**IN THE UNITED STATES DISTRICT COURT**
**FOR THE WESTERN DISTRICT OF WASHINGTON**

FAYEZ MANSOR, *et al.*,

*Plaintiffs*,

v.

U.S. CITIZENSHIP AND IMMIGRATION SERVICES, *et al.*,

*Defendants*.

No: 2:23-cv-347

The Honorable James L. Robart

**DEFENDANTS' STATUS REPORT**



U.S. Department of Justice, Civil Division
Office of Immigration Litigation
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Plaintiffs brought this action under the Administrative Procedure Act alleging that U.S. Citizenship and Immigration Services (USCIS), as a matter of policy and practice, "fail[s] to provide [initial applicants for Temporary Protected Status (TPS)] with documentation they can use to obtain lawful employment in the United States" "in violation of the TPS statute and its implementing regulations." Compl. ¶ 10. In their cross-motions for summary judgment, the parties addressed the legality of USCIS's "one-touch" process for adjudicating employment authorization applications submitted by initial TPS applicants and Streamlined Case Processing USCIS introduced in October 2023 to assess prima facie eligibility for initial TPS applicants (hereinafter "PFE SCP"). *See generally* ECF Nos. 89-96.

On February 10, 2025, Defendants informed the Court that pursuant to sections 2(a)(iii) and (iv) of Exec. Order No. 14,161, *Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats* (Jan. 20, 2025), and section 16(c) of Exec. Order No. 14,159, *Protecting the American People against Invasion* (Jan. 20, 2025), USCIS paused SCP to review the sufficiency of the background checks within the PFE SCP workflow and to ensure compliance with the Executive Orders. ECF No. 97, at 2. Noting that the "pause and review of the PFE SCP workflow affects the PFE SCP system and processes that are squarely at issue" in this case, the Court ordered the Parties to show cause why their cross-motions for summary judgment should not be stricken with leave to refile after Defendants' review is complete. ECF No. 98, at 2-3. After reviewing the parties' respective responses to the Court's show cause order, the Court directed the clerk to renote the parties' cross-motions for summary judgment and ordered Defendants to file a status report on the "status of USCIS's review and its effect, if any, on the pending cross-motions." ECF No. 101, at 3.



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Pursuant to the Court's February 18, 2025 Order, Defendants report as follows:

1. On March 13, 2024, Senior Advisor for the Director's Office of U.S. Citizenship and Immigration Services ("USCIS"), Michael McDermott, submitted recommendations based on his in-depth review of TPS PFE SCP pursuant to Executive Order 14165, *Securing Our Borders* ("EO") 14165"), Executive Order 14161, *Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats* ("EO 14161"), and Executive Order 14159, *Protecting the American People Against Invasion* ("EO 14159"). Declaration of Michael McDermott, Ex. A, at ¶¶ 1, 8.

2. "USCIS is now internally deliberating next steps regarding TPS SCP and TPS PFE SCP." *Id.* at ¶ 9.

3. Defendants are deliberating whether to make changes to USCIS's adjudicatory practices as described in Defendants' motion for summary judgment. *See id.* at ¶ 8.

4. USCIS continues to manually adjudicate the EAD applications of initial TPS applicants provided that the noncitizen was not paroled pursuant to INA § 212(d)(5) under the Uniting for Ukraine ("U4U"), Cuba, Haiti, Nicaragua, and Venezuela ("CHNV"), and Family Reunification Program ("FRP"). *Id.* at ¶ 5. All benefit applications submitted by noncitizens who were paroled under these programs are on hold pending review of vetting flags to identify any fraud, public safety, or national security concerns associated with those programs. *Id.* The hold was issued pursuant to EO 14165 and EO 14161.[1] *Id.*

[1] This temporary hold is not relevant to the parties' motions for summary judgment because it is unrelated to the processes USCIS employs when adjudicating EADs for initial TPS applicants and whether those processes (one-touch processing and TPS PFE SCP) comply with the TPS statute and its regulations.



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Now that USCIS has completed its initial review of TPS PFE SCP, Defendants request that this Court continue to stay the Parties' motions for summary judgment for an additional thirty (30) days for the same reasons underlying this Court's February 18, 2025 order. *See* ECF No. 101 at 3. USCIS is reviewing and deliberating what changes, if any, will be made to TPS PFE SCP. *See* Ex. A. Accordingly, Defendants request that this Court continue to stay the parties' cross motions for summary judgment for an additional thirty (30) days, until April 14, 2025, during which Defendants will endeavor to determine whether it will make any changes to the processes at issue in the parties' motions.

Date: March 14, 2025

Respectfully Submitted,

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