suspending this program will cause significant harm to individuals who are seeking to exercise their legal rights in a complicated immigration system.

6. With ICH funding, NIJC employed nine staff members who provided ICH services. These included: two directors, a legal supervisor, two senior attorneys, two staff attorneys, a paralegal and a coordinator.

7. Before the January 2025 stop-work order, staff working on the ICH regularly went to the Chicago Immigration Court to provide legal education and individual consultations to noncitizens without counsel. NIJC ICH staff members were present at the Chicago Immigration Court three days per week. The NIJC ICH team staffed a hotline for ICH participants that was open at all times to receive calls and texts from participants. The NIJC ICH team assigned staff members to respond to calls and messages to the hotline four days a week.

8. In 2023 the Chicago Immigration Court's caseload tripled to about 270,000. The number of people appearing before immigration court who need help understanding the basics of their proceedings, their rights and options, and their eligibility for relief is much higher than the capacity of low-cost or pro bono legal service providers. Court staff are unable to respond to phone calls from immigrants appearing before the court. Mail filings routinely take six weeks or longer to be entered into the court's system, and the line at the filing window often has a several-hour wait. As a result, ICH staff are often the only source of information available to unrepresented people facing deportation.

9. Judges frequently referred individuals to the ICH because NIJC's ICH provided services that improved the efficiency of the court. For example, ICH staff explained documents and proceedings so that judges could spend less time with each individual respondent. Court staff at the filing window frequently directed unrepresented immigrants to NIJC's ICH to ask questions. NIJC's ICH staff also affirmatively sought out people in the filing window line to screen for anyone who was there for something with which court staff could not assist; like filings with other agencies, questions about cases pending before United States Citizenship and Immigration Services cases, Immigration and Customs

Enforcement appointments, filings for other immigration court locations, and issues that must be addressed by an immigration judge through a written motion and cannot be resolved verbally by a court clerk. The filing window clerks often rely on google translate to communicate with non-English speakers, which leads to additional confusion that NIJC's ICH staff members were able to address when participants were directed by the court to speak with them.

10. NIJC's ICH team has regularly identified viable asylum claims and referred such cases to pro bono attorneys or other NIJC programs for full representation. In 2024, about 100 people received pro bono representation services after their cases were identified and referred for representation by NIJC's ICH. Without NIJC's services, individuals who are fleeing persecution would be denied access to legal protections.

11. Thus far, NIJC has been permitted to access the Chicago Immigration Court and provide services that are not funded through the DOJ ICH program. During the week of January 27, NIJC attorneys were initially told by court staff they could not provide services. A security guard told an immigrant at the court they could not access NIJC services because there was "no more pro bono." NIJC later confirmed with the Chicago Immigration Court that NIJC attorneys could provide services not funded or supported by the court. For example, NIJC was informed judges are no longer allowed to hand out flyers directing unrepresented immigrants to NIJC for (no-cost) services.

12. Without continued funding, NIJC's ability to continue services for unrepresented immigrants before the Chicago Immigration Court is at imminent risk. NIJC has already allocated approximately 25 percent of the ICH staff to other funding sources and hopes to limit further adjustments in order to sustain the important work of the ICH.

13. Pursuant to a contract with the Acacia Center for Justice, NIJC's annual contract for ICH services was in the amount of $475,676 per year. This has historically been paid based on periodic reporting of time spent on ICH activities. If this funding is not restored, NIJC will be compelled to scale back services and potentially staff. Although NIJC is seeking private funding from individual donors or foundations to maintain this work, in the absence of funding, NIJC will have to reduce services and potentially layoff staff or reallocate them to different otherwise funded work.

14. Even if NIJC is able to identify a private funder to support the ICH, the stop work order will continue to frustrate NIJC's mission of providing education and legal assistance to immigrants, refugees, and asylum seekers. That is because, in addition to the halting of federal funding, the stop-work order is already impeding access to the individuals that NIJC seeks to serve, and immigration court staff have already changed their practices for

making referrals to the ICH, meaning that fewer people will know that NIJC's ICH is there and fewer people will be given the opportunity to speak to NIJC before speaking to a judge.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on the 30th of January 2025, in Goshen, Indiana.

S/ Lisa Koop

Lisa Koop, National Director of Legal Services
National Immigrant Justice Center
110 E. Washington St.
Goshen, IN 46528
Tel. 312-660-1321 Fax. 312-660-150

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMICA CENTER FOR IMMIGRANT RIGHTS,
1025 Connecticut Avenue NW, Suite 701
Washington, DC 20036;

AMERICAN GATEWAYS,
314 East Highland Mall Boulevard, #501
Austin, TX 78752;

ESTRELLA DEL PASO,
2400A E. Yandell Drive
El Paso, TX 79903;

FLORENCE IMMIGRANT AND REFUGEE RIGHTS PROJECT,
PO Box 654
Florence, AZ 85132;

IMMIGRATION SERVICES AND LEGAL ADVOCACY,
3801 Canal Street, Suite 210
New Orleans, LA 70119;

NATIONAL IMMIGRANT JUSTICE CENTER,
111 W. Jackson Boulevard, Suite 800
Chicago, IL 60604;

NORTHWEST IMMIGRANT RIGHTS PROJECT,
615 Second Avenue, Suite 400
Seattle, WA 98104;

PENNSYLVANIA IMMIGRATION RESOURCE CENTER,
PO Box 20339
112 Pleasant Acres Road, Suite I
York, PA 17402;

ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK,

Case No. 1:25-cv-00298

DECLARATION OF MELISSA MARI LOPEZ IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

7301 Federal Boulevard, Suite 300
Westminster, CO 80030,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
950 Pennsylvania Avenue, NW
Washington, DC 20530;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

DEPARTMENT OF HOMELAND SECURITY,
245 Murray Lane SW
Washington, DC 20528;

JAMES R. McHENRY III, in his official capacity as Acting Attorney General of the United States,
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530;

SIRCE E. OWEN, in her official capacity as Acting Director of the Executive Office for Immigration Review,
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

KRISTI NOEM, in her official capacity as Secretary of Homeland Security,
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528,

Defendants.

DECLARATION OF MELISSA MARI LOPEZ
EXECUTIVE DIRECTOR FOR ESTRELLA DEL PASO

I, Melissa Mari Lopez, make the following statements on behalf of Estrella del Paso. I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. My name is Melissa M. Lopez, and I am the Executive Director at Diocesan Migrant & Refugee Services *doing business as* Estrella del Paso ("Estrella del Paso"). Estrella del Paso is the largest provider of free immigration legal services in West Texas and New Mexico. Estrella del Paso is based out of El Paso, Texas but provides legal services to populations living anywhere in West Texas and the state of New Mexico who have removal proceedings venued in the El Paso, Texas before the non-detained court or who get detained and have court before the El Paso Detained Immigration Court or Otero Immigration Court.

