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Lawsuit Ends After Successful Advocacy Efforts, Government Pushed to Process Work Permit Applications Faster

CASA v. Mayorkas Dismissed as Moot Because Relief Won through Public Advocacy

GREENBELT, MARYLAND – A federal judge dismissed the [CASA v. Mayorkas](#) lawsuit on May 18, 2023, stating that Plaintiffs have received the relief sought since filing a motion for summary judgment or contempt in September of 2022. Plaintiffs had sought the following relief: a plan to return to compliance with 30-day processing of initial work permits, as well as updates to the work permit application, accompanying instructions and the federal register to reflect the vacatur of the Trump Administration’s work permit regulations. In dismissing the lawsuit, the Court noted that since the initial filing of the request for relief, the government had voluntarily committed to grant nearly all of Plaintiffs’ requests.

The immigrant rights organizations that brought the case are CASA, Inc., the Asylum Seeker Advocacy Project (ASAP), Centro Legal de la Raza, Oasis Legal Services, and Pangea Legal Services. The case was filed by the International Refugee Assistance Project (IRAP), ASAP, and the law firm Gibson Dunn & Crutcher, LLP.

CASA v. Mayorkas has had a wide-ranging impact. In a September 2020 ruling, Judge Xinis ordered that Trump regulations that would have substantially restricted access to work permits could not be applied to ASAP and CASA members. More than 150,000 members of the Asylum Seeker Advocacy Project (ASAP) and CASA had their work permit applications processed who otherwise would not have been able to apply while the Trump Administration’s work permit regulations were in effect. Additionally, the *CASA v. Mayorkas* lawsuit was also the first case to successfully argue that Chad Wolf was not lawfully serving as the Acting Secretary of the Department of Homeland Security (DHS). This precedent was then adopted to keep the DACA program alive,

prevent the implementation of the Trump administration's asylum regulation, and stop major fee hikes from the U.S. Citizenship and Immigration Services (USCIS).

"I feel very happy, because the outcome of this lawsuit was not only a victory for me, but for many others," said **Wendi Garcia, a member of the Asylum Seeker Advocacy Project (ASAP) featured in the original complaint.** "I made the decision to participate when I found out that those of us arriving in the United States would not have been able to apply for a work permit until after a year because of the Trump work permit policy. When you arrive in this country, it is very difficult to find a place to live and a way to get around. And with two children, you need to work. I had to be able to feed my kids. So I am very happy with the outcome of this lawsuit. I am also very proud that ASAP has grown so much and now serves more than 500,000 asylum seekers as members."

"We are grateful for the leadership of ASAP members who fought for all asylum seekers to get access to faster work permits through the *CASA v. Mayorkas* lawsuit." said **Conchita Cruz, Co-Executive Director of the Asylum Seeker Advocacy Project (ASAP).** "Since this lawsuit was launched, ASAP went from 5,000 to 500,000 members — asylum seekers living throughout the United States. Through the relief won in this lawsuit, more than 150,000 ASAP members had their work permit applications processed who otherwise would not have been able to apply. Over the last year, ASAP members have continued to push for faster processing times and provided specific recommendations for ways the government can get work permits into the hands of asylum seekers faster. ASAP will continue to work with our membership to ensure the government processes work permits quickly, and to ensure that asylum seekers have the ability to work and support their families."

If it continues to devote the necessary resources, USCIS is on track to comply with processing requirements for initial work permit applications for asylum seekers within a few months – processing these work permit applications within 30 days. By the fall of 2022, the federal government updated the federal register to reflect the current work authorization rules and USCIS also updated the instructions for the I-765 work authorization form to reflect that the Trump rules were no longer in effect

"This case enabled thousands of asylum seekers to work while their asylum cases are pending, which is fundamental to their ability to support themselves and their families and to effectively present their asylum cases," said **Linda Evarts, Senior Supervising Attorney of the International Refugee Assistance Project (IRAP).** "We proudly stand with our clients and all people seeking safety in the United States."

