The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Fayez MANSOR, et al.,

Plaintiffs,

v.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, et al.,

Defendants.

Case No. 2:23-cv-347-JLR

PLAINTIFFS' RESPONSE TO DEFENDANTS' STATUS REPORT AND REQUEST FOR FUTHER STAY

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Plaintiffs and class members (hereinafter, Plaintiffs) strongly oppose a further stay in this matter. This matter is fully briefed on pending summary judgment motions. *See* Dkts. 89, 92. Nevertheless, for the past few months, Defendants have requested that this Court delay proceedings, Dkts. 97, 102, 103, while pausing the very program they implemented *after* this case was filed, *see* Dkt. 89 at 7, 9; *see also* Dkt. 92 at 8 (noting that in October 2023, PFE-SCP was implemented "to automate many of the procedures . . . previously performed manually"). They have since resorted *only* to one-touch processing for all applications. *See* Dkt. 97 at 2 (noting "USCIS will continue to manually adjudicate initial TPS applications and concurrently filed applications for employment authorization"). As Plaintiffs have argued, both processes deprive class members of the benefits they are entitled to under 8 U.S.C. § 1254a. *See also generally* Dkt. 89, 93, 96 (Plaintiffs' filings in support of summary judgment).

Defendants' failure to recognize class members' interim benefits is resulting in catastrophic effects for class members. While Plaintiffs' claims center on their right to employment authorization, over the past few months, a dramatic shift has occurred in enforcement practices that has led to the removal of class members. Plaintiffs' counsel have received multiple reports of individuals with pending initial TPS applications being removed, of Defendants attempting to remove those people, or of such people being detained despite their pending applications demonstrating prima facie eligibility. *See, e.g.*, *Salad v. Dep't of Corrections*, --- F. Supp. 3d ---, 3:25-cv-00029-TMB-KFR, 2025 WL 732305 (D. Alaska Mar. 7, 2025) (enjoining removal of TPS applicant); *Taha v. Bostock*, No 2:25-cv-649-RSM (W.D. Wash. filing Apr. 10, 2025) (challenging detention of TPS applicant). These are only a few examples: class counsel have also been informed of other such removals. These removals are occurring notwithstanding the fact that, in addition to employment authorization, § 1254a

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explicitly bars the removal of TPS eligible persons during registration period and upon demonstrating they are prima facie eligible for TPS benefits. 8 U.S.C. § 1254a(a)(4).

The continued delay here, and Defendants' resort to their one-touch processing system, is only empowering them to ignore the law and remove people (notwithstanding the statute's clear prohibition on such removals). Moreover, in the meantime, class members continue to be deprived of work authorization, preventing them from supporting themselves and their families. These are significant harms that this Court should not discount.

Accordingly, Plaintiffs respectfully request that the Court deny Defendants' request for a further stay.

Respectfully submitted this 14th of April, 2025.

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