2. Estrella del Paso was founded in 1986 to provide immigration legal services, advocacy, and community outreach to protect the rights of immigrants in West Texas and New Mexico, and advance justice in the spirit of the Gospel because we believe all people are made in the image of God and are welcome in our community. Our organization currently employs 80 people across six legal units, refugee resettlement program, and an administrative unit. Each legal unit is tasked with assisting different migrant populations.

3. In order to carry out our mission, Estrella del Paso has several main work components: (1) through the Legal Orientation Program ("LOP") and Immigration Court Help Desk ("ICH"), we provide educational and pro se services in the form of legal education "know your rights" ("KYR") presentations/orientations, conduct individual consultations/orientations (intakes), and conduct pro se workshops with all unrepresented non-detained noncitizens who have hearings before the El Paso Non-detained Immigration court as well as detained noncitizens in the custody of Immigration and Customs Enforcement ("ICE") at facilities located in El Paso, Texas and Chaparral, New Mexico; (2) We attempt to connect unrepresented noncitizens who cannot afford a lawyer with pro bono attorneys or refer them for in-house representation by Estrella del Paso; (3) Estrella del Paso also provides in-house representation to people in removal proceedings through our Removal Defense and Unaccompanied Minors Programs; (4) Through our affirmative legal services, Estrella del Paso provides representation before United States Citizenship and Immigration Services ("USCIS") and United States Department of State ("DOS"). Within our affirmative legal services program, we have two subunits specifically dedicated to assisting religious workers and survivors of crime and human trafficking.

4. To address the first programmatic focus area, Estrella del Paso has been operating the LOP program at the El Paso Processing Center since 2006. In 2008, our LOP program expanded to cover services at the Otero County Processing Center located in Chaparral, New Mexico. In December 2024, the combined detention population on average in all facilities served was 1,533 people, this number accounts for about 66 percent of the overall detention capacity both facilities have as currently the El Paso Processing Center has capacity to hold 1,200 people and Otero 1,089 people. This program provides LOP services for the entire immigrant population detained by ICE whose cases are heard in the El Paso Detained Court and Otero Immigration court.

   In 2021, our program expanded once more and added the Immigration Court Help Desk, (ICH). Through the ICH program non-detained noncitizens in removal proceedings before the El Paso Non-detained Immigration Court have access to legal orientation in the form of KYRs, intakes, pro bono referrals, and pro-se self-help workshops. Given the growing backlog of removal cases and the fact that our non-detained court sits on the US/Mexico border, there are thousands of cases pending at the court that our ICH team assists with on a yearly basis.

5. With LOP and ICH funding, Estrella del Paso currently employs thirteen (13) staff members dedicated to providing LOP and ICH services. Specifically, through our LOP program we employ eight (8) full-time staff members. Two of our staff members are fully accredited representatives and the other six are in the process of pursuing accreditation. Our ICH program employs five (5) full-time staff members, one of which is a fully accredited representative with the other four also in the process of seeking full accreditation. Staff under LOP regularly travel to each detention center in person to provide legal education orientations, individual orientations, and pro se workshops to noncitizens who are detained and do not have counsel. Our dedicated LOP staff provides services at the El Paso Processing Center every weekday. Services at the Otero processing Center, which is approximately a 60-mile round trip from our office, are provided 3 times a week. In addition to in-person services, our LOP team runs a hotline for detainees to call in the event they need individualized services. Our equally amazing ICH team can be found providing in person services at the El Paso Immigration Court every weekday, the ICH team like the LOP team also operate a hotline where pro-se litigants can call to seek one on one services.

6. According to the Census Bureau, 18.3 percent of the population of El Paso, Texas and 17.8 percent of the population of New Mexico live in poverty, surpassing the national average of 11.5 percent. El Paso and its surrounding areas are not home to large corporations or law firms. Most attorneys who practice any type of law in this region tend to be solo practitioners who cannot afford and do not have the capacity to take on pro-bono matters. Because there are no large law firms or corporations in this region, there is very limited access to attorneys who can provide pro-bono services. Likewise, El Paso is

not home to any law schools. The two closest law schools to El Paso are Texas Tech University School of Law based in Lubbock, Texas and the University of New Mexico School of Law based in Albuquerque, New Mexico. Both schools are several hundreds of miles away from the Immigration courts we serve and do not currently have the capacity to take on very many non-detained cases and detained cases. Given that this region is impoverished, it is hard for an organization like ours to rely on local private philanthropy to fund the necessary services LOP and ICH provide.

7. Estrella del Paso has an excellent relationship with our local Immigration Judges and ICE detention facilities. This is in large part because the local judges and ICE officers recognize our teams provide litigants with important information and services. For instance, because we are a border city many recently arrived noncitizens are often venued for court in El Paso, Texas despite living in other parts of the country. To increase efficiency, the court developed a dedicated docket for litigants to present their evidence and request a change of venue. Our ICH team played a critical role in the success of that docket as it was our ICH team who would guide pro-se noncitizens in how to fill out their change of venue forms. Likewise, when non-citizens do not speak English or Spanish, which are the predominate languages spoken in our service area, ICH and LOP provide critical services by communicating necessary legal information in a non-citizen's own language through use of LOP and ICH funded language lines. Our ICH and LOP teams do not just provide helpful services to pro-se non-citizens but also to the Court and ICE/ERO. Through the KYRs provided by LOP, non-citizens are made aware of local processes and procedures that lead to a smoother and more efficient use of court and ICE time. For example, as part of the KYR our LOP team does in the detention centers, we educate non-citizens on who is and who is not eligible for a bond hearing. This is important information for litigants to know so that those who are not legally eligible for release on bond do not request bond hearings, thus taking up court time. Likewise LOP and ICH prove useful tools to the court as through our programs we assist non-citizens by guiding them on how to best present their evidence and how to fill out their relief forms and how to comply with local court rules, again leading to a smoother and more efficient court process that comports with the standards of due process. In the detention centers, ICE appreciates our LOP team immensely as we also explain local processes on how detainees can communicate with ICE and what documents are necessary to present to secure release from detention. Through the individual orientations we provide to pro-se non-citizens, people are made aware of what relief if any they qualify for and are given realistic expectations based on their facts and circumstances of their likelihood for success. This leads to more expeditious hearings as non-citizens are empowered to make informed decisions on whether to pursue relief or voluntarily repatriate to their home country. In this past year, our LOP and ICH teams assisted several pro-se respondents with not only securing release from detention but also with winning relief in the forms of asylum, withholding of removal, and protections under the convention against torture.

8. Our local court and ICE officials are very happy with the work done by our team as we provide answers to many of the questions people would have about their proceedings, thus leading to more efficient use of court and ICE officer time. Because our LOP and ICH teams provide people not only with group KYRs but individualized information sessions, time that would normally be spent by an ICE officer or Immigration Judge answering these same questions is saved. The Immigration Judges in particular have expressed gratitude to our LOP and ICH team as it regards not only the running of pro-se workshops but also in assisting the court as Friend of the Court. It is often the staff on our LOP and ICH team which inform the court of necessary information about respondent's cases such as when a respondent appears to lack capacity to represent themselves or when a noncitizen requires an interpreter in their language of choice.