Said **Joseph Evall**, of **Gibson, Dunn & Crutcher LLP**, “We were thrilled to work with our terrific co-counsel to support the important work of these plaintiff organizations. This was the first case to obtain relief from these oppressive rules, and the first to convince a court of the serious problems with Chad Wolf’s claimed authority—a position that was ultimately recognized as correct by nearly a dozen courts around the country.” Added **Richard Mark**, also of **Gibson Dunn**, “The preliminary injunction against these onerous and unlawful rules was in place for almost three years, clearing the way for tens of thousands of individuals to obtain the work permits that they are entitled to under the law, permitting them to support themselves and their families while they await the adjudication of their asylum claims.”

“Oasis Legal Services is proud to have been a plaintiff in this lawsuit and underscore the compounding impact a broken asylum system can have on LGBTQ+ immigrants. We are proud to fight for the rights of LGBTQ+ asylum seekers to work free of exploitation, support their families, and contribute while waiting through the long delays of our immigration system,” said **Adam Ryan Chang, Executive Director of Oasis Legal Services**. **Rachel Kafele, Director of Programs**, added, “Because of this effort, USCIS is now complying with its duty to timely provide asylum seekers with work permits and our clients are one step closer to finding safety and security in the United States.”

“Centro Legal de la Raza’s clients are survivors of persecution and trauma who came to the United States in search of security and stability,” said **Julie Hiatt, Immigrants’ Rights Managing Attorney at Centro Legal de la Raza**. “As asylum seekers in the U.S. face years-long delays in the adjudication of their claims, work permits provide them with the means to survive and protect their families. Centro Legal de la Raza is proud to have partnered with our co-plaintiffs to fight for our clients’ rights to work and thrive.”

“CASA is proud to have helped lead this fight for immigrant justice, enabling thousands of our members to access vital benefits, such as work permits, while pursuing their legal right to seek asylum,” said **Nicholas Katz, General Counsel at CASA**. “While we celebrate the end of this chapter, and the expanded access to vital benefits we won for our members, we will continue to fight for justice for immigrant and working class communities, building on the power generated from this trailblazing litigation. CASA members across the United States will speak out against xenophobic and anti-immigrant policies driven by state leaders and the federal government, and drive radical, transformational change in their communities and in our country.”

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The Asylum Seeker Advocacy Project (ASAP) believes that asylum seekers can make great change by joining together. We provide our membership of asylum seekers with legal and community support. We work with our members - more than 500,000 asylum seekers from over 175 countries who now live across every U.S. state and territory - to amplify their voices and build a more welcoming United States. For more information please visit www.asylumadvocacy.org.

The International Refugee Assistance Project (IRAP) develops and enforces a set of legal and human rights for refugees and displaced persons. Mobilizing direct legal aid, litigation, and systemic advocacy, IRAP serves the world's most persecuted individuals and empowers the next generation of human rights leaders. To learn more, visit our website: <https://refugeerights.org/>.

Oasis Legal Services (Oasis) is the leading nonprofit legal service provider supporting LGBTQ+ immigrants living on the West Coast. Oasis serves over 700 LGBTQ+ immigrants each year and has represented over 1,500 LGBTQ+ asylum seekers since its founding in 2017, with a success rate of 99%. Our clients are low-income people of color and survivors of violence due to their sexual orientation, gender identity, gender expression, or HIV-positive status. We also provide client-centered case management and wraparound services, and offer training, resources, and direct mentorship to lawyers locally and nationally who represent LGBTQ+ asylum seekers. For more information, please visit www.oasislegalservices.org.

Founded in 1969, **Centro Legal de la Raza** is a legal services agency protecting and advancing the rights of low-income, immigrant, Black, and Latinx communities through bilingual legal representation, education, and advocacy. By combining quality legal services with know-your-rights education and youth development, Centro Legal de la Raza ensures access to justice for thousands of individuals throughout Northern and Central California. For more information, please visit <https://www.centrolegal.org/>.

With over 149,000 lifetime Latino, immigrant, and working-class members across 46 US states, **CASA** is the foremost immigrant organization in the mid-Atlantic region and a national leader in supporting immigrant families and ensuring that all individuals have the core support necessary for full participation in society. Now a national immigrant powerhouse, CASA creates change with its powerbuilding model blending human services, community organizing, and advocacy in order to serve the full spectrum of the needs, dreams, and aspirations of members. Visit us at www.wearecasa.org and follow us on Twitter at @CASAforall