9. Both LOP and ICH provide necessary services when it comes to helping people find counsel. As mentioned previously this region is a legal desert which often means there are no private practitioners able to take on matters. As such our team often screens cases for relief with our in-house removal defense unit. Through these screenings our removal defense unit has assisted countless respondents obtain relief before the court. One such example from last year is the case of a non-citizen who had Special Immigrant Juvenile status that had been granted several years prior to their detention. Through consultation with our LOP team and referral of that individual to our removal defense unit, the individual was released from custody and was put on a pathway towards lawful permanent residency. Had it not been for the consultation that the individual had with our LOP team it is likely the individual would have been ordered removed without anyone having realized they were eligible for relief. The services provided by LOP and ICH are essential if due process is to mean anything in immigration proceedings. Because there is a lack of attorneys even for non-citizens affluent enough to afford one, LOP and ICH fill the lack of representation gap so that respondents at the very least can represent themselves. The loss of funding for these two programs, especially in a region like ours, would mean the majority of people appearing before the courts would do so not only without counsel but also with no knowledge and understanding of the processes and procedures necessary in order to defend one's self from removal.

10. Without warning, on January 22, 2025, the Department of Justice issued a national contract stop work order, pursuant to Section 19 of the January 20, 2025, Executive Order titled "Protecting the American People Against Invasion." The national contract stop work order, which took effect immediately, extended to the following programs: the general LOP program, the Immigration Court Helpdesk ("ICH"), the Counsel for Children Initiative ("CCI"), and Family Group Legal Orientation Program ("FGLOP") and stated that these programs were being paused while they undergo an audit. The suddenness in the announcement left our organization not only scrambling for what to do

with our staff who now had no funding but also with having to immediately comply by recalling all our staff members, most of whom were out in the field working. Our organization received the news via an email which caused staff turmoil as all had been in the process of assisting pro-se respondents in one fashion or another. Despite what it might mean to them personally, our staff was most concerned and worried about how they would get word to the people they were committed to serve about the sudden stoppage. While our LOP and ICH staff worried about the people they were helping, executive management at our organization had to quickly determine how best to keep our thirteen employees from losing their jobs as we await final word on what is to happen to these programs.

11. The impact of the sudden stop work order received was immediate. We had to communicate to the detention facilities and the courts that we would no longer be providing services under these programs until otherwise notified. The email communication we received did not indicate if the order was temporary or permanent. We later learned through various individuals and conversations that the communication received by the Immigration Courts indicated that the order was a "pause" in the program. Unfortunately, that was not how the news was communicated to us. At present, we continue to have access to detention centers and courts but only in our capacity as legal representatives, which is far more limited than in our capacity as ICH and LOP staff. We have been informed by our removal defense unit that individuals in the detention center received a notification via the Talton tablets available in each housing area that Estrella del Paso was no longer providing services at the detention center. The message did not specify that the suspension of services was related to the LOP and ICH programs and created confusion even for the clients we represent who believed we would not be providing services in any capacity. We are unaware at present if our ICH and LOP materials remain visible at the courts and detention centers. At present the only way we can communicate with pro-se noncitizens about the stoppage of these programs is if they call our office or our hotline which currently has a pre-recorded message stating these programs have been paused.

12. Due to the nature of the stoppage, we have not reached out to request continuation of services despite the lack of funding. As mentioned above, El Paso is in a legal desert and private philanthropy is in short supply. As a result, Estrella del Paso is not able to continue these programs on a volunteer basis without the funding from the Department of Justice.

13. The impact of this pause has been as swift as its announcement. We believe that part of respecting a person's human dignity requires that they be given a fair chance at representing themselves. Immigration proceedings are complex, and that complexity is

made all the more difficult when one factors in language barriers. LOP and ICH ensured pro-se non-citizens understood their rights in proceedings and understood procedurally what they had to present and what they had to fill out to be heard in the non-citizen's best language. Without these necessary services, pro-se noncitizens enter their hearings completely blind and oblivious as to why they are even in removal proceedings and what steps must be taken to pursue relief. Even though we have been notified that our programs are on "pause" the reality is that not only are the populations we serve adversely affected but also our staff and ultimately our organization. Like most nonprofits, our organization does not have deep pockets and every day that the "pause" lasts is a day we must dip into our savings to cover the salaries of our employees. These are funds that will not be easy to replace. Part of our mission is to provide community education on immigration processes. More than ever this communal information is necessary as there are widespread rumors and misinformation being spread in light of recently released executive orders. Prior to receiving the stop-work order, our Organization was planning a social media campaign aimed at providing community members with rights advisal on what to do when encountering immigration officials. That campaign has had to cease as we now pivot to a fundraising campaign to ensure we do not lose our ICH and LOP staff during this pause. This negatively impacts our reach and mission as we are receiving daily requests from members of our community for rights advisal training that we do not have capacity to provide due to our attention being focused on this one issue, which hit us swiftly and suddenly. Also, in the wake of this sudden announcement we were left scrambling with how to honor the order while also getting the information of the pause to the people we were helping. Our solution was to use people from other units to go to the detention center to provide the news, this caused disruption from what they were originally tasked to do. Needless to say, the order caused so much chaos in our organization that it has led to a feeling of anxiety amongst staff not only about the future of their jobs but also what happens to those non-citizens who were counting on these services.

14. The cuts to funding of this program are keenly felt. Our LOP and ICH staff members were exclusively funded through LOP and ICH funds, as mentioned above now that the program has been paused, we are having to deplete our savings as an Organization to keep these 13 individuals employed. At present, our staff members are assisting in our other legal units, but this has proved disruptive to those units' normal processes, as LOP and ICH staff members must be trained in the processes and work those units do. We are an organization that takes pride in the fact that we can offer completely free legal services, however if the "pause" to this program is not lifted soon, it is likely we will not only have to do a big fundraising campaign which detracts from the community service work we had planned, but also we will likely have to go back to charging fees for our services which means we would have to turn away people with meritorious claims all because they cannot afford our fee even if far less than that of a private attorney. The

pause in LOP and ICH funding comes at a monthly cost of approximately $83,148.00 for Estrella del Paso. For an organization our size in El Paso, the monthly cost is incredibly difficult to make up at the pace that is needed. The lack of notice of the pause has inhibited our ability to seek alternative sources of funding and left us in a financially precarious position.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct.

Executed on the 30th of January 2025, in El Paso, Texas.

/s/Melissa M. Lopez
Melissa M. Lopez
Executive Director/ Attorney At Law
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMICA CENTER FOR IMMIGRANT RIGHTS,
1025 Connecticut Avenue NW, Suite 701
Washington, DC 20036;

AMERICAN GATEWAYS,
314 East Highland Mall Boulevard, #501
Austin, TX 78752;

ESTRELLA DEL PASO,
2400A E. Yandell Drive
El Paso, TX 79903;

FLORENCE IMMIGRANT AND REFUGEE RIGHTS PROJECT,
PO Box 654
Florence, AZ 85132;

IMMIGRATION SERVICES AND LEGAL ADVOCACY,
3801 Canal Street, Suite 210
New Orleans, LA 70119;

NATIONAL IMMIGRANT JUSTICE CENTER,
111 W. Jackson Boulevard, Suite 800
Chicago, IL 60604;

NORTHWEST IMMIGRANT RIGHTS PROJECT,
615 Second Avenue, Suite 400
Seattle, WA 98104;

PENNSYLVANIA IMMIGRATION RESOURCE CENTER,
PO Box 20339
112 Pleasant Acres Road, Suite I
York, PA 17402;

ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK,

Case No. 1:25-cv-00298

DECLARATION OF MONIQUE R. SHERMAN IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

7301 Federal Boulevard, Suite 300
Westminster, CO 80030,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
950 Pennsylvania Avenue, NW
Washington, DC 20530;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

DEPARTMENT OF HOMELAND SECURITY,
245 Murray Lane SW
Washington, DC 20528;

JAMES R. McHENRY III, in his official capacity as Acting Attorney General of the United States,
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530;

SIRCE E. OWEN, in her official capacity as Acting Director of the Executive Office for Immigration Review,
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

KRISTI NOEM, in her official capacity as Secretary of Homeland Security,
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528,

Defendants.

DECLARATION OF MONIQUE R. SHERMAN,
DETENTION PROGRAM MANAGING ATTORNEY FOR
THE ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK

I, Monique R. Sherman, make the following statements on behalf of the Rocky Mountain Immigrant Advocacy Network. I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. My name is Monique Sherman, and I am the Managing Attorney of the Detention Program at the Rocky Mountain Immigrant Advocacy Network (RMIAN. RMIAN is the only organization dedicated to providing legal services to indigent immigrant adults who are detained by the Immigration Customs Enforcement ("ICE") agency under the Department of Homeland Security ("DHS") at the Aurora Contract Detention Facility ("Aurora facility") located in Aurora, Colorado.

2. RMIAN is a Colorado-based nonprofit organization that provides free immigration legal services to individuals in civil immigration detention, as well as to immigrant children who have suffered from abuse, neglect, or violence. Through its staff of over 40 people including attorneys, paralegals, social workers, and a network of over 400 *pro bono* attorneys, RMIAN provides legal education and free legal representation to low-income immigrants who otherwise would not be able to afford an attorney.

3. In order to carry out this mission, RMIAN's Detention Program has several main work components: (1) through the Legal Orientation Program ("LOP"), providing educational and pro se services to all unrepresented detained noncitizen adults in the custody of ICE at the Aurora Contract Detention Facility in Aurora, Colorado in the form of legal education "know your rights" ("KYR") presentations, conducting individual consultations (intakes), and conducting pro se workshops; (2) connecting unrepresented detained noncitizens who cannot afford a lawyer with pro bono attorneys, for cases at both the trial and appellate court levels; and (3) providing in-house representation for a small number of clients.

4. To address the first programmatic focus area, RMIAN has been operating a LOP in Colorado since 2003. RMIAN was selected by the Department of Justice in 2003 as one of six pilot programs nationwide to implement the LOP and has been providing services since that time. The Aurora facility has capacity to hold up to 1,532 individuals and in recent months has housed 1100-1200 people each day. Representative Jason Crow, ICE Accountability Report (available at https://crow.house.gov/transparency/ice-accountability-report). RMIAN provides LOP services for the entire immigrant population detained by ICE whose cases are heard before the Aurora Immigration Court, the only detained immigration court in Colorado.

5. With LOP funding, RMIAN currently has six full-time equivalent staff members dedicated to providing LOP services. Specifically, a supervising attorney and several staff attorneys and legal assistants work together to provide in person KYR presentations 4 days a week, and to provide individualized consultations, in person and over the phone, 5 days a week. Staff also conduct pro se workshops as needed and appear for pro se individuals as friend of the court from time to time as the situation warrants. Most days, at least one RMIAN LOP staff member is at the facility for at least 4 hours. Additionally, RMIAN LOP staff dedicated to referring cases to pro bono attorneys visit pro se individuals regularly to track the continued need for pro bono referral. RMIAN LOP staff also operates a hotline specifically for individuals who are detained to contact us and request services.

6. The LOP is crucial to RMIAN's ability to provide accurate and expert legal information to pro se noncitizens about their options and responsibilities in their removal proceedings. Additionally, the LOP is a vital resource that allows RMIAN to connect individuals in immigration detention who cannot afford an attorney with pro bono counsel.

7. RMIAN is the only nonprofit legal services organization providing free legal services and offering pro bono legal referrals to noncitizens in immigration detention in Colorado. Individuals who are held in detention are unable to work while detained and therefore in most cases are unable to hire paid counsel. Additionally, most detained noncitizens are not fluent in English and are therefore unable to access legal information on their own. RMIAN's LOP offers every individual detained in the Aurora facility access to legal information *without regard to the language they speak*. In addition to information, RMIAN can sometimes offer assistance with translation of legal applications that respondents must submit to the court as well as evidence critical to individual's legal claims. Without this support, many people in immigration proceedings who do not speak or write fluently in English are unable to meaningfully participate in their immigration proceedings.

8. Immigration judges at the Aurora immigration court consistently refer pro se individuals to RMIAN for pro se assistance, particularly when it appears the person has a hard time understanding the immigration court process, and when the immigration judge identifies a tricky legal issue that on which the person could use advice. Historically, RMIAN LOP has worked in tandem with immigration judges to identify gaps in information or misinformation that may be prevalent among people housed in the facility and to provide the appropriate, accurate legal information to many people at one time. Through the LOP, for instance, RMIAN can provide accurate information about eligibility for bond to up to thirty people at a time, when they are confused by court paperwork and incorrect information provided by ICE. Immigration judges have also welcomed LOP friend of the court appearances, as these appearances can help the judge to identify issues that pro se litigants are unable to fully express themselves.

9. Moreover, in individual consultations, RMIAN LOP staff identify potential avenues for relief for participants, *and* situations in which there are not viable options for the participant to remain in the United States. In many of these cases, participants appreciate being informed about their chances of success because it helps them decide to accept a removal order rather than draw out proceedings over many court hearings.

10. RMIAN has also worked together with ICE ERO to ensure that LOP participants have access to interpretation and appropriate medical and mental healthcare. RMIAN LOP staff often identify gaps in those services among LOP participants, and ICE ERO officials have expressed appreciation for receiving that information in order that they may effectively meet their obligations.

11. As part of LOP, RMIAN partners with and trains volunteer translators to develop and maintain resources for interpretation in any language. These volunteers also provide interpretation to enable us to place cases with pro bono counsel. This creates a more equitable framework that affords people free attorneys, no matter what language they speak. Without the LOP to provide these essential services, access to counsel at the Aurora facility will be decimated, particularly for the majority of people who do not speak English.

12. RMIAN's LOP facilitates pro bono referrals for individuals who are detained in two ways: the program funds professional staff who coordinate the referrals, and the group presentations and subsequent consultations are the entry point for detained individuals to be placed on a waiting list for pro bono counsel. LOP presentations and consultations are also the entry point for RMIAN to identify individuals in need of representation by in-house attorneys.

13. Without warning, on January 22, 2025, the Department of Justice issued a national contract stop work order, pursuant to Section 19 of the January 20, 2025, Executive Order titled "Protecting the American People Against Invasion." The national contract stop work order, which took effect immediately, extended to the following programs: the general LOP program, the Immigration Court Helpdesk ("ICH"), the Counsel for Children Initiative ("CCI"), and Family Group Legal Orientation Program ("FGLOP") and stated that these programs were being paused while they undergo an audit. When I received the communication about the stop work order, RMIAN LOP staff were at the Aurora facility, in the middle of providing a group orientation in Spanish. The initial communication did not indicate whether currently ongoing services needed to cease immediately. In any case, cell phone reception is mostly nonexistent in the facility, so it took hours for me to contact LOP staff.

14. Although RMIAN immediately followed the stop work order, we expressed our intention to continue providing KYR and consultation services and requested a group to be seen for that purpose on January 24, 2025. However, we were informed over email by facility staff that they would not bring a group. ICE ERO staff confirmed this via telephone the same

day. ICE ERO and facility staff informed RMIAN that we would no longer have access to groups of noncitizens to provide presentations, and that we also could not provide a list of individuals for individual consultations as we had done for years.

15. Currently, ICE is requiring RMIAN attorneys to request to see one noncitizen at a time, conduct the consultation, then exit the secure area within the Aurora facility and request to see the next noncitizen, re-enter security, wait for guards to take us back to the legal visitation area, and so on. Because there are noncitizens who speak so many different languages at the facility (not just English and Spanish) these consultations often take at least twice as long as a conversation without interpretation would take. The additional wait time between consultations caused by the refusal to bring groups has meant that we often can see two people in a four-hour period. In addition, because of a requirement at the facility to stop movement for "count" between approximately 1:30 and 3:30, we have had several situations in which we were unable to see even two people in that period of time.

16. On January 29, 2025, RMIAN again requested access to a group for a KYR under the Performance Based National Detention Standards (2011). While this request was not denied outright, we were informed we needed to make a special request for a KYR presentation to ICE ERO, with ten days' notice.

17. Even a short lapse in funding under the LOP has devastating effects on our resources and ability to reach any substantial number of people in the facility. Given recent rates of detention of approximately 1100-1200 people per day at the facility, providing legal information on a one-by-one basis is simply untenable. Even if ICE ERO grants our request to provide group KYRs with ten days advance notice, we cannot effectively accomplish our mission using that process. ICE releases, transfers, and deports people from the facility every day, so a group of people who may be in the facility today are likely not to be in the facility in ten days. In addition, we cannot ensure that we are able to see people before their first hearing under this model because we often do not learn about a scheduled hearing ten days in advance. Finally, with the expansion of expedited removal, a ten-day waiting period will likely ensure that many people are deported without ever having access to legal information.

18. Moreover, the LOP, FGLOP, and ICH programs collectively make up approximately 25% of RMIAN's budget. With this funding stripped away without any notice, we have to immediately attempt to find other sources of funding to continue to pay our staff. Even if we did have sufficient funding to bridge this shortfall, much of our other funding cannot be used to provide KYR services. Moreover, many members of our LOP team applied specifically to assist pro se individuals at the detention facility, rather than the other services we offer. They are dedicated to providing KYR and pro se assistance, as it is the only opportunity that the majority of detained individuals have to learn information about the legal process they are in. As a result, morale on the team has been negatively impacted,

which in turn may cause staff members to experience mission drift and depart the organization.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct.

Executed on the 30th day of January 2025, in Westminster, Colorado.

Respectfully submitted,

/s/ Monique R. Sherman
Monique R. Sherman
Detention Program Managing Attorney
ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMICA CENTER FOR IMMIGRANT RIGHTS,
1025 Connecticut Avenue NW, Suite 701
Washington, DC 20036;

AMERICAN GATEWAYS,
314 East Highland Mall Boulevard, #501
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ESTRELLA DEL PASO,
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PO Box 20339
112 Pleasant Acres Road, Suite I
York, PA 17402;

ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK,

Case No. 1:25-cv-00298

DECLARATION OF RYAN BRUNSINK IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

7301 Federal Boulevard, Suite 300
Westminster, CO 80030,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
950 Pennsylvania Avenue, NW
Washington, DC 20530;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

DEPARTMENT OF HOMELAND SECURITY,
245 Murray Lane SW
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JAMES R. McHENRY III, in his official capacity as Acting Attorney General of the United States,
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5107 Leesburg Pike, Suite 1902
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KRISTI NOEM, in her official capacity as Secretary of Homeland Security,
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528,

Defendants.

DECLARATION OF RYAN BRUNSINK
MANAGING ATTORNEY OF REMOVAL DEFENSE PROGRAMS
FOR PENNSYLVANIA IMMIGRATION RESOURCE CENTER (PIRC)

I, Ryan Brunsink, make the following statements on behalf of Pennsylvania Immigration Resource Center ("PIRC"). I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. My name is Ryan Brunsink, and I am the Managing Attorney for Removal Defense Programs at PIRC. PIRC's office is located in York, Pennsylvania. PIRC provides free legal educational information and representation on immigration matters to noncitizens across the commonwealth of Pennsylvania. PIRC is the primary organization dedicated to providing legal services to indigent immigrant adults detained by Immigration Customs and Enforcement ("ICE") at the Moshannon Valley Processing Center ("Moshannon Valley") and Clinton County Prison ("Clinton").

2. PIRC provides free, high-quality legal services so that vulnerable immigrants and their families have access to justice and a more secure future. PIRC is composed of two service arms: Removal Defense Programs and the Immigrant Survivors Project. Removal Defense focuses primarily on providing legal services, educational information, and direct representation to individuals in removal proceedings, many of whom are detained. The Immigrant Survivors Project focuses primarily on legal services for non-detained immigrant survivors of sexual assault, domestic violence, trafficking, and other crimes.

3. In furtherance of its mission, PIRC's Removal Defense Programs have several main work components: (1) the Legal Orientation Program ("LOP"), providing educational and pro se services in the form of legal education "know your rights" ("KYR") presentations, conducting individual consultations (intakes), and providing pro se assistance to unrepresented detained noncitizens in the custody of ICE at facilities located in Pennsylvania; (2) connecting unrepresented detained noncitizens who cannot afford a lawyer with pro bono attorneys from our various pro bono firm partners, legal service providers, and law school clinics, for cases at both the trial and appellate court levels; and (3) providing in-house representation for indigent individuals who qualify under separate PIRC programming and funding.

4. To address the first programmatic focus area, PIRC has been operating the LOP in Pennsylvania since 2006, previously at the York County Prison and Berks County Residential Facility for immigrant families, and in recent years at Moshannon Valley Processing Center and Clinton County Prison. PIRC is the sole provider of LOP services in the commonwealth. Moshannon Valley is one of the largest ICE facilities in the country. The combined detention population on average in all facilities served is 1200 people. Currently the population at Moshannon is just over 1300, with a capacity of roughly 1900.

5. With LOP funding, PIRC currently has hired nine staff members dedicated to providing LOP services in some capacity. Specifically, PIRC's LOP employs a fully accredited Department of Justice Representative serving as the program manager, a partially accredited representative, a service-provision associate pending partial accreditation, and one program coordinator, all full time. Additionally, the LOP partially funds a Managing Attorney, two Supervising Attorneys, a Staff Attorney, and a post-grad law clerk (Staff Attorney pending bar admission). Staff under LOP regularly travel to each detention center in person to provide legal education KYR presentations, individual consultations, and pro se workshops to noncitizens who are detained and do not have counsel. As a large facility, PIRC's LOP team sends two to four staff members to provide services at Moshannon Valley twice monthly, most often on Thursdays and Fridays on consecutive days. At Clinton, PIRC sends one to two staff once per quarter. Additionally, PIRC provides similar services remotely in between in person visits and responds to inquiries from detainees daily through the pro bono telephone platform and through messaging on electronic tablets available to some detainees.

6. LOP services at Moshannon Valley are critical because of both the size and remote location of the facility. Its capacity is nearly 1900, and it serves as a regional hub for ICE detention. Many states surrounding Pennsylvania have legislated ICE detention out of their states, so Moshannon Valley receives many individuals from all over the northeast and mid-Atlantic regions of the U.S. Located in Clearfield County, Pennsylvania, the facility is very remote with very few private immigration practitioners ever visiting in person. Detainees appear remotely via tele-video before the Elizabeth, New Jersey, Immigration Court.

7. Historically, PIRC's orientation program has received praise from EOIR's Immigration Judges, ICE officials, and detention facilities personnel alike, including from: Immigration Judges Kuyomars Golparvar, Alice Hartye, and Jack Weil while they were at the former York Immigration Court; Immigration Judge Brian Palmer of the Richmond Immigration Adjudication Center; Immigration Judges Richard Bailey and Adam Panopolous of the Elizabeth Immigration Court; ICE Assistant Field Office Directors ("AFODs") Joseph Dunn and Joshua Reid; ICE Supervisory Detention and Deportation Officer ("SDDO") David MacPherson; and prison and detention facility officials Leonard Oddo (Moshannon Valley), Clair Doll (York), Adam Ogle (York), Valerie Conway (York), and Diane Edwards (Berks). Such praise primarily included remarks about increased efficiencies of pro se respondents, decreased levels of anxiety and resultant behavioral issues among detained individuals due to the information shared through the LOP, and help identifying for the Courts respondents who may lack capacity to self-represent through third party notice letters.

8. PIRC serves as the primary referral mechanism for pro bono placement at Moshannon Valley as well. Through the LOP services, individuals are identified as qualifying for additional services, such as in-house PIRC representation under separate funding or referral to other nonprofit legal service organizations based on residence prior to detention.

9. Without warning, on January 22, 2025, the Department of Justice issued a national contract stop work order, pursuant to Section 19 of the January 20, 2025, Executive Order titled "Protecting the American People Against Invasion." The national contract stop work order, which took effect immediately, extended to the following programs: the general LOP program, the Immigration Court Helpdesk ("ICH"), the Counsel for Children Initiative ("CCI"), and Family Group Legal Orientation Program ("FGLOP") and stated that these programs were being paused while they undergo an audit. PIRC was made aware of this stop work order through email from the Acacia Center for Justice, the prime contractor and administrator for the LOP.

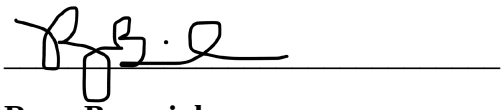
10. Upon receipt of this news, PIRC immediately cancelled a planned trip to Moshannon Valley for January 23 and 24, 2025. Subsequently, PIRC cancelled a planned trip to Clinton for January 29. On Tuesday, January 28, Ryan Brunsink, Managing Attorney for Removal Defense at PIRC, reached out to SDDO David MacPherson, who is tasked as legal access lead for ICE over Moshannon Valley to request continued access to the facility to continue KYR services without LOP funding. As of January 30, 2025, PIRC has not received a response whether ICE will permit continued access to Moshannon Valley under separate funding for ongoing KYR.

11. The stop work order has severely disrupted PIRC's ability to advance its mission. Without LOP funding, and presently without access to Moshannon Valley, PIRC's staff cannot provide much needed legal information to countless indigent individuals detained and facing removal without the benefit of a lawyer. Some such individuals are subject to expedited removal or have crucial bond hearings. Without any guidance, they risk deportation or unnecessary continued detention.

12. PIRC is very likely to have to lay off five to six staff, about a quarter of all its staff, if the contract pause is not reversed in a matter of roughly eight weeks. The LOP contract supplies about $500,000 towards PIRC salaries and direct costs on a reimbursement basis, again approximately a quarter of PIRC's annual revenue. Additionally, such layoffs could result in hits to additional streams of funding, as other awards are predicated on aggregated full-time-equivalents across the organization. In the interim, PIRC is shifting LOP staff, where possible, to other contracts and grants. This is only sustainable for a limited amount of time, as those contracts and grants figures have ceilings. Additionally, PIRC is seeking emergency funds to help bridge the gap until LOP funding is restored and the critical work can resume.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct.

Executed on the 30th of January 2025, in Lancaster, Pennsylvania.



Ryan Brunsink
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK,

Case No. 1:25-cv-00298

DECLARATION OF VANESSA GUTIERREZ IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

7301 Federal Boulevard, Suite 300
Westminster, CO 80030,

Plaintiffs,

v.

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Washington, DC 20530;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

DEPARTMENT OF HOMELAND SECURITY,
245 Murray Lane SW
Washington, DC 20528;

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Falls Church, VA 22041;

KRISTI NOEM, in her official capacity as Secretary of Homeland Security,
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528,

Defendants.

DECLARATION OF VANESSA GUTIERREZ
DEPUTY DIRECTOR FOR NORTHWEST IMMIGRANT RIGHTS PROJECT

I, Vanessa Gutierrez, make the following statements on behalf of Northwest Immigrant Rights Project. I certify under penalty of perjury that the following statement is true and correct pursuant to 28 U.S.C. § 1746.

1. My name is Vanessa Gutierrez, and I am the Deputy Director at Northwest Immigrant Rights Project ("NWIRP") who oversees NWIRP's Tacoma office and its work with detained individuals at the Northwest ICE Processing Center ("NWIPC"), one of the largest immigration detention facilities in the country. NWIRP is the primary organization dedicated to providing legal services to immigrant adults who are detained by the Immigration and Customs Enforcement ("ICE") agency under the Department of Homeland Security ("DHS") throughout Washington State and the surrounding region.

2. NWIRP is a not-for-profit organization in Washington State that promotes justice by defending and advancing the rights of immigrants through direct legal services, systemic advocacy, and community education. Through its staff attorneys, legal advocates, and a network of pro bono attorneys, NWIRP provides free legal education and legal services and representation to immigrants with low or no income, including detained individuals.

3. To carry out its mission, NWIRP provides educational and pro se services in the form of legal education "know your rights" ("KYR") presentations, individual consultations (intakes), and pro se workshops through the Legal Orientation Program ("LOP") to all unrepresented people in removal proceedings who are detained in the custody of ICE at the NWIPC, and we connect unrepresented people who cannot afford a lawyer with pro bono attorneys from our various pro bono firm partners, for cases at both the trial and appellate court levels. Using non-LOP funding, NWIRP also provides in-house representation to a limited number of detained individuals.

4. NWIRP has been operating a LOP since the program's inception in 2003. The combined detained population, on average, at the NWIPC is currently approximately 800-1,000 people at any given time. The NWIPC currently has capacity to detain up to 1,575 people, and given the federal government's stated intentions to conduct mass deportations, we fully expect the NWIPC to be at capacity soon. People detained by ICE at the NWIPC can request NWIRP services, including LOP services.

5. With LOP funding, NWIRP currently has hired 3.83 full-time equivalent staff positions (FTEs) dedicated to providing LOP services. Specifically, the 3.83 FTEs are spread over a unit of nine full-time staff members who dedicate part of their time to LOP services. They include four attorneys, two legal advocates, and two Department of Justice accredited representatives who are fully accredited. Staff under LOP regularly travel to the NWIPC in person, four to five days per week, to provide legal education KYR presentations, individual consultations, and pro se workshops to people who are detained and do not have counsel. NWIRP also provides a dedicated telephone voicemail box for people at the

NWIPC to contact LOP staff directly to request an LOP consultation. Through the LOP program, NWIRP was added to the pro bono platform on the Talton tablets located in the detention facility's housing units. The Talton system on the tablets allow the LOP team to have back and forth communication with people who speak a wide variety of languages. The back and forth nature of the tablet conversations in someone's native language and alphabet allows for quick response to general questions or concerns that the voicemail box does not.

6. NWIRP's LOP program is integral to providing education to unrepresented individuals as they navigate removal proceedings. Through LOP, many individuals have a better understanding of their immigration proceedings, receive assistance filling out applications for relief, and are better prepared for their hearings. NWIRP is the only not-for-profit organization providing workshops and presentations to those detained at the NWIPC. Through its LOP work, NWIRP provides crucial services to the vulnerable populations in the NWIPC, including to people who are unable to read or write, speak uncommon languages, and who lack proficiency in English.

7. These services are especially critical because the overwhelming majority of persons detained at the NWIPC are unrepresented and have access to no other legal assistance.

8. During stakeholder meetings between NWIRP's LOP team and the Tacoma Immigration Court, NWIRP received positive feedback about the services provided and a desire for NWIRP LOP to provide more assistance to the detained population at the NWIPC. Similarly, LOP staff have received positive feedback from ICE's Office of the Principal Legal Advisor ("OPLA") staff, appreciating LOP's assistance with filling out applications. OPLA has stated that LOP work allows the court hearings to move more smoothly and they see a difference when the individual has met with NWIRP's LOP staff prior to their hearing. In addition, GEO Group staff members (the corporation that operates the NWIPC on behalf of ICE) and ICE Deportation Officers, who receive many messages and questions from detained individuals on a regular basis, have stated to NWIRP staff that having the LOP team provide group and individual orientations helps keep the individuals detained informed and fewer questions directed to the officers. Multiple stakeholders have referred individuals to NWIRP's LOP to receive services, as a trusted resource for those detained at the NWIPC.

9. Throughout 2024, NWIRP LOP met with over 1,100 people detained at the NWIPC, including over 800 who were provided individual consultations. From those orientations, NWIRP LOP provided brief pro bono services and placed 97 cases with pro bono attorneys. Without the LOP individual orientations, NWIRP LOP is unable to identify and talk to as many people, and thus unable to refer as many cases for pro bono services for the vulnerable detained population.

10. Without warning, on January 22, 2025, the Department of Justice issued a national contract stop work order, pursuant to Section 19 of the January 20, 2025, Executive Order titled "Protecting the American People Against Invasion." The national contract stop work order,

which took effect immediately, extended to the following programs: the general LOP program, the Immigration Court Helpdesk ("ICH"), the Counsel for Children Initiative ("CCI"), and Family Group Legal Orientation Program ("FGLOP") and stated that these programs were being paused while they undergo an audit. NWIRP's LOP program received a brief email from Acacia Center for Justice (the agency who oversees LOP programs nationwide) informing NWIRP of the issuance of the stop work order.

11. Since the issuance of the stop work order, NWIRP's LOP team lost access to daily rosters of individuals detained at the NWIPC and bi-weekly reports on upcoming court dates for those individuals. The NWIRP LOP team was informed by detained individuals via phone that ICE issued a message on the Talton tablets that LOP is no longer conducting services. We are unaware of the exact wording of the message; however, this messaging led many detained individuals to panic about how they will get any legal information, whether NWIRP will continue to represent them on pro bono cases, and how to contact NWIRP given the tablets were their main way to contact the LOP team. NWIRP was also informed by detained individuals that posters with NWIRP's contact information were taken down inside the housing pods at the NWIPC.

12. After receiving the stop work order, NWIRP's LOP team sent emails to ICE and GEO Group staff to clarify whether NWIRP's LOP team could continue to enter the facility for both individual visits and KYR presentations. At this time, NWIRP has not heard any response about continuing to provide KYR presentations. Within the last week, NWIRP's LOP team received pushback from GEO Group staff about continuing to meet with people individually. NWIRP's team encountered challenges, including detention center staff being unwilling to call the same number of detained people out to the attorney rooms for intakes and consulations NWIRP LOP previously saw, based on guidance from their superiors.

13. The stop work order immediately impacted NWIRP's ability to advance two of the three critical pillars of its mission of providing direct legal services and community education in the form of legal education KYR presentations and intakes for individuals detained at the NWIPC. Even a "pause" of LOP work, as the stop work order purports to be, is extremely detrimental to individuals in ICE custody at the NWIPC who are facing removal proceedings unrepresented. Detained removal proceedings at the Tacoma Immigration Court are typically completed at a much faster rate than non-detained removal cases before other immigration courts. Therefore, timely access to KYR presentations is critical to ensuring that those detained individuals have a working understanding of the immigration process, if they qualify for any immigration benefits, and how to apply for any such relief from removal. Increasing information about legal access to detained people in removal proceedings is consistent with ICE's Access to Due Process guidance and its Facility Legal Resource Guide.

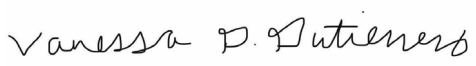
14. NWIRP's ability to meet with detained individuals through its LOP team is a critical aspect of ensuring that those in detention receive the legal resources, representation, and rights they are entitled to, particularly when they may not otherwise have access to counsel. In these cases, even a few missed LOP sessions could significantly alter the trajectory of an

individual's case. Without timely access to legal counsel, detained individuals might not be informed of their rights, which could lead them to inadvertently waive important legal protections or miss critical opportunities to contest their detention or removal. NWIRP's non-LOP funded attorneys, across all four of its offices, represent detained individuals, and they rely on the LOP intakes and referrals to identify cases for direct representation. The impact of abruptly halting the LOP work has a far-reaching effect on access to legal services beyond the educational and pro se services provided through the LOP.

15. At this time, NWIRP's detention defense work, which LOP is a critical part of, can only continue in a limited form through alternative funding sources. In 2024, NWIRP's overall annual budget included approximately 28% federal funding, which is now also at risk given the recent attempts to freeze federal dollars in congressionally appropriated funding. In addition to restricted federal funding, much of the other funding NWIRP receives is also restricted and cannot be shifted to cover the gaps in services that would result should LOP funding end long-term.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct.

Executed on the 29th of January 2025, in Wenatchee, Washington.



Vanessa Gutierrez
Deputy Director
NORTHWEST IMMIGRANT RIGHTS PROJECT

IN THE UNITED STATES DISTRICT COURT
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KRISTI NOEM, in her official capacity as Secretary of Homeland Security,
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528,

Defendants.

AND NOW, this ___ day of _____, 2025, upon consideration of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, the memorandum and evidence in support thereof, and Defendants' response thereto, it is **HEREBY ORDERED** that Plaintiffs' Motion is **GRANTED** as follows:

1. Defendants and all persons in active concert or participation with them are ENJOINED, pursuant to Fed. R. Civ. P. 65(b) and 65(d)(2), from implementing or enforcing Executive Order No. 14159 (January 22, 2025), and any order, memo, instruction, or directive purportedly issued under that Executive Order that

    a. pauses, stops, impedes, blocks, cancels, or terminates Defendants' compliance with the mandate in the Department of Justice Appropriations Act, 2024 to fund the Legal Orientation Program ("LOP"), Immigration Court Helpdesk ("ICH"), Family Group Legal Orientation Program ("FGLOP"), and Counsel for Children Initiative ("CCI");

    b. denies Plaintiff practitioners access to Defendants' 'facilities for the purpose of providing LOP, ICH, FGLOP, or CCI services;

2. Defendants and all persons in active concert or participation with them are ENJOINED, pursuant to Fed. R. Civ. P. 65(b) and 65(d)(2), from removing from Defendants' facilities posters, literature, or other written communications of Plaintiffs pertaining to LOP, ICH, FGLOP, or CCI services;

3. Defendants and all persons in active concert or participation with them are ENJOINED, pursuant to Fed. R. Civ. P. 65(b) and 65(d)(2), to permit Plaintiffs to continue to post or distribute within Defendants' facilities posters, literature, or other written communications of Plaintiffs pertaining to LOP, ICH, FGLOP, or CCI services;

4. Defendants and all persons in active concert or participation with them are ENJOINED, pursuant to Fed. R. Civ. P. 65(b) and 65(d)(2), from removing from their websites and any other locations of publication any statement indicating or suggesting that LOP, ICH, FGLOP, or CCI services are not available;

5. Defendants and all persons in active concert or participation with them are ENJOINED, pursuant to Fed. R. Civ. P. 65(b) and 65(d)(2), from preventing Plaintiffs from accessing Defendants' facilities for the purpose of providing LOP, ICH, FGLOP, or CCI services; and

6. Defendants shall, within two hours of the issuance of this order:

a. Remove from their websites and any other locations of publication any message indicating or suggesting that LOP, ICH, FGLOP, or CCI services are unavailable; and,

b. Replace posters, signage, and other materials advertising and explaining LOP, ICH, FGLOP, or CCI that Defendants previously removed.

_____

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMICA CENTER FOR IMMIGRANT RIGHTS,
1025 Connecticut Avenue NW, Suite 701
Washington, DC 20036;

AMERICAN GATEWAYS,
314 East Highland Mall Boulevard, #501
Austin, TX 78752;

ESTRELLA DEL PASO,
2400A E. Yandell Drive
El Paso, TX 79903;

FLORENCE IMMIGRANT AND REFUGEE RIGHTS PROJECT,
PO Box 654
Florence, AZ 85132;

IMMIGRATION SERVICES AND LEGAL ADVOCACY,
3801 Canal Street, Suite 210
New Orleans, LA 70119;

NATIONAL IMMIGRANT JUSTICE CENTER,
111 W. Jackson Boulevard, Suite 800
Chicago, IL 60604;

NORTHWEST IMMIGRANT RIGHTS PROJECT,
615 Second Avenue, Suite 400
Seattle, WA 98104;

PENNSYLVANIA IMMIGRATION RESOURCE CENTER,
PO Box 20339
112 Pleasant Acres Road, Suite I
York, PA 17402;

ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK,

Case No. 1:25-cv-00298

PROOF OF SERVICE

7301 Federal Boulevard, Suite 300
Westminster, CO 80030,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
950 Pennsylvania Avenue, NW
Washington, DC 20530;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

DEPARTMENT OF HOMELAND SECURITY,
245 Murray Lane SW
Washington, DC 20528;

JAMES R. McHENRY III, in his official capacity as Acting Attorney General of the United States,
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530;

SIRCE E. OWEN, in her official capacity as Acting Director of the Executive Office for Immigration Review,
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 1902
Falls Church, VA 22041;

KRISTI NOEM, in her official capacity as Secretary of Homeland Security,
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528,

Defendants.

PROOF OF SERVICE

I hereby certify that the following documents will be served on the Defendants in accordance with Federal Rule of Civil Procedure 5(a):

MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

DECLARATION OF LISA KOOP IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

DECLARATION OF LAURA ST. JOHN IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

DECLARATION OF MELISSA MARI LOPEZ IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

DECLARATION OF MONIQUE R. SHERMAN IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

DECLARATION OF EMILY BACHMAN BROCK IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

DECLARATION OF VANESSA GUTIERREZ IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

DECLARATION OF RYAN BRUNSINK IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

DECLARATION OF EDNA YANG IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

DECLARATION OF KELLY ROJAS IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

DECLARATION OF AL PAGE IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

[PROPOSED] TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

January 31, 2025

s/ Amer S. Ahmed

GIBSON DUNN & CRUTCHER

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AMICA CENTER FOR IMMIGRANT RIGHTS

Adina Appelbaum (D.C. Bar No. 1026331)
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